



Georgia Hospital Association Document Retention Schedule

2016 Edition

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DOCUMENT RETENTION SCHEDULE

EMERGENCY DEPARTMENT

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Emergency Department Logs (in the original or legally reproduced form in hard copy, microfilm, microfiche, optical disks, computer disks, or computer memory)	5 years.	EMTALA 42 U.S.C. § 1395cc(a)(1)(D)(ii) ; 42 C.F.R. § 489.20(r)(1) ; CMS State Operations Manual, Appendix V – Part II – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases, Tag A-2403/C-2403 (transferring and receiving hospitals must maintain medical and other records related to individuals transferred to or from the hospital for a period of 5 years from the date of the transfer).
Emergency Department Medical Records	<u>Adults:</u> 10 years from last discharge or contact that resulted in a record. <u>Minors:</u> Until the patient’s 23 rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer. <i>See Medical Records Section, p. 62.</i>	EMTALA requires emergency department medical records be kept a minimum of 5 years, but these records will need to be kept longer per the general medical record retention requirements. <i>See Medical Records Section, p. 62.</i> EMTALA 42 U.S.C. § 1395cc(a)(1)(D)(ii) ; 42 C.F.R. § 489.20(r)(1) ; CMS State Operations Manual, Appendix V – Part II – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases, Tag A-2403/C-2403 (transferring and receiving hospitals must maintain medical and other records related to individuals transferred to or from the hospital for a period of 5 years from the date of the transfer).
Patient Index, On-Call Schedules, Staffing Schedules	5 years.	EMTALA 42 U.S.C. § 1395cc(a)(1)(D)(ii) ; 42 C.F.R. § 489.20(r)(1) ; CMS State Operations Manual, Appendix V – Part II – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases, Tag A-2403/C-2403 (transferring and receiving hospitals must maintain medical and other records related to individuals transferred to or from the hospital for a period of 5 years from the date of the transfer).
Transfer Records	5 years.	EMTALA 42 U.S.C. § 1395cc(a)(1)(D)(ii) ; 42 C.F.R. § 489.20(r)(1) ; CMS State Operations Manual, Appendix V – Part II – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases, Tag A-2403/C-2403 (transferring and receiving hospitals must maintain medical and other records related to individuals transferred to or from the hospital for a period of 5 years from the date of the transfer).

DOCUMENT RETENTION SCHEDULE

ENVIRONMENTAL RECORDS

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Asbestos Records</p> <p>(e.g., building components surveys, inspections, and maintenance records; operation and maintenance plans; exposure records; records of removal of asbestos or renovation)</p>	<p>Permanently while asbestos remains in the building.</p> <p>If asbestos is removed from the building, 5 years after removal.</p> <p>If employees have been exposed, records must be maintained for term of employment plus 30 years, regardless of whether asbestos has been removed.</p> <p><i>See OSHA Records, p. 42.</i></p>	<p>Building components surveys, inspections, and maintenance records should be maintained for the life of the building for administrative reasons and for use with future construction projects.</p> <p>29 C.F.R. §§ 1910.1001(m), 1910.1020(d) (OSHA requires employers to keep records of all employee exposure to asbestos for term of employment plus 30 years. Certain required employee medical records, which are delineated in the law, must be maintained for duration of employment plus 30 years). <i>See OSHA Records, p. 42.</i></p> <p>28 U.S.C. § 2462 (5 year statute of limitations for civil enforcement for violation of the Clean Air Act).</p>
<p style="text-align: center;">Disposal of Biomedical Waste</p>	<p>3 years.</p>	<p>Ga. Comp. R. & Regs. 391-3-4-.15 (disposal of biomedical waste).</p> <p>O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years).</p> <p>Telephone call with Barbara Howard, Environmental Engineer, phone number 404-362-2572, 10/29/2013: Georgia EPD does not have a specific record retention requirement for records that an entity generates relating to the disposal of biomedical waste. A generator of biomedical waste should keep the records (<i>i.e.</i>, either the purchase records for the disposal bins or the waste manifest) in accordance with its own policy.</p>
<p style="text-align: center;">Disposal of Hazardous Materials</p> <p>(all records regarding disposal of hazardous waste; e.g., contracts for its transportation, contracts for its ultimate destination, and analyses of quantity and substance of waste disposed)</p>	<p>Permanent.</p>	<p>CERCLA, 42 U.S.C. § 9607(a)(3) (the entity that generates hazardous substances is strictly liable for all damages caused by release of hazardous materials).</p> <p>Ga. Comp. R. & Regs. 391-3-11-.08; Georgia EPD, Hazardous Waste Management Guide for Georgia Hospitals (September 2003) (3 year retention period for signed copies of hazardous waste manifests and weekly inspection records of hazardous waste accumulation).</p>
<p style="text-align: center;">Emergency Generator</p>	<p>Life of equipment plus 5 years.</p> <p>Data for the 2 most recent years must be stored on-site.</p>	<p>There are separate environmental regulations for each type of emergency generator (<i>e.g.</i>, generators fueled by propane, generators fueled by diesel, generators made before 2006, etc.). Retention periods in these regulations are generally 5 years, and data for the 2 most recent years must be stored on-site. <i>See, e.g.</i>, 40 C.F.R. § 63.10(b)(1).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Environmental Due Diligence for Construction Projects	Due diligence records showing the hospital made “all appropriate inquiry”: Permanent.	CERCLA, 42 U.S.C. § 9601(35)(B) ; 40 C.F.R. § 312 (required due diligence to establish the innocent landowner defense to CERCLA liability for environmental cleanup).
	Endangered Species Survey, if applicable: Permanent.	16 U.S.C. § 1538(a) (unlawful taking of endangered species).
	Jurisdictional Waters Survey and Jurisdictional Determination from the Army Corps of Engineers, if applicable: Permanent.	See Clean Water Act, 33 U.S.C. § 1311(a) ; 33 C.F.R. § 331.2 ; U.S. Army Corps of Engineers, Regulatory Guidance Letter No. 08-02 (June 26, 2008) .
Records for Equipment or Storage Tanks (records for equipment that is potentially a source of air emissions or discharge to water or land)	10 years or life of equipment plus 5 years, whichever is longer.	There are separate environmental regulations for each type of equipment that is potentially a source of air emissions or discharge to water or land (e.g., boilers, PCB transformers, hydraulic elevators, etc.). Retention periods in these regulations generally vary between 2-5 years.
Hospital/Medical/Infectious Waste Incinerators	Life of equipment plus 5 years.	40 C.F.R. § 60.58c(b) (required 5-year retention period of certain reports).
Mold Contamination and Abatement Records	At least 2 years, but see comments. If employees have been exposed, records must be maintained for term of employment plus 30 years, regardless of whether asbestos has been removed. <i>See OSHA Records, p. 42.</i>	O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury). 29 C.F.R. § 1910.1020(d) (if records include records of monitoring or sampling of employee exposure to toxic substances or other hazards, OSHA generally requires retention for employees’ term of employment plus 30 years). <i>See OSHA Records, p. 42.</i>

DOCUMENT RETENTION SCHEDULE

LABORATORY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Autopsy Reports (Non-Forensic Autopsies)	Retention of copies should be treated as medical records and filed with the patient's medical record and maintained for 10 years. <i>See Medical Records Generally, p. 64.</i>	<p>Ga. Comp. R. & Regs. 111-8-40-.18(3)(a) (report of autopsy results should be included in medical record).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.18(1)(h) (hospital must preserve medical records in the hospital's format of choice for "at least until the fifth anniversary of the patients' discharges"); O.C.G.A. § 31-33-2 (the 5 year rule for hospitals is an exception from the general rule, which requires all other providers to maintain records for 10 years).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose).</p>
Blood and Blood-Testing Records, Blood Donor Records, Blood Transfusion Records, Blood Bank Records, and Immunohematology Reports	Records for blood or blood components with no expiration date: Permanent Other records: The later of: (i) 10 years after the records of processing are completed; (ii) 10 years from the date of disposition of the blood or blood component; or (iii) 6 months after the latest expiration date for the individual product.	<p>21 C.F.R. § 606.160 ("Records shall be retained for such interval beyond the expiration date for the blood or blood component as necessary to facilitate the reporting of any unfavorable clinical reactions. You must retain individual product records no less than 10 years after the records of processing are completed or 6 months after the latest expiration date for the individual product, whichever is the later date. When there is no expiration date, records shall be retained indefinitely"); 42 C.F.R. § 493.1105(a)(ii) (hospital must retain immunohematology, blood bank, blood product, and transfusion records as specified in 21 C.F.R. § 606.160).</p> <p>42 C.F.R. § 482.27 (a hospital must maintain records of the source and disposition of all units of blood and blood components for at least 10 years from the date of disposition in a manner that permits prompt retrieval).</p> <p>Ga. Comp. R. & Regs. 111-8-10-26 (Immunohematology records must be retained for 5 years).</p>

* This section addresses retention requirements for the documentation of laboratory tests, assays, and examinations. Retention requirements for specimens (e.g., slides, tissue blocks, etc.) are not addressed in this schedule.

