

Practice Brief—Retention of Health Information (updated)

Table 3: Federal Record Retention Requirements

Type of Documentation	Retention Period	Citation/Reference
Abortions and related medical services documentation	Maintained for three years.	42 CFR 36.56 42 CFR 50.309
Ambulatory surgical services	Retention periods are not specified.	42 CFR 416.47
Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services	As determined by the respective state statute, or the statute of limitations in the state. In the absence of a state statute, five years after the date of discharge; or in the case of a minor, three years after the patient becomes of age under state law or five years after the date of discharge, whichever is longer.	42 CFR 485.721(d) 42 CFR 486.161(d)
Clinics, rural health	Six years from date of last entry and longer if required by state statute.	42 CFR 491.10(c)
Competitive medical plans (see HMOs, competitive medical plans, healthcare prepayment plans)		
Comprehensive outpatient rehabilitation facilities (CORFs)	Five years after patient discharge.	42 CFR 485.60(c)
Critical access hospitals (CAHs)	Six years from date of last entry, and longer if required by state statute, or if the records may be needed in any pending proceeding.	42 CFR 485.638(c)
Department of Veterans Affairs—Diagnostic and operation index file	Destroy monthly listing after receipt of consolidated biannual listing. Destroy consolidated biannual listing or prior equivalent 20 years after date of report.	Records Control Schedule (RCS)10-1, Section XXII—Medical Administration Service (136) (1985)
Department of Veterans Affairs—Disposition data files (PTF)	Destroy after one year and after a PTF master record has been created at the data processing center.	Records Control Schedule (RCS)10-1, Section XXII—Medical Administration Service (136) (1985)
Department of Veterans Affairs—Gains and losses file	Destroy master set after one year.	Records Control Schedule (RCS)10-1, Section XXII—Medical Administration Service (136) (1985)
Department of Veterans Affairs—Medical record or consolidated health record	Pending approval of reappraisal for destruction, 75 years from the last date of activity. <i>Note: All medical records of veterans are under moratorium against destruction placed by the Administrator 6/20/79 and approved by GSA/NARA (General Services Administration/National Archives and Records Administration).</i> This applies to medical records or consolidated health records for inpatients, ambulatory care patients, and tumor registry patients, including active records (hospital, domiciliary, nursing home units, ambulatory care, or other outpatient records), inactive records, perpetual medical records, medical records, and administrative records.	Records Control Schedule (RCS)10-1, Section XXII—Medical Administration Service (136) (1985)
Department of Veterans Affairs—Patient locator file	Destroy 50 years after last episode of care and/or only after perpetual medical record is destroyed.	Records Control Schedule (RCS)10-1, Section XXII—Medical Administration Service (136) (1985)

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Department of Veterans Affairs—Register file	Destroy when no longer needed.	Records Control Schedule (RCS) 10-1, Section XXII—Medical Administration Service (136) (1985)
Department of Veterans Affairs—Tumor registry records and index cards	Live patients—destroy when 20 years old. Deceased patients or patients lost to follow up—destroy when five years old.	Records Control Schedule (RCS) 10-1, Section XXII—Medical Administration Service (136) (1985)
Device tracking (see Medical device tracking)		
Drug test results, students	Education records are those records that are directly related to a student and maintained by an education agency or institution or by a party acting for the agency or institution. Disclosure of education records is addressed. However, record retention periods are not specified.	34 CFR 99 Family Educational Rights and Privacy Act (20 USC §1232g)
Drug use review (DUR) (see Outpatient drug claims—Pharmacists participating in DUR program and electronic claims management system)		
End stage renal disease (ESRD) services	Not less than that determined by the state statute governing record retention or statute of limitations. In the absence of a state statute, five years from the date of discharge; or in the case of a minor, three years after the patient becomes of age under state law, whichever is longest.	42 CFR 405.2139(e)
HMOs, competitive medical plans, healthcare prepayment plans	Retention periods are not specified.	42 CFR 417
Healthcare prepayment plans (see HMOs, competitive medical plans, healthcare prepayment plans)		
Hearing aid devices, dispensers	The dispenser shall retain for three years after dispensing of a hearing aid a copy of any written statement from a physician or any written statement waiving medical evaluation.	21 CFR 801.421(d)
Home health agencies	Five years after the month the cost report to which the records apply is filed with the intermediary, unless state law stipulates a longer period of time.	42 CFR 484.48(a)
Hospice care	Retention periods are not specified.	42 CFR 418.74
Hospitals	Five years.	42 CFR 482.24(b)(1)
Hospitals—Nuclear medicine services	Report copies will be retained for five years.	42 CFR 482.53(d)
Hospitals—Radiologic services	Report copies and printouts, films, scans, and other image records will be retained for five years.	42 CFR 482.26(d)
Hospitals and other dispensers of drugs used for treatment of narcotic addicts, i.e., methadone	Three years.	21 CFR 291.505(d)(13)(ii)

