

## 18VAC85-20-26. Patient Records.

- A. Practitioners shall comply with the provisions of § 32.1-127.1:03 of the Code of Virginia related to the confidentiality and disclosure of patient records.
- B. Practitioners shall provide patient records to another practitioner or to the patient or his personal representative in a timely manner in accordance with provisions of § 32.1-127.1:03 of the Code of Virginia.
- C. Practitioners shall properly manage patient records and shall maintain timely, accurate, legible and complete patient records.
- D. Practitioners shall maintain a patient record for a minimum of six years following the last patient encounter with the following exceptions:
1. Records of a minor child, including immunizations, shall be maintained until the child reaches the age of 18 or becomes emancipated, with a minimum time for record retention of six years from the last patient encounter regardless of the age of the child;
  2. Records that have previously been transferred to another practitioner or health care provider or provided to the patient or his personal representative; or
  3. Records that are required by contractual obligation or federal law to be maintained for a longer period of time.
- E. From October 19, 2005, practitioners shall post information or in some manner inform all patients concerning the time frame for record retention and destruction. Patient records shall only be destroyed in a manner that protects patient confidentiality, such as by incineration or shredding.
- F. When a practitioner is closing, selling or relocating his practice, he shall meet the requirements of § 54.1-2405 of the Code of Virginia for giving notice that copies of records can be sent to any like-regulated provider of the patient's choice or provided to the patient.

### Statutory Authority

§ 54.1-2400 of the Code of Virginia.

### Historical Notes

Derived from Volume 22, Issue 01, eff. October 19, 2005.

*5/23/17 - Per Tamera Wilson @ VA Board of Medicine, this is the most current code regarding retention of patient medical records.*  
-ACW