DOCUMENT RETENTION SCHEDULE

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Cytology Reports	10 years.	<p>42 C.F.R. § 493.1105(a)(6)(ii) (hospital must retain Pathology test records for 10 years); 42 C.F.R. 493.643(c)(3)(vi) (for the purpose of determining the fee for determination of program compliance, the specialty of Pathology includes Cytology and Histopathology).</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.26 (Cytology records must be retained for 5 years); Ga. Comp. R. & Regs. 111-8-10-.15 (all slides for Exfoliative Cytology should be retained for at least 5 years for comparison to later exams).</p>

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<p>Equipment Records</p> <p>(e.g., calibration and validation, maintenance and inspection, operating instructions and manuals)</p> <p><i>See Environmental Records, p. 27 and Radiology and Nuclear Medicine Records, p. 104 for additional requirements for equipment that is a source of air emissions or discharges to water or land and equipment that uses radiation.</i></p>	<p>Life of equipment or 2 years, whichever is longer.</p>	<p>Hospitals may consider maintaining these records for 10 years to cover the statute of limitations for products liability and the statute of repose for False Claims Act liability.</p> <p>42 C.F.R. § 493.1105 (quality systems assessment records and system performance specifications must be retained for the period of time the laboratory uses them, but no less than 2 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.09(b) (documentation of validation of each quantitative method shall be maintained for a period of at least 2 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.09(i) (a copy of each procedure should be maintained for 2 years after the procedure is discontinued).</p> <p>42 C.F.R. § 482.41(c)(2) (facilities, supplies, and equipment must be maintained to ensure an acceptable level of safety).</p> <p>Ga. Comp. R. & Regs. 111-8-40.-14 (hospitals must have a program to inspect, monitor, and maintain biomedical equipment, electrical equipment, and emergency power generators).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p>

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Errors – Laboratory Errors	In Test Results: 5 years.	<p>42 C.F.R. § 493.903(d) (the proficiency testing program acting as a designated agent of the government will maintain the laboratory’s performance records for 5 years or such time as may be necessary for any legal proceeding).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p>
	Records of inadequately prepared slides, unsatisfactory specimens, and associated notifications in Cytology labs: 5 years.	<p>Ga. Comp. R. & Regs. 111-8-10-15 (records of inadequately prepared slides, unsatisfactory specimens, and associated notifications should be retained for 5 years).</p>
Histopathology	10 years.	<p>42 C.F.R. § 493.1105(a)(6)(ii) (Pathology test records must be retained for 10 years); 42 C.F.R. 493.643(c)(3)(vi) (for the purpose of determining the fee for determination of program compliance, the specialty of Pathology includes Cytology and Histopathology).</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-26 (Surgical Pathology records must be retained for 10 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-15 (stained Histopathology slides must be retained for at least 10 years. Tissue blocks must be retained for at least 2 years).</p>

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Orders for Clinical Laboratory Services and Related Documentation	<p>Same retention period as other medical records:</p> <p><u>Adults:</u> 10 years from last discharge or contact that resulted in a record.</p> <p><u>Minors:</u> If the patient is a minor, until the patient’s 23rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish items of DMEPOS, clinical laboratory, imaging services, or covered home health services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for DMEPOS, clinical laboratory, imaging services, or covered home health services for 7 years).</p> <p>42 C.F.R. §424.535(a)(10) (provider who fails to comply with document retention requirements in 424.516(f) is <i>subject to revocation</i> of Medicare enrollment for a period of not more than 1 year).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.18(1)(h) (hospital must preserve medical records in the hospital’s format of choice for “at least until the fifth anniversary of the patients’ discharges.” If the patient is a minor, the records must be retained for at least 5 years past the age of majority); O.C.G.A. § 31-33-2 (the 5 year rule for hospitals is an exception from the general rule, which requires all other providers to maintain records for 10 years); Interpretive Guideline citing Ga. Comp. R. & Regs. 290-9-7-.18, which has been recodified to Ga. Comp. R. & Regs. 111-8-40-.18 (the age of majority is 18 years old).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.24(2)(c) (hospital must retain films, scans, and other images for at least 5 years after the date of the last procedure unless the release of the original image is required for the patient. For minors, they must be retained for 5 years after the minor reaches the age of majority).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>
Pathology	10 years.	42 C.F.R. § 493.1105(a)(6)(ii) (Pathology test records must be retained for 10 years).

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Patient Test Records and Instrument Printouts (copies maintained in addition to the patient's medical record)	Pathology Records: 10 years.	<p>42 C.F.R. § 493.1105(a)(6)(ii) (Pathology test records must be retained for for 10 years); 42 C.F.R. 493.643(c)(3)(vi) (for the purpose of determining the fee for determination of program compliance, the specialty of Pathology includes Cytology and Histopathology).</p> <p>Ga. Comp. R. & Regs. 111-8-10-26 (surgical pathology records must be retained for 10 years. Cytology records must be retained for 5 years).</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p>
	Other Patient Testing Records: 7 years.	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-26 (Immunohematology records must be maintained for 5 years. General laboratory records must be retained for 2 years).</p> <p>42 C.F.R. § 493.1105(a)(3) (patient test records, including instrument printouts, must be retained for 2 years).</p>

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<p style="text-align: center;">Personnel Records as to Qualification</p> <p style="text-align: center;"><i>For certification records for physicians, see Medical Staff Records, p. 66.</i></p>	Term of employment plus 6 years.	<p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.06(1)(h) (laboratories must keep current written documentation that demonstrates that each employee meets personnel qualifications).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.12 (the hospital must maintain personnel records that contain the employment application or resume, credible evidence of current registration, license, or certification, evidence of completion of in-service training as required by the hospital, and evidence of completion of any requirements of the occupational health program at the hospital).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose).</p> <p>29 C.F.R. § 1602.14 (all personnel records must be retained for 1 year; if a discrimination case is brought, records must be maintained until final disposition of the case).</p>
Procedure Manuals – Outdated	2 years after the procedure has been discontinued.	<p>42 C.F.R. § 493.1251 (a laboratory must have written procedure manual for all tests, assays, and examinations it performs); 42 C.F.R. § 493.1105(a)(2) (2 year retention period for test procedures).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.09(i) (a copy of each procedure should be maintained for 2 years after the procedure is discontinued).</p> <p>These outdated materials should also be maintained for purposes of DCH, Medicare, and Joint Commission surveys.</p>
Proficiency Testing Records and Records of Remedial Actions for an Unacceptable Score	At least 2 years after satisfactory completion of the proficiency testing.	<p>42 C.F.R. § 493.801(b)(5); 42 C.F.R. § 493.1105(a)(4) (laboratories must maintain all records relating to proficiency testing for 2 years).</p> <p>42 C.F.R. §§ 493.823–865 (for each of the laboratory subspecialties, if a laboratory receives an unsatisfactory testing event score, remedial action must be documented. Documentation must be maintained for 2 years after the date of participation in the proficiency testing).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.23(d) (all records of proficiency testing must be maintained and available for inspection for at least 2 years).</p>

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Quality Control Records	Surgical Pathology records: 10 years.	Ga. Comp. R. & Regs. 111-8-10-.26(c) (Surgical Pathology records must be retained for 10 years). 42 C.F.R. § 493.1105(a)(3) (hospital must retain quality control records for 2 years).
	Immunohematology and Cytology records: 5 years.	Ga. Comp. R. & Regs. 111-8-10-.26 (records of Surgical Pathology must be retained for 10 years. Records of Immunohematology and Cytology must be retained for 5 years. General laboratory records and quality control records must be retained for 2 years). 42 C.F.R. § 493.1105(a)(3) (hospital must retain quality control records for 2 years).
	General laboratory quality control records: 2 years.	42 C.F.R. § 493.1105(a)(3) (hospital must retain quality control records as required by 42 C.F.R. §§ 493.1252–1289 for 2 years). Ga. Comp. R. & Regs. 111-8-10-.26(a) (general laboratory records and quality control records must be retained for 2 years).