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Type of Documentation	Retention Period	Citation/Reference
Hospitals, critical access (see Critical access hospitals)		
Immunizations (see Vaccine)		
Institutional review board (IRB) for clinical devices	Two years after the latter of the following two dates: The date on which the investigation is terminated or completed, or the date that the records are no longer required for purposes of supporting a pre-market approval application or notice of completion of a product development protocol.	21 CFR 812.140(d)
IRB or institutions that review a clinical investigation documentation	Three years after completion of research.	21 CFR 56.115(b) 38 CFR 16.115(b)
Intermediate care, mentally retarded	Retention periods are not specified.	42 CFR 482.410
Investigator—Investigators in clinical devices	Two years after the latter of the following two dates: The date on which the investigation is terminated or completed, or the date that the records are no longer required for purposes of supporting a premarket approval application or notice of completion of a product development protocol.	
Investigator—Investigators of new drugs and antibiotic drugs for investigational use	Two years following the date a marketing application is approved for the drug for the indication for which it is being investigated. If no application is to be filed or if the application is not approved for such indication, until two years after the investigation is discontinued and the FDA is notified.	21 CFR 312.62(c)
Laboratory—immunohematology	Five years.	42 CFR 493.1777(d)(1) 42 CFR 493.1780(e)(1)
Laboratory—pathology tests	Ten years after the date of reporting.	42 CFR 493.1777(d)(2) 42 CFR 493.1780(e)(3)
Laboratory—all other records	Two years.	42 CFR 493.1777(d)(3) 42 CFR 493.1780(e)(4)
Laboratory stains and specimen blocks—histopathology, oral pathology	Stained slides—10 years from the date of examination. Specimen blocks—two years from the date of examination.	42 CFR 493.1259(b)
Long-term care facilities	As required by state law; or five years from the date of discharge when there is no requirement in state law; or for a minor, three years after a resident reaches legal age under state law.	42 CFR 483.75(l)(2)
Mammography—screening and/or diagnostic mammography services	Five years, or not less than 10 years, if no additional mammograms of the patient are performed at the facility, or longer if mandated by state or local law.	21 CFR 900.12(e)(1)(i)
Medical device tracking	Maintain such records for the useful life of each tracked device manufactured or distributed. The useful life of a device is the time a device is in use or in distribution for use.	21 CFR 821.60
Mental retardation intermediate care (see Intermediate care, mentally retarded)		
Methadone (see Hospitals and other dispensers of drugs used for treatment of narcotic addicts, i.e., methadone)		

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Mine Safety and Health Administration—MSHA Form 5000-3	The mine operator shall have MSHA Form 5000-3 certifying medical fitness completed and signed by the examining physician for each member of a mine rescue team. These forms shall be kept on file at the mine rescue station for a period of one year.	30 CFR 49.7(c)
Narcotic addict treatment (see Hospitals and other dispensers of drugs used for treatment of narcotic addicts, i.e., methadone)		
Nuclear medicine services, hospitals (see Hospitals—Nuclear medicine services)		
Nursing home or skilled nursing home (see Long-term care facilities)		
Occupational Safety and Health Administration (OSHA)—employee exposure records	<p>Employee exposure record means a record containing any of the following kinds of information:</p> <ul style="list-style-type: none"> • Environmental (workplace) monitoring or measuring of a toxic substance or harmful physical agent, including personal, area, grab, wipe, or other form of sampling, as well as related collection and analytical methodologies, calculations, and other background data relevant to interpretation of the results obtained • Biological monitoring results that directly assess the absorption of a toxic substance or harmful physical agent by body systems (e.g., the level of a chemical in the blood, urine, breath, hair, fingernails) but not including results that assess the biological effect of a substance or agent or which assess an employee’s use of alcohol or drugs • Material safety data sheets indicating that the material may pose a hazard to human health, or • In the absence of the above, a chemical inventory or any other record that reveals where and when used and the identity (e.g., chemical, common, or trade name) of a toxic substance or harmful physical agent <p>Unless otherwise specified, each employee exposure record shall be preserved and maintained for at least 30 years, except that:</p> <ul style="list-style-type: none"> • Background data to environmental (workplace) monitoring or measuring, such as laboratory reports and worksheets, need only be retained for one year as long as the sampling results, the collection methodology (sampling plan), a description of the analytical and mathematical methods used, and a summary of other background data relevant to interpretation of the results obtained, are retained for at least 30 years, and • Material safety data sheets and paragraph (c)(5) (iv) records concerning the identity of a substance or agent need not be retained for any specified period as long as some record of the identity 	29 CFR 1910.1020(d)(1) 29 CFR 1915.1020 29 CFR 1926.33

