

1 10A NCAC 13D .2402 is proposed for amendment as follows:

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

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

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

10 (c) If a facility discontinues operation, the licensee shall ~~make known to~~ inform the Division of Health Service  
11 Regulation where its records are stored. Records ~~are to~~ shall be stored in a business offering retrieval services for at  
12 least ~~4~~ five years after the closure date.

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

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

20 (f) ~~(e)~~ All medical records are confidential. Only authorized personnel shall have access to the records. Signed  
21 authorization forms concerning approval or disapproval of release of medical information outside the facility shall  
22 be a part of each patient's medical record. The facility shall be compliant with the Health Insurance Portability and  
23 Accountability Act. Representatives of the Department shall be notified at the time of inspection of the name and  
24 record number of any patient who has denied medical record access to the Department.

25 (f) At the time of inspection, the facility shall inform the surveyor of the name of any patient who has denied the  
26 Department access to their medical record.

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

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

32 *Eff. January 1, ~~1996~~. 1996;*

33 *Amended Eff. November 1, 2014.*