

|-&gt;

Title 22@ Social Security

|-&gt;

Division 5@ Licensing and Certification of Health Facilities, Home Health Agencies, Clinics, and Referral Agencies

|-&gt;

Chapter 4@ Intermediate Care Facilities

|-&gt;

Article 4@ Administration

|-&gt;

Section 73543@ Patients' Health Records

## **73543 Patients' Health Records**

### **(a)**

Records shall be permanent, either typewritten or legibly written with pen and ink and shall be kept on all patients admitted or accepted for treatment. All health and social records of discharged patients shall be completed and filed within 30 days and such records shall be kept for a minimum of seven years, except for minors whose records shall be kept at least until one year after the minor has reached the age of 18 but in no case less than seven years. If a facility operates an X-ray unit, all exposed X-ray film shall be retained for seven years. All required records, either originals or faithful and accurate reproductions thereof, shall be maintained in such form as to be legible and readily available upon request of the attending licensed healthcare practitioner acting within the scope of his or her professional licensure, the facility or any authorized officer, agent or employee of either or any other person authorized by law to make such request.

### **(b)**

Information contained in the records shall be treated as confidential and disclosed only to authorized persons.

### **(c)**

If a facility ceases operation, the Department shall be informed immediately of the arrangements made for the safe preservation of the patients' records.

### **(d)**

The Department shall be informed in writing immediately whenever patients' health records are defaced or destroyed before termination of the required retention period.

**(e)**

If the ownership of the facility changes, both the licensee and the new applicant for the new license shall, prior to the change of ownership, provide the Department with written documentation, stating: (1) That the new licensee will have custody of the patients' records and these records will be available to the former licensee, the new licensee and other authorized persons; or (2) That other arrangements have been made by the current licensee for the safe preservation and location of the patients' health records, and that they are available to both the new and former licensees and other authorized persons; or (3) The reasons for the unavailability of such patients' health records.

**(1)**

That the new licensee will have custody of the patients' records and these records will be available to the former licensee, the new licensee and other authorized persons; or

**(2)**

That other arrangements have been made by the current licensee for the safe preservation and location of the patients' health records, and that they are available to both the new and former licensees and other authorized persons; or

**(3)**

The reasons for the unavailability of such patients' health records.

**(f)**

Patients' health records shall be current and kept in detail consistent with acceptable professional practice based on the service provided to each patient. Such records shall be filed and maintained in accordance with these requirements

and shall be available for review by the Department.

**(g)**

Patients' health records shall be filed and stored so as to be protected against loss, destruction or unauthorized use.