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Occupational Safety and Health Administration (OSHA)—employee exposure records (cont.)	<p>(chemical name if known) of the substance or agent, where it was used, and when it was used is retained for at least 30 years; and material safety data sheets must be kept for those chemicals currently in use that are affected by the Hazard Communication Standard in accordance with 29 CFR 1910.1200(g)</p> <ul style="list-style-type: none"> • Biological monitoring results designated as exposure records by specific occupational safety and health standards shall be preserved and maintained as required by the specific standard • Each analysis using exposure or medical records shall be preserved and maintained for at least 30 years 	
	1, 2, dibromo-e-chloroprane (DBCP)—The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1044(p)(1)(iii) 29 CFR 1915.1044 29 CFR 1926.1144
	1, 3-butadiene—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1051(m)(2)(iii) 29 CFR 1915.1051
	Acrylonitrile (vinyl cyanide)—The employer shall maintain this record for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1045(q)(2)(iii) 29 CFR 1915.1045 29 CFR 1926.1145
	Asbestos—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1001(m)(3) 29 CFR 1015.1001(n)(2)(iii) 29 CFR 1926.58
	Benzene—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1028(k)(1)(iii) 29 CFR 1915.1028 29 CFR 1926.1110
	Carcinogens—Records shall be maintained for the duration of the employee’s employment. Upon termination of the employee’s employment, including retirement or death, or in the event that the employer ceases business without a successor, records, or notarized true copies thereof, shall be forwarded by registered mail to the director.	29 CFR 1910.1003(g)(2) 29 CFR 1910.1004 29 CFR 1910.1006-1016 29 CFR 1915.1003-1004 29 CFR 1915.1006-1016 29 CFR 1926.1103-1104 29 CFR 1926.1106-1116
	Coke oven emissions—The employer shall maintain this record for at least 40 years or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1029(m)(1)(ii) 29 CFR 1926.1129
	Cotton dust—The employer shall maintain this record for at least 20 years.	29 CFR 1910.1043(k)(1)(iii)
	Ethylene oxide—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1047(k)(2)(iii) 29 CFR 1915.1047 29 CFR 1926.1147
	Formaldehyde—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1048(o)(5)(i) 29 CFR 1915.1048 29 CFR 1926.1148
	Hazardous materials—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.120(f)(8)(i)

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Type of Documentation	Retention Period	Citation/Reference
Occupational Safety and Health Administration (OSHA)—employee exposure records (cont.)	Inorganic arsenic—The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1018(q)(E)(iii) 29 CFR 1915.1018 29 CFR 1926.1118
	Laboratory use of hazardous chemicals—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1450(j)(2) 29 CFR 1915.1450
	Lead—The employer shall maintain these monitoring records for at least 40 years or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1025(n)(1)(iii) 29 CFR 1915.1025
	Methylene chloride—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1052(m)(2)(iv) 29 CFR 1915.1052
	Methylenedianiline—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1050(n)(3)(iii) 29 CFR 1915.1050 29 CFR 1926.60
OSHA—employee medical records	<p>Employee medical record means a record concerning the health status of an employee that is made or maintained by a physician, nurse, or other healthcare personnel or technician, including:</p> <ul style="list-style-type: none"> • Medical and employment questionnaires or histories (including job description and occupational exposures) • The results of medical examinations (pre-employment, pre-assignment, periodic, or episodic) and laboratory tests (including chest and other x-ray examinations taken for the purposes of establishing a baseline or detecting occupational illness, and all biological monitoring not defined as an employee exposure record) • Medical opinions, diagnoses, progress notes, and recommendations • First aid records • Descriptions of treatments and prescriptions, and • Employee medical complaints <p>Unless otherwise specified, the medical record for each employee shall be preserved and maintained for at least the duration of employment plus 30 years, except that the following types of records need not be retained for any specified period:</p> <ul style="list-style-type: none"> • health insurance claims records maintained separately from the employer’s medical program and its records • first aid records (not including medical histories) of one-time treatment and subsequent observation of minor scratches, cuts, burns, splinters, and the like, which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job, if made on site by a non-physician and if maintained separately from the employer’s medical program and its records, and • the medical records of employees who have worked for less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon the termination of employment 	29 CFR 1910.1020(d)(1) 29 CFR 1915.1020 29 CFR 1926.33

