

1 10A NCAC 13D .2402 is proposed for reoption with changes as follows:

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3 **10A NCAC 13D .2402 PRESERVATION OF MEDICAL RECORDS**

4 (a) A facility shall keep medical records on file for five years following the discharge of an adult patient.

5 (b) Notwithstanding Paragraph (c) of this Rule, if the patient is a minor when discharged from the nursing facility,
6 ~~then~~ the records shall be kept on file until his or her 19th birthday and for the ~~timeframe~~ additional time specified in
7 G.S. 1-17(b) for commencement of an action on behalf of a minor.

8 (c) If a facility discontinues operation, the licensee shall inform the Division of Health Service Regulation where its
9 records are stored. ~~Records shall be stored with a business offering medical record storage and retrieval services for~~
10 ~~five years after the closure date.~~ For five years after a facility discontinues operations, records shall be stored with a
11 business offering medical record storage and retrieval services.

12 (d) All medical records are confidential. ~~The~~ A facility shall ~~be compliant~~ comply with 42 CFR Parts 160, 162 and
13 164 of the Health Insurance Portability and Accountability Act.

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

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

18 *Eff. January 1, 1996.*

19 *Amended Eff. November 1, ~~2014~~. 2014;*

20 *Readopted Eff. July 1, 2016.*