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<p style="text-align: center;">Request for Tests</p> <p>(copies maintained in addition to the patient's medical record)</p> <p style="text-align: center;"><i>See Medical Records, p. 62.</i></p>	<p>Requests for Surgical Pathology tests: 10 years.</p>	<p>Ga. Comp. R. & Regs. 111-8-10-.26 (records of Surgical Pathology must be retained for 10 years. Records of Immunohematology and Cytology must be retained for 5 years. General laboratory records and quality control records must be retained for 2 years).</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p> <p>42 C.F.R. § 493.1105(a)(1) (2 year retention requirement for requests for tests and documents supporting the requests for tests).</p>
	<p>Requests for other tests: 7 years.</p>	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish clinical laboratory services must maintain written and electronic documents relating to written orders and certifications and requests for payments for those services for 7 years).</p> <p>Ga. Comp. R. & Regs. 111-8-10-.26(a) and (b) (records of Immunohematology and Cytology must be retained for 5 years. General laboratory records and quality control records must be retained for 2 years).</p> <p>42 C.F.R. § 493.1105(a)(1) (2 year retention requirement for requests for tests and documents supporting the requests for tests).</p>
<p style="text-align: center;">Sperm Bank, Embryology, and Assisted Reproductive Technology (ART) Records</p>	<p>10 years beyond the date of final disposition or disposal of all specimens obtained during each patient's ART cycle. Records must be retained on site for 2 years.</p>	<p>Ga. Comp. R. & Regs. 111-8-10-.17(2)(g) (ART laboratories must retain records for 10 years beyond the date of final disposition or disposal of all specimens obtained during each patient's ART cycle. Records must be retained on site for 2 years).</p>
<p style="text-align: center;">Tissue Bank Records</p>	<p>7 years.</p>	<p>Ga. Comp. R. & Regs. 111-8-10-.16 (tissue bank records, including procedures followed, donor information, and other required information, must be retained for 7 years. Storage temperature records need only be retained for 5 years).</p>
<p style="text-align: center;">Validation of Quantitative Methods</p>	<p>Period of time the method is used or 2 years, whichever is longer.</p>	<p>Ga. Comp. R. & Regs. 111-8-10-.09(b) (quantitative methods should be validated before they are used. Documentation of validation shall be maintained for the period of time that the method is used or for 2 years, whichever is longer).</p>

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<p>Waived/Exempt Screening and Monitoring Test Records</p> <p>(copies maintained in addition to the patient's medical record)</p> <p><i>See also Orders for Clinical Laboratory Services and Related Documentation, p. 53.</i></p>	<p>2 years.</p>	<p>Ga. Comp. R. & Regs. 111-8-10-.20(3) (records for exempt screening and monitoring tests must be retained outside of the medical record for at least 2 years).</p>

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MEDICAL RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Birth Certificates</p>	<p>An original filing is mandated with the local registrar of the county in which the birth occurred. Retention of copies should be treated as medical records of a minor and kept until the patient's 23rd birthday.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>O.C.G.A. § 31-10-9 (certificate of birth for each live birth shall be filed with the State Office of Vital Records within five days of the birth).</p> <p>Ga. Comp. R. & Regs. 111-8-40.18(1)(h) (hospital must preserve medical records in the hospital's format of choice for "at least until the fifth anniversary of the patients' discharges"); O.C.G.A. § 31-33-2 (the 5 year rule for hospitals is an exception from the general rule, which requires all other providers to maintain records for 10 years).</p>
<p>Cancer Registry Files (copies of cancer registry information submitted, annual reports)</p>	<p>10 years.</p>	<p>Georgia Comprehensive Cancer Registry – Policy and Procedure Manual for Reporting Facilities (hospitals must submit annual reports of new cancer diagnoses); O.C.G.A. § 31-12-2 (DPH can require reporting of certain diseases).</p> <p>Telephone call to Judy Andrews, Georgia Center for Cancer Statistics at Emory University, Rollins School of Public Health, phone number 404-727-8700, 12/03/2013 (Ms. Andrews confirmed that the state cancer registry does not require a hospital to maintain the filings it makes to the registry for any specific period of time. She thought 10 years would be more than adequate. She noted that a hospital that has a specific agreement to maintain data on cancer diagnoses may keep these records longer. A hospital may also wish to maintain its own cancer registry internally, which may be kept longer than 10 years for historical purposes).</p>
<p>Death Certificates</p>	<p>An original filing is mandated with the local registrar of the county in which the death occurred.</p> <p>Retention of copies should be treated as medical records and filed with the patient's medical record and maintained for 10 years.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>O.C.G.A. § 31-10-15 (certificate of death must be filed with the local registrar of the county in which the death occurred or the body was found within 10 days of the death).</p> <p>Ga. Comp. R. & Regs. 511-1-3-.20 (hospital may partially complete a death certificate and give it to the funeral director for completion and filing. For deaths of infants less than age 1, the hospital shall complete the death certificate and file it with the appropriate local registrar).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.18(1)(h) (hospital must preserve medical records in the hospital's format of choice for "at least until the fifth anniversary of the patients' discharges"); O.C.G.A. § 31-33-2 (the 5 year rule for hospitals is an exception from the general rule, which requires all other providers to maintain records for 10 years).</p>

DOCUMENT RETENTION SCHEDULE

MEDICAL RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Films, scans, images and reports	<p>Same retention period as other medical records:</p> <p><u>Adults:</u> 10 years from last discharge or contact that resulted in a record.</p> <p><u>Minors:</u> If the patient is a minor, until the patient's 23rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish items of DMEPOS, clinical laboratory, imaging services, or covered home health services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for DMEPOS, clinical laboratory, imaging services, or covered home health services for 7 years).</p> <p>42 C.F.R. §424.535(a)(10) (provider who fails to comply with document retention requirements in 424.516(f) is <i>subject to revocation</i> of Medicare enrollment for a period of not more than 1 year).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.24(2)(c) (hospital must retain films, scans, and other images for at least 5 years after the date of the last procedure unless the release of the original image is required for the patient. For minors, they must be retained for 5 years after the minor reaches the age of majority).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>
Index to Medical Records/Card Files	Permanent.	The index to medical records and card files may be helpful for administrative and historical purposes.

DOCUMENT RETENTION SCHEDULE

MEDICAL RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Medical Records Generally</p>	<p><u>Adults:</u> 10 years from last discharge or contact that resulted in a record.</p> <p><u>Minors:</u> Until the patient’s 23rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer.</p> <p><i>While the Georgia hospital regulations arguably allow for a shorter retention period, most hospitals retain and other sources recommend retaining medical records as proposed above.</i></p>	<p>Ga. Comp. R. & Regs. 111-8-40-.18(1)(h) (a hospital must preserve medical records in the hospital’s format of choice “at least until the fifth anniversary of the patients’ discharges.” If the patient is a minor, the records must be retained until the minor is 23 (5 years after majority)); O.C.G.A. § 31-33-2 (5 year rule for hospitals is an exception to the general rule that requires all other providers to maintain records for 10 years); Interpretive Guideline citing Ga. Comp. R. & Regs. 290-9-7-.18, recodified to Ga. Comp. R. & Regs. 111-8-40-.18 (age of majority is 18).</p> <p>Ga. Comp. R. & Regs. 360-3-.02(16)(a) (unprofessional conduct for which a physician can be subject to discipline includes failure to maintain patient records for a period of at least 10 years after the patient’s last office visit).</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish items of DMEPOS, clinical laboratory, imaging services, or covered home health services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for those items and services for 7 years).</p> <p>42 C.F.R. § 482.24(b)(1); Medicare Claims Processing Manual, Ch. 1, §§ 110.1, 110.3 (medical records must be retained in their original or legally reproduced form for at least 5 years).</p> <p>Part I: Policies and Procedures for Medicaid/PeachCare for Kids, § 106(R) (providers must retain Medicaid records for 6 years after the date of service. Records meeting the secure electronic signature requirements are acceptable).</p> <p>42 C.F.R. 485.638(c) (critical access hospitals must maintain medical records for at least 6 years from the date of last entry or if the records may be needed in any pending proceeding).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases); O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p> <p>Contracts with payors may have specific retention requirements for medical records. For example, Medicare HMO contracts often require a document retention period of 10 years, and some Tricare agreements that require specific retention periods.</p>