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Type of Documentation	Retention Period	Citation/Reference
OSHA—employee medical records (cont.)	1, 2, dibromo-e-chloroprane (DBCP)—The employer shall maintain this record for at least 40 years or the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1044(p)(2)(iii) 29 CFR 1915.1044 29 CFR 1926.1144
	1, 3-butadiene—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1051(m)(4)(iii) 29 CFR 1915.1051
	Acrylonitrile (vinyl cyanide)—The employer shall maintain this record for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1045(q)(3)(iii) 29 CFR 1915.1045 29 CFR 1926.1145
	Asbestos—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1001(m)(3) 29 CFR 1015.1001(n)(3)(iii) 29 CFR 1926.58
	Benzene—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1028(k)(2)(iii) 29 CFR 1915.1028 29 CFR 1926.1110
	Blood-borne pathogens—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1030(h)(1)(iv) 29 CFR 1915.1030
	Cadmium—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1027(n)(3)(iii) 29 CFR 1915.1027 29 CFR 1926.1127
	Coke oven emissions—The employer shall maintain medical records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1029(m)(l)(iii) 29 CFR 1926.1129
	Cotton dust—The employer shall maintain this record for at least 20 years.	29 CFR 1910.1043(k)(2)(iii)
	Dive team member—five years.	29 CFR 1910.440 (a)(3)(i)
	Ethylene oxide—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1047(k)(3)(iii) 29 CFR 1915.1047 29 CFR 1926.1147
	Formaldehyde—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1048(o)(5)(ii) 29 CFR 1915.1048 29 CFR 1926.1148
	Laboratory use of hazardous chemicals—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1450(j)(2)
	Lead—The employer shall maintain or assure that the physician maintains those medical records for at least 40 years, or for the duration of employment plus 20 years, whichever is longer.	29 CFR 1910.1025(n)(2)(iv) 29 CFR 1915.1025
	Methylene chloride—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1052(m)(3)(iii) 29 CFR 1915.1052
	Methylenedianiline—Retain in accordance with 29 CFR 1910.20.	29 CFR 1910.1050(n)(4)(iv) 29 CFR 1915.1050 29 CFR 1926.60
	Vinyl chloride—Medical records shall be maintained for the duration of the employment of each employee plus 20 years, or 30 years, whichever is longer.	29 CFR 1910.1017(m)(2)(C)(iii) 29 CFR 1915.1017 29 CFR 1926.1117

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Type of Documentation	Retention Period	Citation/Reference
OSHA—employee medical removal records, lead	The employer shall maintain each medical removal record for at least the duration of an employee’s employment.	29 CFR 1910.1025(n)(3)(iii) 29 CFR 1915.1025
Outpatient drug claims—Pharmacists participating in drug use review (DUR) program and electronic claims management system	Retention periods are not specified.	42 CFR 456.705 42 CFR 456.709
Outpatient physical therapy (see Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services)		
Outpatient rehabilitation facilities, comprehensive (see Comprehensive outpatient rehabilitation facilities)		
Psychiatric hospitals	Retention period 5 years.	42 CFR 482.61
Public health agencies (see Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services)		
Radiologic services, hospitals (see Hospitals—Radiologic services)		
Rehabilitation agencies (see Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services)		
Renal disease (see End stage renal disease services)		
Rural health clinics (See Clinics, rural health)		
Speech-language pathology services (see Clinics, rehabilitation agencies, and public health agencies as providers of outpatient physical therapy and speech-language pathology services)		
Utilization review committee	Retention periods are not specified.	42 CFR 456.100-145

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Type of Documentation	Retention Period	Citation/Reference
Vaccine	<p>Retention periods are not specified. However, each healthcare provider who administers a vaccine set forth in the Vaccine Injury Table (42 CFR 100.3) to any person shall record, or ensure that there is recorded, in such person's permanent medical record (or in a permanent office log or file to which a legal representative shall have access upon request) with respect to each such vaccine the date of administration of the vaccine, the vaccine manufacturer and lot number of the vaccine, the name and address and, if appropriate, the title of the healthcare provider administering the vaccine, and any other identifying information on the vaccine required pursuant to regulation promulgated by the Secretary.</p> <p><i>Note: For injuries, claims can be filed within 36 months after the first symptoms appeared. In the case of death, the claim must be filed within 24 months of the death and within 48 months after the onset of the vaccine-related injury from which the death occurred. AHIMA recommends that records be retained at least through this period.</i></p>	42 CFR 300aa-11 42 CFR 300aa-25
Veterans Administration (see Department of Veterans Affairs)		
<p>CFR: Code of Federal Regulations (includes Conditions of Participation, Food and Drug Administration, Department of Health and Human Services, Health Care Financing Administration, Public Health Service, Occupational Safety and Health Administration, and other federal agencies)</p> <p>USC: United States Code</p>		