

1 10A NCAC 13D .2402 is amended with changes as published in the NCR Volume 29, Issue 01, pps. 17-18, as  
 2 follows:

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 4 **10A NCAC 13D .2402 PRESERVATION OF MEDICAL RECORDS**

5 (a) ~~The manager of medical records~~ A facility shall ensure that keep ~~medical records~~ records, whether original,  
 6 computer media or microfilm, be kept on file for ~~a minimum of~~ five years following the discharge of an adult  
 7 patient.

8 (b) ~~The manager of medical records shall ensure that if~~ Notwithstanding Paragraph (c) of this Rule, if ~~{H}~~ the  
 9 patient is a minor when discharged from the nursing facility, then the records shall be kept on file until his or her  
 10 19th birthday and for the timeframe specified in G.S. 1-17(b) for commencement of an action on behalf of a minor.  
 11 ~~and, then, for five years.~~

12 (c) If a facility discontinues operation, the licensee shall ~~make known to~~ inform the Division of Health Service  
 13 Regulation where its records are stored. Records ~~are to~~ shall be stored ~~in~~ with a business offering medical record  
 14 storage and retrieval services for ~~at least~~ at least ~~five~~ years after the closure date.

15 ~~(d) The manager of medical records {A facility} may authorize the microfilming {copying} of medical records.~~  
 16 ~~Microfilming {Copying} may be done on or off the premises. If done off the premises, the facility shall take~~  
 17 ~~precautions to ensure the confidentiality and safekeeping of the records. The original of the microfilmed medical~~  
 18 ~~records shall not be destroyed until the manager of medical records has had an opportunity to review the processed~~  
 19 ~~film for content.~~

20 (e) ~~Nothing in this Subchapter shall be construed to prohibit the use of automation of medical records, provided that~~  
 21 ~~all of the provisions in this Rule are met and the medical record is readily available for use in patient care.~~

22 ~~{(e)}~~ (d) All medical records are confidential. ~~Only authorized personnel shall have access to the records. Signed~~  
 23 ~~authorization forms concerning approval or disapproval of release of medical information outside the facility shall~~  
 24 ~~be a part of each patient's medical record.~~ The facility shall be compliant with 42 CFR Parts 160,162 and 164 of the  
 25 Health Insurance Portability and Accountability Act. ~~Representatives of the Department shall be notified at the time~~  
 26 ~~of inspection of the name and record number of any patient who has denied medical record access to the~~  
 27 ~~Department.~~

28 ~~{(f)}~~ (e) At the time of the inspection, the facility shall inform the surveyor of the name of any patient who has  
 29 denied the Department access to ~~{their}~~ his or her medical ~~{record.}~~ record pursuant to G.S. 131E-105.

30 (g) ~~Medical records are the property of the facility, and they shall not be removed from the facility except through a~~  
 31 ~~court order. Copies shall be made available for authorized purposes such as insurance claims and physician review.~~

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 33 *History Note: Authority G.S. 131E-104; 131E-105;*

34 *Eff. January 1, 1996.*

35 *Amended Eff. November 1, 2014.*