DOCUMENT RETENTION SCHEDULE

MEDICAL RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Orders of DMEPOS, clinical laboratory, imaging services, or covered ordered/certified home health services which the hospital provided or a physician in the hospital ordered</p>	<p>Same retention period as other medical records:</p> <p><u>Adults:</u> 10 years from last discharge or contact that resulted in a record.</p> <p><u>Minors:</u> If the patient is a minor, until the patient’s 23rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish items of DMEPOS, clinical laboratory, imaging services, or covered home health services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for DMEPOS, clinical laboratory, imaging services, or covered home health services for 7 years).</p> <p>42 C.F.R. §424.535(a)(10) (provider who fails to comply with document retention requirements in 424.516(f) is <i>subject to revocation</i> of Medicare enrollment for a period of not more than 1 year).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.18(1)(h) (hospital must preserve medical records in the hospital’s format of choice for “at least until the fifth anniversary of the patients’ discharges.” If the patient is a minor, the records must be retained for at least 5 years past the age of majority); O.C.G.A. § 31-33-2 (the 5 year rule for hospitals is an exception from the general rule, which requires all other providers to maintain records for 10 years); Interpretive Guideline citing Ga. Comp. R. & Regs. 290-9-7-.18, which has been recodified to Ga. Comp. R. & Regs. 111-8-40-.18 (the age of majority is 18 years old).</p> <p>Ga. Comp. R. & Regs. 111-8-40.24(2)(c) (hospital must retain films, scans, and other images for at least 5 years after the date of the last procedure unless the release of the original image is required for the patient. For minors, they must be retained for 5 years after the minor reaches the age of majority).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>

DOCUMENT RETENTION SCHEDULE

MEDICAL STAFF RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at [Appendix C](#).

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Medical Staff Records</p> <p><u>Including:</u></p> <p>Medical Staff Personnel Files</p> <p>Resident, Intern, and Fellow Personnel Files</p> <p>Credentialing and Certification Files</p> <p>Medical Staff Applications (accepted and rejected)</p> <p>Medical Staff Committee Records (including minutes, reports, etc.)</p> <p>Impaired Physician Files</p> <p>Peer Review Files</p> <p><i>For peer review or other quality assurance records not related to an individual physician, see Quality Assurance Records, p. 19.</i></p>	<p>At least 30 years.</p>	<p>Hospitals should retain medical staff records for a sufficient period to cover the length of time for a practitioner's career so that the records are accessible if the practitioner reapplies to the medical staff. For example, maintaining peer review files for 30 to 50 years would likely cover this time period. There is a documented case in which a practitioner reapplied for medical staff privileges 18 years after being removed from the same medical staff.</p> <p>No specific federal or state record retention requirements for these records beyond those for all personnel records have been identified. Some sources reviewed include Medicare Conditions of Participation (42 C.F.R. § 482.22), National Practitioner Data Bank Regulations (45 C.F.R. Part 60), and Georgia Composite Medical Board Licensing Laws.</p> <p>O.C.G.A. § 43-34-174(b) (hospital must maintain a current copy of the licensing certificate for each physician who practices in the hospital).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 9-3-24 (6 year statute of limitations for breach of written contract).</p> <p>26 U.S.C. § 6501 (6 year statute of limitation from date of filing for tax audits for omission of gross income greater than \$5,000. Any tax may be assessed within 3 years). <i>But note:</i> In the event of a false return, fraud, or failure to file a return, the tax may be assessed at <i>any time</i>.</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases); O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p> <p>29 C.F.R. § 1627.3(b) (records relating to promotion, demotion, transfer, selection for training, layoff, recall, or discharge of an employee must be retained for 1 year from the date of the personnel action to which any records relate).</p> <p>29 C.F.R. § 1602.14 (all personnel records must be retained for 1 year. If a discrimination case is brought, records must be maintained until final disposition of the case).</p>

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Meeting Minutes	Quality assurance meeting minutes: 6 years. <i>See Quality Assurance Records, p. 19.</i> Administrative meeting minutes: 3 years.	Hospitals may consider keeping quality assurance records for 10 years to cover the statute of limitations for products liability and the statute of repose for False Claims Act liability. Although arguably not discoverable, quality assurance meeting records may be helpful to hospital and defense counsel in assessing malpractice claims and suits. In addition, the hospital may wish to consider keeping these records longer to access quality assurance records for trending and other administrative purposes. 31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years). O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i> , 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases). O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered). O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years)
Operating Room Records and Charge Sheets	10 years. <i>See Medical Records Generally, p. 64.</i>	31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years). O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product). O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i> , 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases). O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Organ Donation Logs	10 years after date of transplant, distribution, disposition or expiration of donor's tissue.	<p>21 C.F.R. § 1270.33(h) (records concerning suitability of donor shall be retained for 10 years beyond date of transplantation, distribution, disposition, or expiration, whichever is latest).</p> <p>Ga. Comp. R. & Regs. 111-8-28-.07(3) (6 year retention period for eye bank records).</p>
Patient Logs (logs of patient names, admission and discharge dates, and physician names which are not part of the medical record)	<p>Emergency Department Logs: 5 years.</p> <p><i>See Emergency Department Logs, p. 26.</i></p> <p>Logs for other departments: 3 years.</p>	<p>EMTALA 42 U.S.C. 1395cc(a)(1)(I)(ii); 42 C.F.R. 489.20(r)(1); CMS State Operations Manual, Appendix V – Part II – Interpretive Guidelines – Responsibilities of Medicare Participating Hospitals in Emergency Cases, Tag A-2403/C-2403 (transferring and receiving hospitals must maintain medical and other records related to individuals transferred to or from the hospital for a period of 5 years from the date of the transfer).</p> <p>O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years).</p>
Policies and Procedures – Outdated	<p>Policies involving uses of medical devices: 10 years.</p> <p>Other policies: 6 years.</p>	<p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>45 C.F.R. § 164.530(j) (a covered entity must maintain required HIPAA documentation for 6 years after the date of its creation or the date when it was last in effect).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p>

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p align="center">Pump Records</p> <p><i>(e.g., calibration, maintenance and inspection, operating instructions and manuals)</i></p> <p><i>See Environmental Records, p. 27 for additional requirements for equipment that is a source of air emissions or discharges to water or land.</i></p>	<p>10 years or life of equipment plus 5 years, whichever is longer.</p>	<p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>42 C.F.R. § 482.41(c)(2) (facilities, supplies, and equipment must be maintained to ensure an acceptable level of safety).</p> <p>Ga. Comp. R. & Regs. 111-8-40-.14 (hospitals must have a program to inspect, monitor, and maintain biomedical equipment, electrical equipment, and emergency power generators).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Quality Assurance Records	6 years. For quality assurance records that are Medical Staff Records, <i>see Medical Staff Records, p. 66.</i>	<p>Hospitals may consider keeping these records for 10 years to cover the statute of limitations for products liability and the statute of repose for False Claims Act liability.</p> <p>Although arguably not discoverable, quality assurance meeting records may be helpful to hospital and defense counsel in assessing malpractice claims and suits. In addition, the hospital may wish to consider keeping these records longer to access quality assurance records for trending and other administrative purposes.</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p>

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Refrigerator Temperature Records (for refrigerators where blood, drugs, organs, etc. are stored)	5 years.	<p>Hospitals may consider keeping these records for 10 years to cover the statute of limitations for products liability.</p> <p>Ga. Comp. R. & Regs. 111-8-10-16 (storage temperature records for tissue banks must be retained for 5 years).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p>
Staffing Patterns and Schedules	5 years.	<p>Plaintiffs often seek staffing records during discovery.</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p>

DOCUMENT RETENTION SCHEDULE

NURSING RECORDS

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Sterilization Records and Graphs, Including Autoclaves</p> <p><i>See Environmental Records, p. 27, for additional requirements for equipment that is a source of air emissions or discharges to water or land.</i></p>	10 years.	<p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p> <p>42 C.F.R. § 482.42; CMS State Operations Manual, Appendix A – Regulations and Interpretive Guidelines § 482.42, Tag A-0747 (hospitals must provide a sanitary environment to avoid sources and transmission of infections and communicable diseases. There must be an active program for the prevention, control, and investigation of infections and communicable diseases).</p> <p>CDC Guideline for Disinfection and Sterilization in Healthcare Facilities, 2008, available at http://www.cdc.gov/hicpac/pdf/guidelines/Disinfection_Nov_2008.pdf.</p>
<p>Training Materials for Nursing Staff – Outdated</p>	<p>Trainings involving uses of medical devices: 10 years.</p> <p>HIPAA trainings: 6 years.</p> <p>Other trainings: 5 years.</p>	<p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>45 C.F.R. § 164.530(j) (a covered entity must maintain required HIPAA documentation, including training materials and records of trainings, for 6 years after the date of its creation or the date when it was last in effect).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>McCord v. Lee</i>, 286 Ga. 179 (2009) (recognizing a “new injury” exception to the statute of limitations in misdiagnosis cases).</p> <p>O.C.G.A. § 9-3-72 (statute of limitations for foreign objects left in a patient’s body is 1 year after object is discovered).</p>

DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at Appendix C.

