

# Best Practices in Record Retention

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## Agenda

- Gain an understanding of the potential risks to not following your organization's record retention policy.
- How to deal with conflicting state and federal rules on record retention?
- Where does the 10-year rule come from?
- Best practices and shared experiences on record retention related to:
  - Transfer of ownership
  - Scanning and archiving
- Your questions and best practices

## Please Note:

This presentation is for informational purposes and should be reviewed by each organization's legal counsel for appropriateness for each organization.

In the event the presenters say something that is different than your organization's policies and procedures, please continue to follow your organization's policies/procedures.

## Conflicting Retention Rules

- **Bottom line: Follow the most stringent/ longest possible retention schedule**

## 10 years - FCA

- May 2019 decision on *Cochise Consultancy Inc. v. United States, ex rel. Hunt*
  - may be vulnerable to FCA claims for up to ten years after an alleged violation.
    - The False claims act has two statutes of limitations. A claim may only be brought:
      - Within six years of the date when the violation was committed.  
Or;
      - Within three years of the date when material fact become known (or reasonably should have become known) by a U.S. official but not more than 10 years of the date the violation was committed.

## Other 10 year citations

- Medicare Advantage contracts
- Hospital records

## Record Retention Case Study: How NOT manage your record retention

### Medical Records in a Storage Unit

- November 2017 received a call from Washington County about mental health and addiction medicine medical records that were about to be abandoned in a storage unit in Beaverton
  - Kaiser Permanente NW
  - Washington County
  - Clackamas County Health Department
  - Multnomah County Health Department
  - Clark County

## Record Retention Case Study: How NOT manage your record retention

### What Was in the Boxes?

- KP Medical Records Director review
  - Mental health records
  - Addiction medicine records
  - Conference call meetings

**Record Retention  
Case Study:  
How NOT manage  
your record  
retention**

**Electronic Medical Records**

- Some medical records were electronic medical records (EMRs) stored on the provider's computer

**Record Retention  
Case Study:  
How NOT manage  
your record  
retention**

**What Were the Next Steps?**

- Record storage and destruction
- Oregon Health Authority (OHA)

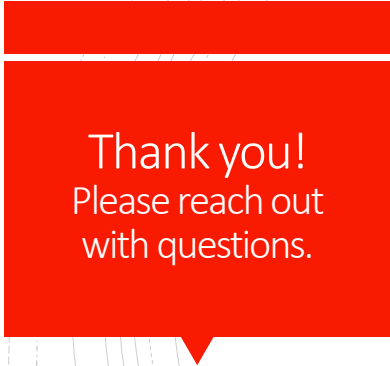
## Best Practices

- Shared experiences and tips for record retention

## Question to take back:

Are you following your organization's record retention policy?

What improvements/ best practices can be implemented?



Thank you!  
Please reach out  
with questions.

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