

**Recommended Montana Hospital Records Retention and Disposition
Schedule**

Table of Contents	
Section Title	Page Number(s)
Administrative Records	2-3
Admitting Office Records	3
Business Office and Financial Records	3-4
Cardiology Cardiac Rehabilitation Records	4-5
Clinic Records	5
Dietary Records	5
Engineering/Plant Operations Records	5-6
Laboratory, Therapy, and Radiology Records	6-7
Hospital Records	7-8
Medical Staff Records	8-9
Nursing Records	9
Miscellaneous Records	9
Pharmacy Records	10
Physical Therapy Records	10
Public Relations Records	10
Purchasing and Receiving Records	11
Endnote Explanations	
	11-15
Basic Payroll and Personnel Records and Information	
Basic Payroll and Personnel Records and Information	16
Employee History Records and Information	17-20
OSHA Records	20
ERISA Records	21
Union/Employment Contracts and Walsh Healey Public Contracts	21

Administrative Records

Record	Recommended Retention	Explanation
Accident/Incident Reports (subject to civil/legal action)	10 years	See Legal Proceedings endnote 7
Admission and Services Statistics	Permanent	See Industry Standard endnote 5
Alcohol and Narcotics Permits	Permanent	See Duration endnote 6
Annual Reports to Board	Permanent	See Corporate Records endnote 4
Appraisal Reports	Permanent	See Business/Accounting Records endnote 3
CPA/State Board of Accounts/Audit Reports	7 years	See Business/Accounting Records endnote 3
Communicable Disease Report to State and Local Departments of Health	3 years	See Industry Standard endnote 5
Constitution and Bylaws	Permanent	See Corporate Records endnote 4
Correspondence	5 years	See Industry Standard endnote 5
Daily Census	Permanent	See Industry Standard endnote 5
Death Records	10 years after patient's death	See Medical Records endnote 1
Departmental Reports	5 years	See Industry Standard endnote 5
Endowments, Trusts, Bequests	Permanent	See Duration endnote 6
Environmental Liability, and Real Estate Title Insurance	Permanent	See Duration, endnote 6
Expired Insurance Policies	10 years	See Industry Standard endnote 5; Legal Proceedings endnote 7
Financial Reports	Permanent	See Industry Standard endnote 5
Hospital Policies and Procedures	Permanent	See Industry Standard endnote 5, ARM 37.106.330
Joint Commission, State Board of Health and other Inspection Reports	10 years	See Legal Proceedings endnote 7
Licenses, Permits, Contracts	Permanent	See Duration endnote 6

Physician Files	Permanent	See Industry Standard endnote 5
Property Records (Deeds, Title, Leases, etc.)	Permanent	See Duration endnote 6
Public Bid Materials	Permanent	See Industry Standard endnote 5

Admitting Office Records		
Record	Recommended Retention	Explanation
Admission and Discharge Logs	1 year plus current year	See Industry Standard endnote 5
Admission and Discharge Reports	1 year plus current year	See Industry Standard endnote 5
Patient Admission Records (Not Part of Medical Report)	1 year plus current year	See Industry Standard endnote 5

Business Office and Financial Records		
Record	Recommended Retention	Explanation
Annual Audit Reports	7 yrs	Sarbanes Oxley § 802(a)(1) requires 5 year retention of securities audit records, however 17 C.F.R. § 210.2-06 requires retention for 7 years; such information should include memoranda, correspondence, communications, other documents, and any records, including electronic records, that are used in connection with any audit or review of financial statements and that include any conclusions, opinions, analyses, or financial data related to the audit or review
Annual Report of Operations	Permanent	See Industry Standard endnote 5
Bank Deposits	10 years	See Industry Standard endnote 5
Budgets	5 years	See Industry Standard endnote 5
Canceled Checks (All funds)	10 years	See Legal Proceedings, Business Accounting Records