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Adverse Drug Reaction Reports	5 years.	<p>Ga. Comp. R. & Regs. 480-13-06(9) (adverse drug reaction reports must be readily available for inspection).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>
Alcohol Inventory – Records Pertaining to Ethyl Alcohol and Tax Free Alcohol	3 years.	<p>Ga. Comp. R. & Regs. 480-13-06(9) (alcohol and flammables reports must be readily available for inspection).</p> <p>27 C.F.R. § 22.164(a) (records relating to tax free alcohol must be retained for 3 years and must be kept on-site); 27 C.F.R. § 22.165(a) (records may be kept in any form that accurately reproduces the original record and that forms a durable medium for reproducing and preserving the original record).</p> <p>27 C.F.R. § 22.161 (records that must be retained include records reflecting receipt, shipment, usage, destruction and claims relating to tax-free alcohol); 27 C.F.R. § 22.162 (semi-annual inventory of tax-free alcohol must be retained).</p> <p>The federal regulation requiring that tax free alcohol records be retained for 3 years permits the appropriate Alcohol and Tobacco Tax and Trade (“TTB”) officer to add an additional 3 years period to the retention period. 27 C.F.R. § 22.164. Marilyn Brinker, a TTB Agent for the Atlanta region (202-453-3147), confirmed in a telephone call on January 14, 2014 that records relating to tax free alcohol must be retained for only 3 years.</p>
Automated or Robotic Pharmacy Systems Records	2 years.	<p>Ga. Comp. R. & Regs. 480-10-19(d) (an electronic or hard copy record of medications produced by an automated or robotic pharmacy system must be maintained for 2 years. The records should include identification of the person stocking/filling the system and, if a pharmacy intern or registered pharmacy technician, the name of the pharmacist providing the supervision).</p> <p>Ga. Comp. R. & Regs. 480-27-03 (records of dispensing original and refill prescriptions must be retained for 2 years).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

Upon issuance of a formal legal hold, all purging should be suspended as specified in the legal hold. A sample legal hold memorandum is provided at [Appendix C](#).

RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Committee Minutes</p> <p>(e.g., Pharmacy and Therapeutics Committee, Pharmacy Nursing Liaison Committee, Nutrition Support Committee)</p>	<p>Quality assurance meeting minutes: 6 years.</p> <p><i>See Quality Assurance Records, p. 19.</i></p> <p>Administrative meeting minutes: 3 years.</p>	<p>Hospitals may consider keeping quality assurance records for 10 years to cover the statute of limitations for products liability and the statute of repose for False Claims Act liability.</p> <p>Although arguably not discoverable, quality assurance meeting records may be helpful to hospital and defense counsel in assessing malpractice claims and suits. In addition, the hospital may wish to consider keeping these records longer to access quality assurance records for trending and other administrative purposes.</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Controlled Substances: Records of Distributions and Purchases	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories and records of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)–(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>O.C.G.A. § 16-13-39; 21 C.F.R. § 1304.22(c); 42 C.F.R. § 482.25(a)(3) (complete and accurate records must be kept reflecting all controlled substances on hand, received, sold, dispensed or otherwise disposed of).</p> <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>Ga. Comp. R. & Regs. 480-27-03 (records of dispensing original and refill prescriptions must be retained for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-27-05 (a pharmacy may use an automated data processing system for purposes of the drugs dispensed if certain requirements set forth in Ga. Comp. R. & Regs. 480-27-.05 and Ga. Comp. R. & Regs. 480-27-.06 are met).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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As a general matter, each hospital pharmacy must maintain records of all transactions of the hospital pharmacy as may be required by law, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials. [Ga. Comp. R. & Regs. 480-13-06\(2\)\(k\)](#). Hospital pharmacies must maintain access to such records and reports as are required “to insure patient health, safety and welfare.” [Ga. Comp. R. & Regs. 480-13-06\(9\)](#). Pharmacy records should be readily available for inspection by the Board of Pharmacy or the Georgia Drugs and Narcotics Agency. [Ga. Comp. R. & Regs. 480-13-06\(9\)](#).

DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Controlled Substances: Inventory	2 years.	<p>Ga. Comp. R. & Regs. 480-13-06(6)(e) (hospital pharmacies must maintain a “perpetual” inventory of Schedule II substances and accountability of such drugs must be by a Proof of Use form).</p> <p>21 U.S.C. § 827(a)(1); 21 C.F.R. § 1304.11(c); Ga. Comp. R. & Regs. 480-13-06(9) (registrants must do a biennial inventory of controlled substances and maintain the records readily accessible and on-site for 2 years).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)–(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>

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As a general matter, each hospital pharmacy must maintain records of all transactions of the hospital pharmacy as may be required by law, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials. [Ga. Comp. R. & Regs. 480-13-06\(2\)\(k\)](#). Hospital pharmacies must maintain access to such records and reports as are required “to insure patient health, safety and welfare.” [Ga. Comp. R. & Regs. 480-13-06\(9\)](#). Pharmacy records should be readily available for inspection by the Board of Pharmacy or the Georgia Drugs and Narcotics Agency. [Ga. Comp. R. & Regs. 480-13-06\(9\)](#).

DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Controlled Substances: Proof of Use Forms	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>Ga. Comp. R. & Regs. 480-13-.06(6)(a) (proof of use of controlled substances and such other drugs as may be specified by an appropriate committee of the hospital must be submitted to the pharmacy on forms provided by the pharmacy).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)-(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>Ga. Comp. R & Regs. 480-13-.06(6)(e) (hospital pharmacies must maintain a “perpetual” inventory of Schedule II substances and accountability of such drugs must be by a Proof of Use form).</p> <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Controlled Substances: Schedule I or II – Order Form (DEA Form 222) for Schedule I or II Controlled Substances	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>21 C.F.R. § 1305.13(a) (a purchaser of Schedule I or Schedule II controlled substances must retain Copy 3 of each order form).</p> <p>21 C.F.R. § 1305.15(d) (a purchaser must also retain all copies of each unaccepted or defective order form and each statement attached thereto).</p> <p>21 C.F.R. § 1305.17(c) (DEA Form 222 must be maintained separately from all other records and must be retained for 2 years).</p> <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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<p>Controlled Substances: Schedule II – Partially-Filled Prescription for Schedule II Controlled Substances for Patients in Long Term Care Facilities or Who are Terminally Ill</p>	<p>2 years.</p>	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>21 C.F.R. § 1306.13(b) (for each partial filling, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of the partial filling, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist); 21 C.F.R. § 1306.13(c) (these records may be computerized if certain requirements are met).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Controlled Substances: Schedule II, III, IV or V – Record Book of Schedule II-V Substances that do NOT Require a Prescription that are Dispensed by the Pharmacy</p>	<p>2 years.</p>	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>21 C.F.R. § 1306.26 (records must be kept for all non-prescription Schedule II, III, IV or V controlled substances that are dispensed).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)-(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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<p>Controlled Substances: Schedule III & IV – Medication Records that List Refills of Schedule III & IV Substances</p>	<p>2 years.</p>	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>21 C.F.R. § 1306.22 (for each refill, the dispensing pharmacist shall record on the back of the prescription (or on another appropriate record, uniformly maintained, and readily retrievable) the date of filled or refilled, quantity dispensed, remaining quantity authorized to be dispensed, and the identification of the dispensing pharmacist. The pharmacy may use an automated data processing system for refill information if the requirements of 21 C.F.R § 1306.22(b) are met).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)–(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Controlled Substances: Schedule V – Sales of Schedule V Substances without a Prescription	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>Ga. Comp. R. & Regs. 480-19-03 (logbooks of sales of pseudoephedrine Schedule V Controlled Substances must be retained for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-19-01(b)(2) (to sell, dispense, or otherwise dispose of a non-pseudoephedrine Schedule V Controlled Substance, pharmacists must create records of the date of the transaction, the name, kind, quantity and intended use of the drug).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)–(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>
Credit Memo for Returns Made to Manufacturer/Distributor	3 years.	<p>21 C.F.R. § 203.23(b); 21 C.F.R. § 203.20 (a hospital’s return of a prescription drug is exempt from the prohibition of re-sale if the hospital forwards a copy of each credit memo to the manufacturer and retains a copy of each credit memo for its records).</p> <p>Ga. Comp. R. & Regs. 480-7-07 (pharmacies can return expired drugs to the wholesale distributor for full credit or replacement for up to six months after the labeled expiration date).</p> <p>O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Dangerous Drug Records (received, purchased, sold, or dispensed)	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>O.C.G.A. § 16-13-72(6) (records of all dangerous drugs received, purchased, sold, dispensed or otherwise disposed of must be retained for 2 years).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p> <p>DEA Pharmacist's Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>
Drug Therapy Modification – Patient Records	10 years after the drug therapy modification protocol with the physician expires.	<p>Ga. Comp. R. & Regs. 480-35-.05(2) (if a pharmacist has entered into a drug therapy modification protocol with a physician, patient records for those patients covered by the protocol must be retained for 10 years after the protocol expires).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Emergency Kits/Night Cabinets Inventory & Related Records	2 years.	<p>Ga. Comp. R. & Regs. 480-13-.06(9) (inventories of emergency kits and night cabinets must be readily available for inspection).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)-(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>
Inspection Reports – Monthly Internal Inspections	5 years. If a deficiency is noted: 5 years after the deficiency has been resolved.	<p>Ga. Comp. R. & Regs. 480-13-.10(1) (the Director of Pharmacy or a qualified designee must inspect all matters within his/her jurisdiction and responsibility at least monthly and make written records of such).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

