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Health Care Newsletter

December 2019

Many Providers and Provider Management Organizations are unaware they are subject to various business, employment and medical record retention laws. The chart below outlines basic record retention requirements for healthcare businesses operating in California.

Type of Record	Minimum Retention Period by Law	Recommended Retention Period
Patient Medical Records		
Services rendered by licensed* : <ul style="list-style-type: none"> • clinics • health facilities • adult day health care centers • home health agencies * such entities must preserve patient records even after the licensee ceases operations.	7 years following patient discharge	10 years
<ul style="list-style-type: none"> • Services reimbursed by Emergency Services Funds • Schedule II drug dispensing and prescribing records 	3 years	5 years
Medi-Cal Patients	10 years	10 years
HMO Health Plans subject to Knox Keene Act	3 years	5 years
Medical records for Workman's Compensation evaluations	5 years	5 years
Pre-Employment Records		
<ul style="list-style-type: none"> • Job applications, resumes • Applicant identification records • Employment referrals 	2 years	Duration of employment + 4 years

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<ul style="list-style-type: none"> • Inquiries about employment opportunities • Recruitment ads or announcements • Announcements of training, promotions or overtime made to employees. 		
Wage Records		
<ul style="list-style-type: none"> • Documentation of hours tracked • Schedules • Overtime calculations • Explanations of wage differentials between genders 	3 years	5 years
Payroll Records		
<ul style="list-style-type: none"> • Employee's Name, Number, Address, Occupation, Sex, Age • Individual Wage Records • Time and Day Workweek Begins • Regular Hourly or Piece Rate • Hours Each Employee worked (daily and weekly) • Overtime and Straight Time Earnings Each Week • Earning for Each Pay Period • Wage Deductions and Additions • Dates of each payday and period it covers 	4 years	Duration of employment plus 4 years
1-9 Forms		

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<ul style="list-style-type: none"> • Employment Eligibility Forms • Verification 	3 years or 1 year after termination, whichever is later	Duration of employment plus 4 years
Employee Personnel Files		
<ul style="list-style-type: none"> • Performance Evaluations • Promotions and Demotions • Disciplinary Notices • Discharge, Layoff, Transfer, and Recall Records • Training and Testing Records • Records of Physicals 	2 years	Duration of employment plus 4 years
Employee Health Records		
<ul style="list-style-type: none"> • First Aid Records for Injuries Causing Loss of Work Time • Chemicals Safety and Exposure Records 	First Aid records of job injuries causing loss of work time must be retained for the duration of employment plus three years, records relating to chemical, pesticide and similar exposures must be retained for the duration of employment plus 30 years	Duration or employment plus 5 years for routine injury/illness records; Duration of Employment plus 30 years (Records of exposure to chemical, pesticide, and similar hazards)
Employee Substance Use Records		
Drug and Alcohol Test Results	5 years	Duration of employment plus 5 years
Unlawful Employment Practices, Claims, Investigations and Legal Proceedings Records		
<ul style="list-style-type: none"> • Personnel and Payroll records of all complaining parties • Personnel and Payroll records of all those holding or applying for similar positions 	Until disposition of case	Until disposition of case and all appeals period have expired

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Employment Contracts		
<ul style="list-style-type: none">• Union Contracts• Employee Contracts	3 years	Indefinitely. (may be relevant if bargaining history is an issue).
Employee Benefits Data		
<ul style="list-style-type: none">• Election of Benefits• Beneficiary Designations• Eligibility Determinations• Cobra Notices• Summary Plan Descriptions and Earnings	6 years, but not less than one year after plan termination	6 years from date of filing annual Plan Year Report
Diversity Hiring Programs		
Affirmative Action Programs and Documents	5 years (discretionary)	5 years