Capital Expenditure Claim Voucher	Permanent	See Industry Standard endnote 5
Cash Receipts	10 years	See Industry Standard endnote 5
Cashiers Tapes	7 years	See Business/Accounting Records endnote 3
Charge Tickets (To patients)	1 year plus current year	See Industry Standard endnote 5
Check Registers	10 years	See Legal Proceedings endnote 7
Credit and Collection Correspondence	5 years	See Industry Standard endnote 5
Current Insurance Policies	Permanent	See Duration endnote 6
Depreciation Records-Equipment	Permanent	See Business/Accounting Records endnote 3; Duration endnote 6
Environmental Liability and Real Estate Title Insurance	Permanent	See Industry Standard, Duration, endnotes 5, 6
Income Daily Summary	7 years	See Business/Accounting Records endnote 3
Journals-General	Permanent	See Industry Standard endnote 5
Ledgers-General	Permanent	See Industry Standard endnote 5
Ledger Cards-Patients	5 years	See Industry Standard endnote 5
Medicare Cost Report and Working Papers	Permanent	See Industry Standard endnote 5
Medicare Records	5 years	42 C.F.R. § 482.24
Medicaid Financial Records	6 1/4 years	See Medicaid Records endnote 9
Operating Fund Claim Vouchers	1 year plus current year	See Industry Standard endnote 5
Posting Audits	7 years	See Business/Accounting Records endnote 3
Vouchers	10 years	See Industry Standard endnote 5
Welfare Agency Record	6 1/4 years	See Medicaid Records endnote 9

Cardiology Cardiac Rehabilitation Records

Record	Recommended Retention	Explanation
Echocardiograms (Consider as part of Medical Record)	5 years	See Medical Records endnote 1
Electrocardiograms (Consider as part of Medical Record)	5 years	See Medical Records endnote 1
Holter Monitor Strips (Consider as part of Medical Record)	10 years	See Industry Standard endnote 5
Rehabilitation Reports (Not Part of Medical Record)	10 years	See Industry Standard endnote 5
Stress Tests (Consider as part of Medical Record)	5 years	See Medical Records endnote 1

Clinic Records

Record	Recommended Retention	Explanation
Appointment Books	3 years	See Industry Standard endnote 5
Attendance Reports-Summary	Permanent	See Industry Standard endnote 5
Medical Records	10 years 10 years for Medicare Advantage patients	See Medical Records endnote 1
Patients Name Index	Permanent	See Industry Standard endnote 5
Social Service (Consider as Confidential Case Histories)	10 years	See Industry Standard endnote 5
Welfare Agency Records	6 1/4 years	See Medicaid Records endnote 9

Dietary Records

Record	Recommended Retention	Explanation
Diabetic and Cardiac Class Records	5 years	See Industry Standard endnote 5
Diet Instruction Records	5 years	See Industry Standard endnote 5
Food Costs	5 years	See Industry Standard endnote 5
Meal Counts	1 year plus current year	See Industry Standard endnote 5
Meal Pattern Cards	2 years	See Industry Standard endnote 5

Menus	2 years	See Industry Standard endnote 5
-------	---------	---------------------------------

Engineering/Plant Operations Records

Record	Recommended Retention	Explanation
Blue Prints	Permanent	See Industry Standard endnote 5
Environmental Items Regarding Equipment	Permanent	See Industry Standard endnote 5; Duration endnote 6
Equipment Operating Instructions	Life of the equipment	See Industry Standard endnote 5; Duration endnote 6
Equipment Records by Location	Permanent	See Industry Standard endnote 5; Duration endnote 6
Equipment Records on Inspection and Maintenance	5 years	See Industry Standard endnote 5
Inspection Reports of Grounds and Buildings	5 years	See Industry Standard endnote 5
Maintenance Worklogs	1 year plus current year	See Industry Standard endnote 5
Meeting Minutes-Safety Committee	5 years	See Industry Standard endnote 5
Purchase Orders	2 years	See Industry Standard endnote 5
Temperature Charts	2 years	See Industry Standard endnote 5
Watchman Clock Dials	2 years	See Industry Standard endnote 5
Work Orders	2 years	See Industry Standard endnote 5

Laboratory, Therapy, and Radiology Records

Record	Recommended Retention	Explanation
Appointment Books	3 years	See Industry Standard endnote 5
Blood Donor Histories	Permanent	See Blood Transfusion Records endnote 10
Blood Transfusions	Permanent	See Blood Transfusion Records endnote 10
CAP Survey Reports (Lab)	Permanent	See Industry Standard endnote 5
Index to Patients' Records	Permanent	See Industry Standard Endnote 5

