

1 10A NCAC 13D .2402 is proposed for reoption 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 the records shall be kept on file until his or her 19<sup>th</sup> birthday and for the additional time specified in G.S. 1-17(b) for  
7 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. For five years after a facility discontinues operations, records shall be stored with a business  
10 offering medical record storage and retrieval services.

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

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

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

17 *Eff. January 1, 1996;*

18 *Amended Eff. November 1, 2014;*

19 *Readopted Eff. July 1, ~~2016-2016~~;*

20 *Readopted Eff. August 1, 2026.*