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As a general matter, each hospital pharmacy must maintain records of all transactions of the hospital pharmacy as may be required by law, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials. [Ga. Comp. R. & Regs. 480-13-.06\(2\)\(k\)](#). Hospital pharmacies must maintain access to such records and reports as are required “to insure patient health, safety and welfare.” [Ga. Comp. R. & Regs. 480-13-.06\(9\)](#). Pharmacy records should be readily available for inspection by the Board of Pharmacy or the Georgia Drugs and Narcotics Agency. [Ga. Comp. R. & Regs. 480-13-.06\(9\)](#).

DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Inspection Reports – State and Federal Inspections	5 years. If a deficiency is noted: 5 years after the deficiency has been resolved.	Ga. Comp. R. & Regs. 480-13-10(2) (the Board of Pharmacy conducts inspections at least once every 2 years). O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i> , 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Inventory</p> <p><i>See also Alcohol Inventory, p. 73, and Controlled Substances: Inventory, p. 76.</i></p>	<p>Alcohol Inventory: 3 years.</p> <p>Other Inventory: 2 years.</p>	<p>27 C.F.R. § 22.164 (records relating to tax free alcohol must be retained for 3 years and must be kept on-site); 27 C.F.R. § 22.165 (records may be kept in any form that accurately reproduces the original record and that forms a durable medium for reproducing and preserving the original record).</p> <p>Ga. Comp. R. & Regs. 480-13-06(9) (inventories of the pharmacy must be readily available for inspection).</p> <p>O.C.G.A. § 16-13-39; 21 C.F.R. § 1304.22(c); 42 C.F.R. § 482.25(a)(3) (complete and accurate records must be kept reflecting all controlled substances on hand, received, sold, dispensed or otherwise disposed of).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (inventories, records, and prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)-(3) (inventories, records, and prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>Ga. Comp. R & Regs. 480-13-06(6)(e) (hospital pharmacies must maintain a “perpetual” inventory of Schedule II substances is required and accountability of such drugs must be by a proof of use form).</p> <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Medication Error Reports	5 years.	<p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>
Patient Profiles – Maintained in the Pharmacy	2 years from the date of the last entry in the profile record.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>O.C.G.A. § 26-4-83; Ga. Comp. R. & Regs. 480-13-06(2)(d) (the patient profile or the ability to generate such profile electronically shall be under the control of the Director of Pharmacy for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-31-01(a)(3) (a patient record must be maintained for not less than 2 years from the date of the last entry in the profile record).</p> <p>Ga. Comp. R. & Regs. 480-13-06(9) (patient profiles must be readily available for inspection).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>
Poison – Log of Sales of Poison	5 years.	<p>O.C.G.A. § 26-4-161 (the book that lists the log of sales of the poisons enumerated in O.C.G.A. § 26-4-160 must be preserved for 5 years).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Policies and Procedures – Outdated	10 years.	<p>The hospital may wish to maintain policies for a longer period of time for historical purposes.</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>18 U.S.C. § 3282 (general Federal criminal statute of limitation of 5 years).</p> <p>O.C.G.A. § 16-14-8 (Georgia RICO statute of limitation of 5 years).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p> <p>45 C.F.R. § 164.530(j) (a covered entity must maintain required HIPAA documentation for 6 years after the date of its creation or the date when it was last in effect).</p> <p>DEA Pharmacist's Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Prescriptions (original, refill, or transferred prescriptions)</p>	<p>2 years.</p>	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>Ga. Comp. R. & Regs. 480-27-03 (records of dispensing original and refill prescriptions must be retained for 2 years).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <ul style="list-style-type: none"> - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(1) (prescriptions of all controlled substances listed in Schedules I and II must be maintained separately from all other records of the pharmacy). - 21 U.S.C. § 827(b); 21 C.F.R. § 1304.04(h)(2)–(3) (prescriptions for controlled substances listed in Schedules III, IV and V must be maintained either separately from all other records of the pharmacy or in such form that the information required is “readily retrievable” from other pharmacy records). <p>Ga. Comp. R. & Regs. 480-27-05 (a pharmacy may use an automated data processing system for purposes of the drugs dispensed if certain requirements set forth in Ga. Comp. R. & Regs. 480-27-.05 and Ga. Comp. R. & Regs. 480-27-.06 are met).</p> <p>DEA Pharmacist’s Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor’s prescription).</p>

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DOCUMENT RETENTION SCHEDULE

PHARMACY RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Quality Assurance Records	<p>6 years.</p> <p>For quality assurance records that are Medical Staff Records, <i>see Medical Staff Records</i>, p. 66.</p>	<p>Hospitals may consider keeping these records for 10 years to cover the statute of limitations for products liability and the statute of repose for False Claims Act liability.</p> <p>Although arguably not discoverable, quality assurance meeting records may be helpful to hospital and defense counsel in assessing malpractice claims and suits. In addition, the hospital may wish to consider keeping these records longer to access quality assurance records for trending and other administrative purposes.</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p> <p>DEA Pharmacist's Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p>

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Recall Records (records of a manufacturer's recall)	10 years.	<p>Ga. Comp. R. & Regs. 480-13-06(9) (the Director of Pharmacy shall develop and implement a policy and procedure to assure that all drugs within the hospital included on a recall are returned to the pharmacy for proper destruction).</p> <p>O.C.G.A. § 51-1-11 (statute of limitation for products liability for the manufacturer is 10 years from the date of the first sale of the product); O.C.G.A. § 11-2-725 (4 year statute of limitation for breach of contract or breach of warranty for the sale of goods); O.C.G.A. § 9-3-33 (2 year statute of limitations for personal injury).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); Robinson v. Williamson, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>
Remote Entry Records	2 years.	<p>Ga. Comp. R. & Regs. 480-13-04(5) (the remote entry pharmacist must maintain records of any and all records entered for the hospital for a minimum of 2 years).</p>
Standard Ward Inventory (Floor Stock) Records and Surveys of Usage Trends	2 years.	<p>Ga. Comp. R. & Regs. 480-13-01(j) (the Director of Pharmacy or his/her pharmacist designee must maintain a copy of the list of items on the standard ward inventory).</p> <p>Ga. Comp. R. & Regs. 480-13-06(10) (records relating to the standard ward inventory, including the monthly surveys of usage trends, must be retained for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-13-06(9) (standard ward inventories must be readily available for inspection).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Signature Logs	2 years.	<p>A hospital may wish to retain such records for 5 years, the statute of repose for malpractice actions, to allow their use in defense of a malpractice suit.</p> <p>Ga. Comp. R. & Regs. 480-27-03 (records of dispensing original and refill prescriptions must be retained for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-19-03 (logbooks of sales of pseudoephedrine Schedule V Controlled Substances must be retained for 2 years).</p> <p>Ga. Comp. R. & Regs. 480-19-01(b)(2) (to sale, dispense, or otherwise dispose of a non-pseudoephedrine Schedule V Controlled Substance, pharmacists must create records of the date of the transaction, the name, kind, quantity and intended use of the drug).</p> <p>21 C.F.R. § 1304.04(a) (controlled substances records must be retained for at least 2 years); 21 C.F.R. § 1304.04(b) (records must be retained on-site); 21 C.F.R. § 1304.04(c) (registrants may maintain records on an in-house computer system); 21 C.F.R. § 1304.04(h)(5) (prescription records may be maintained on off-site computers if the records are readily retrievable in-house and comply with 21 C.F.R. § 1311).</p> <p>DEA Pharmacist's Manual, Section VI (all records concerning controlled substances must be maintained for at least 2 years for inspection and copying by duly authorized DEA officials).</p> <p>O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10); <i>Robinson v. Williamson</i>, 245 Ga. App. 17 (Ga. Ct. App. 2000) (statute of limitation in O.C.G.A. § 9-3-71 applies to an action based upon the conduct of a pharmacist in dispensing medication upon a doctor's prescription).</p>

* Any drug information maintained in medical records should be retained for the longer period required for those records. This section only addresses records created and maintained by the pharmacy.