Mammograms (Original film and reports)	At least 5 years for film (10 years if patient does not receive additional films in first 5 years). 10 years for interpretations.	See Medical Records endnote 1
Occupational Medicine Records	Thirty (30) years after termination of employment	See Industry Standard endnote 5
Pathology Reports	10 years	See Blood Transfusion Records endnote 10; Medical Records endnote 1
Pathology Slides	10 years	See Blood Transfusion Records endnote 10; Medical Records endnote 1
Radioisotopes-Receipt, Transfer, Use, Storage, Delivery, Disposal and Reports	5 years	42 C.F.R. § 482.53(d).
Register of Tests (Chronological)	5 years	See Industry Standard endnote 5
Request for Tests	1 year	See Industry Standard endnote 5
Roentgenograms	5 years (7 years for chiropractors)	See Industry Standard endnote 5 (For chiropractors: ARM 24.126.411)
Test Results (Excluding Radiology Pathology)	2 years (if originals are in Medical Record)	See Industry Standard endnote 5
Therapy Treatment Records – Inpatients	10 years	See Medical Records endnote 1
Therapy Treatment Records – Outpatients	10 years	See Medical Records endnote 1
Tissue Specimens	10 years	See Blood Transfusion Records endnote 10; Medical Records endnote 1
X-Rays	5 years for film, but interpretations retained for 10 years (7 years for chiropractors)	See Industry Standard endnote 5 (For chiropractors: ARM 24.126.411)
All Other Laboratory Records	10 years	See Medical Records endnote 1

Hospital Records

Record	Recommended Retention	Explanation
Admission Lists	1 year plus current year	See Industry Standard endnote 5
Ambulatory Surgical Outpatient Center Records	10 years	See Medical Records endnote 1; Mont. Code Ann. § 37.106.506
Annual Reports to Government Agencies	Permanent	See Industry Standard endnote 5
Audits	5 years	See Industry Standard endnote 5
Birth Records	10 years	See Medical Records endnote 1
Census Sheets	Permanent	See Industry Standard endnote 5
Death Records	10 years	See Medical Records endnote 1
Death Register	5 years	See Industry Standard endnote 5
Deceased Patients' Medical Records	10 years after death	See Medical Records endnote 1
Disease Index	5 years	See Industry Standard endnote 5
Emergency Room Log	5 years	See 42 CFR 489.20(r)(1) (See also EMTALA Interpretive Guidelines for more information on ER Logs).
Fetal Monitor Strips (Not in Medical Record)	10 years	See Industry Standard endnote 5
HIPAA Documents	6 years. A record of people to whom health care information was disclosed must be maintained for 3 years.	45 C.F.R. § 164.530(j)(2); Mont. Code Ann. § 50-16-525; see HIPAA Documents endnote 2
Inpatient Records other than medical records (See Medical Records below)	10 years	See Industry Standard endnote 5
Medical Records (Inpatient and Outpatient)	10 years.	See Medical Records endnote 1
Minor's Records (including Birth Records)	10 years after the age of 18	See Medical Records endnote 1
OR/RR Logs	1 year plus current year	See Industry Standard endnote 5
Patient Index	Permanent	See Industry Standard endnote 5
Physician Index	5 years	See Industry Standard endnote 5
Psychiatric Reports to State Department of Health	Permanent	See Industry Standard endnote 5

Statistic Books	5 years	See Industry Standard endnote 5
-----------------	---------	---------------------------------

Medical Staff Records

Record	Recommended Retention	Explanation
Bylaws , Rules, and Regulations	Permanent	See Industry Standard endnote 5
Credentialing File (meaning documents relevant to corrective actions or hearings in appellate review)	<ol style="list-style-type: none"> Files relating to breach of contract actions, 8 years. Files relating to 42 U.S.C. § 1981 (the right to make contracts) discrimination claims, 4 years. Files relating to 42 U.S.C. § 1983 deprivation of rights claims, 2 years. Files relating to federal anti-trust claims under the Sherman Act, 5 years 	<ol style="list-style-type: none"> MCA 27-2-202 28 U.S.C. § 1658; <u>Jones v. R.R. Donnelley & Sons Co.</u>, 541 U.S. 369 (2004) <u>Hardin v. Straub</u>, 490 U.S. 536, 542 (1989); MCA § 27-2-211 18 U.S.C. § 3282

