

**TITLE**

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Documentation, Storage and Destruction of Protected Health Information

**PURPOSE**

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In accordance with 45 CFR Subpart D, 45 CFR § 164.316 and Arizona Revised Statutes Title 39, this procedure provides guidance to The University of Arizona (UA) Health Care Components (HCCs) regarding the proper procedures for retention of medical and human subjects research records that comply with the applicable requirements under Arizona law and Federal law.

**REVIEW/REVISIONS**

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- 06/ 2015

**REFERENCES AND RELATED FORMS**

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- Capitalized terms are defined in HIPAA Privacy Program Guidance (Definitions of Key Words) and 45 CFR Parts 160 and 164
  - See UA Records Management & Archives: <http://rmaa.arizona.edu/retention>
  - See UA Human Subjects Protection Program for additional information about records retention requirements for human subjects research.

**STANDARDS**

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HCCs will create and retain documentation in compliance with HIPAA regulations and Arizona statutes governing public records.

1. Procedures regarding documentation retention and destruction must satisfy the following requirements:
  - a. Appropriate physical, technical and administrative safeguards are provided for;
  - b. The retention period is not less than six (6) years from the time the document was created or the last date it was in effect, whichever is later;
  - c. Destruction of documents is performed in a fashion that protects the confidentiality of the information and pursuant to the applicable Retention Schedule and UA Document Destruction Policy (see [rmaa.arizona.edu](http://rmaa.arizona.edu)).
  - d. HCCs must make documentation available to those persons responsible for implementing the procedures to which the documentation pertains and ensure that the availability of the documentation is made known as part of education, training and awareness activities. HCCs will be responsible for maintaining the documentation in a location known to all staff that needs access to it.
2. Medical Record Retention:
  - a. Adults: If the patient is an adult, the HCC must retain the original or copies of a patient's medical records for at least six (6) years after the last date the adult

- patient received medical or health care services from that provider. See A.R.S. § 12-2297(A)(1).
- b. Children: If the patient is a child, the HCC must retain the original or copies of a patient's medical records either for at least three (3) years after the child's eighteenth birthday or for at least six (6) years after the last date the child received medical or health care services from that provider, whichever date occurs later. See A.R.S. § 12-2297(A)(2).
3. Human Subjects Research Record Retention: Please see the Human Subjects Protection Program website and Investigator Manual for information about record retention and human subjects research: <http://orcr.arizona.edu/h spp>
    - a. If the patient is an adult and involved in human subjects research, the HCC must retain the patient's medical records for at least six (6) years after the study completed.
    - b. If the patient is a child and involved in human subjects research, the HCC must retain the patient's medical records either after the study is completed or until the child's eighteenth birthday, whichever is longer.
  4. Other Retention Requirements: A covered entity must retain the documentation listed below for six (6) years from the date of its creation or the date when it was last in effect, whichever is later.
    - a. Records of designations of covered or hybrid entities (45 CFR § 164.105(c)). See HIPAA Privacy Program Procedure 100 (Health Care Component Designation);
    - b. Records of procedures to comply with HIPAA requirements for electronic security rule (45 CFR § 164.316(b));
    - c. Records of disclosures for which an accounting of disclosures is required (45 CFR 164.528(a)). See HIPAA Privacy Program Guidance: Individual's Right to Request and Accounting of Disclosures of PHI; or
    - d. Records of procedures to comply with HIPAA requirements for privacy rule (45 CFR § 164.530(j)).