

1.1 **Board of Chiropractic Examiners**

1.2 **Proposed Permanent Rules Relating to Patient Records**

1.3 **2500.5010 RECORDS RETENTION AND ACCESS.**

1.4 Subpart 1. **Records retention plan.** Licensees must prepare a plan for the
1.5 maintenance of records and records disposition in the event the records are relocated or
1.6 become otherwise not readily available.

1.7 A. The plan must be in writing and made available for the patient upon request.
1.8 The plan must state how and where records are to be stored, and how patients may access
1.9 these records, in the event the records are relocated or become otherwise not readily
1.10 available.

1.11 B. The plan must be made available to a designee, such as the licensee's spouse,
1.12 business partner, attorney, or other responsible party to be implemented in the event the
1.13 licensee is unable to implement the records plan. The plan must be updated, or provided to
1.14 a new responsible party, in the event the previous responsible party becomes unwilling,
1.15 unable, or unacceptable in any manner to maintain the records plan.

1.16 C. If the custodianship of records is transferred to another licensee, the
1.17 obligations in this subpart shall transfer to the new custodian of records.

1.18 Subp. 2. **Access to records.** If the records are relocated or are not readily available,
1.19 the requirements in this subpart must be implemented.

1.20 A. The licensee or licensee's designee shall provide a notice to the board
1.21 indicating the location of the records and the method by which patients may acquire
1.22 their records.

1.23 B. The licensee or licensee's designee shall publish the location of the records
1.24 and the method by which patients may acquire their records. The notice shall be published
1.25 at least weekly for one month in a newspaper where circulation encompasses the major

2.1 area of a practitioner's former practice. In the alternative, the licensee may mail the notice
2.2 directly to all patients to whom services have been provided within seven years of this
2.3 notice. The notice must be mailed to the patient's last known address.

2.4 C. The licensee shall make provisions to maintain a voice mail notice on the
2.5 licensee's last known office telephone number which was effective at the time of cessation
2.6 of practice. The message must be maintained for at least six months from the last date
2.7 the practice operated. The notice must advise patients of the location of the records and
2.8 the method by which patients may acquire their records.

2.9 D. The licensee may maintain an active Web site that advises patients of the
2.10 location of the records and the method by which patients may acquire their records.

2.11 E. All records must be provided according to Minnesota Statutes, section
2.12 144.335. In the event of the death of the licensee, the licensee's agent or designee may
2.13 provide complete and accurate copies of the records or provide the original record. If the
2.14 original record is provided, the licensee or licensee's designee may require receipt for the
2.15 delivery of the records. Notwithstanding Minnesota Statutes, section 148.10, subdivision
2.16 1, paragraph (a), clause (18), health care records need not be maintained for longer than
2.17 18 months on behalf of any practitioner who is deceased.

2.18 Subp. 3. **Storage or maintenance of records.** The licensee or the licensee's
2.19 designee may maintain or store records in one of the following manners:

2.20 A. appropriate transfer of the custodianship of the records to another actively
2.21 licensed doctor of chiropractic;

2.22 B. storage at the original site of production, provided that the safety and
2.23 confidentiality of the records is maintained;

2.24 C. storage at a professional records storage facility;

3.1 D. storage at any secure location under the direct control of the licensee or
3.2 licensee's designee; or

3.3 E. use of electronic storage media including but not limited to scans, computer
3.4 media, or other electronically acceptable media.

3.5 Subp. 4. **Disposal.** If the licensee or licensee's designee disposes of any patient
3.6 records, the records must be disposed of in a manner that permanently obliterates any
3.7 and all personally identifying information.

3.8 Hard copy information is information which exists in a reproduced manner, such as
3.9 paper, microfilm, or any other medium which exists in a physical state. The information
3.10 must be destroyed by shredding, burning, chemical destruction, or in a manner that renders
3.11 recovery permanently impossible.

3.12 Soft information is information maintained in any software manner, such as
3.13 computer hard drives, backups, discs, jump drives, cellular telephone storage, or other
3.14 electronic information which may be accessed by computer or other technology. The
3.15 information must be destroyed by forensically wiping a hard drive, USB drive, backup
3.16 media, shredding DVD-R's or CD-R's, or in a manner that renders recovery permanently
3.17 impossible.