As a general matter, each hospital pharmacy must maintain records of all transactions of the hospital pharmacy as may be required by law, and as may be necessary to maintain accurate control over and accountability for all pharmaceutical materials. [Ga. Comp. R. & Regs. 480-13-06\(2\)\(k\)](#). Hospital pharmacies must maintain access to such records and reports as are required "to insure patient health, safety and welfare." [Ga. Comp. R. & Regs. 480-13-06\(9\)](#). Pharmacy records should be readily available for inspection by the Board of Pharmacy or the Georgia Drugs and Narcotics Agency. [Ga. Comp. R. & Regs. 480-13-06\(9\)](#).

DOCUMENT RETENTION SCHEDULE

RADIOLOGY AND NUCLEAR MEDICINE RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Afterloader Units, Teletherapy Units, and Gamma Stereotactic Radiosurgery Units</p> <p style="text-align: center;">(Records of installation, maintenance, adjustment, and repair, full calibrations, periodic spot-checks, and other required inspections)</p> <p style="text-align: center;"><i>See also Surveys of all Therapeutic Units, p. 112.</i></p>	<p>Records of Five-Year Inspection for Teletherapy and Gamma Stereotactic Surgery Units: Duration of the use of the unit.</p>	<p>Ga. Comp. R. & Regs. 391-3-17-.05(114) (records of the five-year inspections for teletherapy and gamma stereotactic radiosurgery units must be retained for the duration of the use of the unit).</p>
	<p>All other records: 3 years.</p>	<p>Ga. Comp. R. & Regs. 391-3-17-.05(106) (3 year retention period for records of the installation, maintenance, adjustment, and repair of remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(108) (3 year retention period for records of full calibrations of the teletherapy, remote afterloader, and stereotactic radiosurgery units).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(109) (3 year retention period for records of each periodic spot-check of teletherapy units).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(110) (3 year retention period for records of each periodic spot-check of remote afterloader units).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(111) (3 year retention period for records of each periodic spot-check of Gamma Stereotactic Radiosurgery units).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(112) (3 year retention period for records of records of additional technical requirements for mobile remote afterloader units).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>
<p style="text-align: center;">Air Sampling, Surveys, and Bioassays Results</p> <p style="text-align: center;">Ambient Radiation Exposure Records</p>	<p>Permanent.</p>	<p>Ga. Comp. R. & Regs. 391-3-17-.03(14)(g). (c) (must retain all required forms and records regarding air sampling and release of radioactive effluents into the environment until the Department terminates each pertinent license).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(95) (3 year retention period for records of surveys of ambient radiation exposure).</p>

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DOCUMENT RETENTION SCHEDULE

RADIOLOGY AND NUCLEAR MEDICINE RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Brachytherapy and Sealed Sources (Records of accountability, inventory, calibration measurements, and leakage tests)</p> <p><i>See also Surveys of all Therapeutic Units, p. 112.</i></p>	3 years after the last use of the source or after the record is made, whichever is longer.	<p>Ga. Comp. R. & Regs. 391-3-17-.05(103) (3 year retention period for accountability of all brachytherapy sources in storage or in use).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(94) (3 year retention period for semi-annual physical inventory of sealed sources and brachytherapy sources).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(104) (records of calibrations on brachytherapy sources must be retained for 3 years after the last use of the source).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.03(14)(d) (3 year retention period after the record is made for tests for leakage or contamination of sealed sources).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>
<p>Directives (Records of written directives required for some nuclear medicine patients)</p>	3 years.	<p>Ga. Comp. R. & Regs. 391-3-17-.05(88) (3 year retention period).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(19) (written directives required for some nuclear medicine patients).</p>
<p>Disposal of Radioactive Materials <i>See footnote to section.</i></p>	<p>Generally: Permanent.</p>	<p>Ga. Comp. Rules & Regs. 391-3-17-.03(14)(i) (“The licensee shall retain the records required” by the Rule “until the Department terminates each pertinent license requiring the record”);</p>
	Licensed decay-in-storage material with a half-life of less than 120 days: 3 years.	Ga. Comp. R. & Regs. 391-3-17-.05(98) (3 year retention period for records of the disposal of licensed decay-in-storage material with a half-life of less than 120 days).
Dosimetry equipment	Permanent.	<p>Ga. Comp. R. & Regs. 391-3-17-.05(107) (records of the calibration, inter-comparison, and comparisons of dosimetry equipment must be maintained for the duration of the license).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p>

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DOCUMENT RETENTION SCHEDULE

RADIOLOGY AND NUCLEAR MEDICINE RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Equipment Records for “Radiation Machines”	Receipt, transfer or disposal of equipment: Life of equipment plus 3 years	Ga. Comp. R. & Regs. 290-5-22-.07(1)(f) (required to keep records showing the receipt, transfer, or disposal of radiation machines). O.C.G.A. § 10-11-2 (unless there is a specific retention requirement, business records required to be kept may be destroyed after 3 years).
	Maintenance records: Life of equipment.	Ga. Comp. R. & Regs. 290-5-22-.07(1)(g) (required to keep records of all major maintenance and/or modifications performed on each radiation machine and transfer said records to any subsequent owner of the equipment).
Mammography Records	10 years from last discharge or contact that resulted as a record. <i>See Medical Records Generally, p. 64.</i>	21 C.F.R. § 900.12(c)(4)(i) (a facility that performs mammograms must maintain films and reports in a permanent medical record of the patient for at least 5 years, or at least 10 years if no additional mammograms of the patient are performed at the facility). 42 C.F.R. § 424.516(f) ; Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish imaging services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for imaging services for 7 years).

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RADIOLOGY AND NUCLEAR MEDICINE RECORDS*