Nursing Records

Record	Recommended Retention	Explanation
Applications – Non-employees	2 years	See Industry Standard endnote 5
Continuing Education	Length of employment plus 3 years	See Industry Standard endnote 5
Minutes of Meetings	2 years	See Industry Standard endnote 5
Patient Safety Committee Minutes	5 years	See Industry Standard endnote 5
Peer Review Committee Minutes	5 years	See Industry Standard endnote 5
Policies and Procedures	Permanent	See Industry Standard endnote 5

Miscellaneous Records

Record	Recommended Retention	Explanation
CAH Records	Permanent	See Critical Access Hospital Records endnote 11
Housekeeping Room Record	1 year plus current year	See Industry Standard endnote 5
Payroll and Time Records	See Personnel Below	

Pharmacy Records

Record	Recommended Retention	Explanation
Controlled Substances – Inventory and Orders (Form 1451)	2 years	See Industry Standard endnote 5
Medical Treatment Records	10 years	See Medical Records endnote 1
Methadone dispensed	2 years	ARM 24.174.833
Narcotics Dispensed	2 years	A.R.11
Narcotics Inventory	2 years	See Industry Standard endnote 5
Patient's Name Index	Permanent	See Legal Proceedings endnote 7
Patient Profiles	3 years with ongoing purge for prescription drug registry. 7 years for drug therapy management program pursuant to a collaborative practice arrangement between a pharmacist and physician.	ARM 24.174.1709; ARM 24.174.524

Physical Therapy Records

Record	Recommended Retention	Explanation
Prescriptions	2 years	ARM 24.174.833

Public Relations Records

Record	Recommended Retention	Explanation
Contributor Records	Permanent	See Industry Standard endnote 5
Historical Clippings	Permanent	See Industry Standard endnote 5
Photographs-Institutional	Permanent	See Industry Standard endnote 5
Publications (House organs)	Permanent	See Industry Standard endnote 5

Purchasing and Receiving Records		
Record	Recommended Retention	Explanation
Packing Slips	3 months	See Industry Standard endnote 5
Purchase Orders	2 years plus current year	See Industry Standard endnote 5
Purchase Requisitions	2 years	See Industry Standard endnote 5
Receiving Report	2 years	See Industry Standard endnote 5
Return Goods Credits/Memoranda	1 year plus current year	See Industry Standard endnote 5

ENDNOTE EXPLANATIONS

Retention Format: Unless otherwise specified, records may be maintained in an electronic format, so long as the electronic record remains readable, is subject to confidentiality policies and restrictions as applicable, and the electronic format ensures the integrity of the record.

1. Medical Records. Medical records shall comply with the following requirements under ARM 37.106.402:
 - (1) A patient's entire medical record must be maintained, in either its original form or that allowed by ARM [37.106.314\(3\)](#), for not less than 10 years following the date of a patient's discharge or death, or, in the case of a patient who is a minor, for not less than 10 years following the date the patient either attains the age of majority or dies, if earlier.
 - (2) An obstetrical record shall be developed for each maternity patient and must include the prenatal record, labor notes, obstetrical anesthesia notes and delivery record.
 - (3) A record must be developed for each newborn, and shall include, in addition to the information in (2), the following information:
 - (a) observations of newborn after birth;
 - (b) delivery room care of newborn;
 - (c) physical examinations performed on newborn;
 - (d) temperature of newborn;
 - (e) weight of newborn;