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p>Medical Records, not Including Mammography Records</p> <p>(e.g., films, scans, images and reports)</p>	<p><u>Adults:</u> 10 years from last discharge or contact that resulted as a record.</p> <p><u>Minors:</u> Until the patient's 23rd birthday or 10 years from last discharge or contact that resulted in a record, whichever is longer.</p> <p><i>See Medical Records Generally, p. 64.</i></p>	<p>EPD regulation of radioactive materials requires that some portions of the medical record be kept for a minimum of 3 years (e.g., radiation dose records, records of patients released containing radioactive drugs or implants, records of exposure to pregnant or nursing mothers, etc.), but these records will need to be kept for the longer period of time required for medical records generally.</p> <p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish imaging services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for imaging services for 7 years).</p> <p>42 C.F.R. §424.535(a)(10) (provider who fails to comply with document retention requirements in 424.516(f) is <u>subject to revocation</u> of Medicare enrollment for a period of not more than 1 year).</p> <p>42 C.F.R. § 482.26(d) (hospitals must retain records of radiological services, including copies of reports and printouts, films, scans, and other image records, for 5 years).</p> <p>42 C.F.R. § 482.53(d) (hospitals must retain copies of nuclear medicine records, including interpretations, consultations, and procedures, for 5 years).</p> <p>Ga. Comp. R. & Regs. 111-8-40-24(2)(c) (hospital must retain films, scans, and other images for at least 5 years after the date of the last procedure unless the release of the original image is required for the patient. For minors, they must be retained for 5 years after the minor reaches the age of majority).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Misadministrations <i>See footnote to section.</i>	At least 3 years.	Hospitals may consider maintaining these records for 5 years to cover the statute of repose for medical malpractice or for longer in the event of exposure to members of the public. Ga. Comp. R. & Regs. 391-3-17-.05(89) (3 year retention period). O.C.G.A. § 9-3-71 (2 year statute of limitation for malpractice actions, 5 year statute of repose); O.C.G.A. § 9-3-73 (for minors who are under age 5 when malpractice occurred, the statute of limitations ends at age 7 and the statute of repose ends at age 10). <i>But note:</i> Ga. Comp. R. & Regs. 391-3-17-.03(14)(h) (must retain all required forms and records regarding doses to individual members of the public until the Department terminates each pertinent license. Upon termination, retention obligations continue for some documents).
Mobile Services <i>See also Surveys of all Therapeutic Units, p. 112.</i>	3 years.	Ga. Comp. R. & Regs. 391-3-17-.05(97) (3 year retention period for documentation of administrative and technical requirements that apply to the mobile use of radioactive materials).
Occupational Radiation Exposure History	Permanent.	Ga. Comp. R. & Regs. 391-3-17-.03(14)(g), (e) (must retain all required forms and records regarding employee exposure to radiation until the Department terminates each pertinent license. Upon termination, retention obligations continue for some documents). 29 C.F.R. § 1910.1020(d) (if records include records of monitoring or sampling of employee exposure to toxic substances or other hazards, OSHA generally requires retention for at least 30 years). <i>See OSHA Records, p. 42.</i>
Records of Packages Received Containing Radioactive Materials	3 years.	Ga. Comp. R. & Regs. 391-3-17-.03(14)(c), (12)(f)(2) (3 year retention period after record is made).
Records Regarding Pregnant and Nursing Mothers (Certain records of a dose given to	Records of a dose given to a fetus or nursing child: 3 years.	Ga. Comp. R. & Regs. 391-3-17-.05(90) (3 year retention period for records of a dose given to an embryo/fetus or nursing child).

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
an embryo, nursing child, or nursing mother)	Records of instructions given to breast-feeding mothers who received radioactive drugs or implants: 3 years after date of release.	Ga. Comp. R. & Regs. 391-3-17-.05(96) (3 year retention period after the date of release for instructions given upon release to breast-feeding mothers who received radioactive drugs or implants).
Radiation Exposure Records <i>See footnote to section.</i>	5 years after termination of the individual's employment or association with the registrant.	<p>Ga. Comp. R. & Regs. 290-5-22-.07(1)(c) (5 year retention period after termination of the individual's employment or association with the registrant for records of individual radiation exposure).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(93) (3 year retention period for records of dosages of unsealed radioactive material for medical use).</p> <p><i>But note:</i> Ga. Comp. R. & Regs. 391-3-17-.03(14)(c)(2)(i)-(ii) (must retain all required forms, records and results regarding surveys to determine the dose from external sources of radiation used, in the absence of or in combination with individual monitoring data, in the assessment of individual dose equivalents, and of measurements and calculations used to determine individual intakes of radioactive material and used in the assessment of internal dose, until the Department terminates each pertinent license. Upon termination, retention obligations continue for some documents).</p>
Radiation Protection Program Records <i>See also Records of Safety Instruction and Training Records, p. 111</i>	Provisions of the program: Permanent.	Ga. Comp. R. & Regs. 391-3-17-.03(14)(b) (must retain documentation of provisions of the program “until the Department terminates each pertinent license requiring the record”).
	Records of authority, responsibilities, actions taken, and safety program changes: 5 years	Ga. Comp. R. & Regs. 391-3-17-.05(86)-(87) (5 year retention period).
	Audits and other reviews of program content and implementation: 3 years after record is made.	Ga. Comp. R. & Regs. 391-3-17-.03(14)(b) (3 year retention period after record is made).
Radionuclide Purity Records	3 years.	Ga. Comp. R. & Regs. 391-3-17-.05(99) (3 year retention period for records of radionuclide contaminant concentration tests).

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
Requests for Imaging Services	7 years from the date of service.	<p>42 C.F.R. § 424.516(f); Medicare Program Integrity Manual, Ch. 15 § 18 (BOTH physicians who order AND providers that furnish imaging services must maintain written and electronic documents (including the NPI of the physician who ordered/certified the services) relating to written orders and certifications and requests for payments for imaging services for 7 years).</p> <p>42 C.F.R. §424.535(a)(10) (provider who fails to comply with document retention requirements in 424.516(f) is <i>subject to revocation</i> of Medicare enrollment for a period of not more than 1 year).</p> <p>31 U.S.C. § 3731(b) (False Claims Act civil fraud actions statute of limitation of 6 years; statute of repose of 10 years).</p> <p>42 C.F.R. § 482.26(d) (hospitals must retain records of radiological services, including copies of reports and printouts, films, scans, and other image records, for 5 years).</p> <p>42 C.F.R. § 482.53(d) (hospitals must retain copies of nuclear medicine records, including interpretations, consultations, and procedures, for 5 years).</p>
Records of Release of Individuals Containing Radioactive Drugs or Implants	3 years after the date of release.	<p>Ga. Comp. R. & Regs. 391-3-17-.05(96) (3 year retention period after the date of release).</p>
Reports of Overexposure	Permanent.	<p>Ga. Comp. R. & Regs. 391-3-17-.03(14)(g), (e) (must retain all required forms and records regarding employee exposure to radiation until the Department terminates each pertinent license. Upon termination, retention obligations continue for some documents).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.03(14)(h) (must retain all required forms and records regarding doses to individual members of the public until the Department terminates each pertinent license. Upon termination, retention obligations continue for some documents).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Safety Instruction and Training Records</p> <p>(Training of Nuclear Medicine Technologists, Radiation Therapists, all personnel caring for patients or human research subjects who have received therapy with a radioactive drug or implant and cannot be released, and all individuals who operate remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units)</p>	<p>3 years after the last date the individual was authorized to act in such role at the licensee’s facility.</p>	<p>Ga. Comp. R. & Regs. 391-3-17-.05(100) (records of training for Nuclear Medicine Technologists and Radiation Therapists must be retained for 3 years after the last date the individual was authorized to act in such role at the licensee’s facility).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(101) (must maintain required employee training records for 3 years after the last date the individual was authorized to act in such role at the licensee’s facility).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(49) (sets forth general recordkeeping requirements for training for all personnel caring for patients or human research subjects who have received therapy with a radioactive drug and cannot be released).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(58) (sets forth general recordkeeping requirements for training for all personnel caring for patients or human research subjects who have received therapy with a radioactive implants and cannot be released).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(70) (sets forth general recordkeeping requirements for training for all individuals who operate remote afterloader units, teletherapy units, and gamma stereotactic radiosurgery units).</p>

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RECORD DESCRIPTION	RETENTION PERIODS	COMMENTS
<p style="text-align: center;">Survey Instruments</p> <p style="text-align: center;">(Records of calibrations and leak tests)</p> <p style="text-align: center;"><i>See also Dosimetry Equipment, p. 105.</i></p>	Records that assure that required tests were performed: Until EPD 3 years.	Ga. Comp. R. & Regs. 391-3-17-.02(6)(c)(3)(iv) (records that “assure that the tests required by” regulation are performed must be “maintained for three years.”)
	Survey Instrument Calibration: 3 years.	<p>Ga. Comp. R. & Regs. 391-3-17-.05(92) (3 year retention period for records of calibrations of survey instrument – specific rule for healing arts uses).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.03(14)(c), (8)(a) (3 year retention period for records of calibrations of survey instruments – general rule).</p> <p>Ga. Comp. R. & Regs. 391-3-17-.05(91) (3 year retention period for records of calibrations of instruments used to measure the activity of unsealed radioactive material).</p>
	Leak Tests and tests of the on/off mechanism and indicator: 3 year after performance of the next required leak test.	Ga. Comp. R. & Regs. 391-3-17-.02(6)(c)3.(iv) (3 year retention period).
Surveys of Exposure to Patients and Human Research Subjects	3 years.	Ga. Comp. R. & Regs. 391-3-17-.05(102) (3 year retention period of surveys after source implant and removal and surveys of patients and research subject treated with a remote afterloader unit).
Strontium-90: Records of the Decay of Sr-90 Sources	Life of the source.	Ga. Comp. R. & Regs. 391-3-17-.05(105) (records of the activity of a strontium 90 source must be retained for the life of the source).
Surveys of Therapeutic Treatment Units	Duration of the use of the unit.	Ga. Comp. R. & Regs. 391-3-17-.05(113) (records of radiation surveys of treatment units must be maintained for the duration of the use of the unit).

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