- (f) time of newborn's first urination;
 - (g) number, character and consistency of newborn's stool;
 - (h) type of feeding administered to newborn;
 - (i) phenylketonuria report for newborn;
 - (j) name of person to whom newborn is released.
- (4) A patient's entire medical record may be abridged following the dates established in (1) to form a core medical record of the patient's medical record. The core medical record or the microfilmed medical record should be maintained permanently but must be maintained not less than 10 years beyond the periods provided in (1). A core record shall contain at a minimum the following information:
- (a) identification of patient data which includes name, maiden name if relevant, address, date of birth, sex, and, if available, social security number;
 - (b) medical history;
 - (c) physical examination report;
 - (d) consultation reports;
 - (e) report of operation;
 - (f) pathology report;
 - (g) discharge summary, except that for newborns and others for whom no discharge summary is available, the final progress note must be retained;
 - (h) autopsy findings;
 - (i) for each maternity patient, the information required by (2) ; and
 - (j) for each newborn, the information required by (3) .
- (5) Nothing in this rule may be construed to prohibit retention of hospital medical records beyond the period described herein or to prohibit the retention of the entire medical record.
- (6) Diagnostic imaging film and electrodiagnostic tracings must be retained for a period of five years; their interpretations must be retained for the same periods required for the medical record in (1) , but need not be retained beyond those periods.

FDA has issued guidance clarifying the record retention requirements of the Mammography Quality Standards Act requiring retention of mammography films and reports for at least 5 years or 10 years if any subsequent films are created. See [FDA, Mammography Record Retention: What Should I Keep and For How Long, February 16, 2018.](#)

Medicare Managed Care patients (Medicare patients who are covered under a Medicare Advantage Plan), Section 110.4.3 of the Medicare Managed Care Manual [<http://www.cms.hhs.gov/manuals/downloads/mc86c11.pdf>] requires that "records" be maintained for ten (10) years. While not exactly clear, it is assumed that this would include medical records.

Critical Access Hospital Clinical Records: Montana follows the federal administrative rules for CAH clinical record retention. Mont. Admin. R. 37.106.704(1) (citing 42 C.F.R. § 485.638 (2020)). CAH records must be retained for at least six (6) years from the patient's last date of entry, and longer if required by State statute or if the records may be needed in any pending proceeding. 42 C.F.R. § 485.638(c) (2020). A CAH must maintain legible, complete, accurately documented, readily accessible, and systematically organized records and designate a member of the professional staff to maintain records and ensure their accuracy and accessibility. Id. at § 485.638(a)(2)-(3). Additionally, for each patient receiving services at the

CAH, the record must include (1) identification and social data, consent forms, medical history, assessment of health status and needs, summary, disposition, and instructions, (2) reports of examinations, diagnostic and laboratory results, (3) doctors' orders, reports of treatment and medication, nursing notes, and other pertinent information to patient's progress, and (4) dated signatures of the doctor or health care professional. *Id.* at § 485.638(a)(4).

2. HIPAA Documents. The Health Insurance Portability and Accountability Act (Public Law 104-191), effective April 14, 2003, requires a retention period for documents created in accordance with the documentation requirements under HIPAA. 45 C.F.R. § 164.530(j)(2). The retention period is six (6) years from the date of document creation or the date the document was last in effect, whichever is later. *Id.* These documents specifically include accountings of disclosures, amendments to medical records and responses thereto, and requests for accountings of disclosures. Such documents may also include policies and procedures with respect to protected health information, written communications, and other documented actions, activities, or designations required under HIPAA.

Mont. Code Ann. § 50-16-525 A health care provider shall maintain, in conjunction with a patient's recorded health care information, a record of each person who has received or examined, in whole or in part, the recorded health care information during the preceding 3 years, except for a person who has examined the recorded health care information under 50-16-529(1) or (2). The record of disclosure must include the name, address, and institutional affiliation, if any, of each person receiving or examining the recorded health care information, the date of the receipt or examination, and to the extent practicable a description of the information disclosed.

3. Business and Accounting Records. Generally, all business and accounting records should be retained for at least seven (7) years due to requirements found in Internal Revenue Service Code and Regulations. A general requirement is that records must be retained for so long as the contents thereof may become material in the administration of any Internal Revenue Service Code provision. Thus, some records may indeed be material for tax purposes so long as the business is in existence. Other records should be kept for as long as the IRS may bring an action against an organization, which is a seven (7) year period of limitations under 26 U.S.C. § 6501(e) (2008). For example, the IRS has increased the amount and detail of documents exempt organizations must disclose under the new Form 990, which requires disclosure of financial information, compensation information, governing documents, conflict of interest policies, auditing information and policies, among others. These records and information whose disclosure the new Form 990 requires should be kept for at least the seven (7) year period of limitations. However, the IRS will have no time limitation for bringing a claim where the taxpayer has willfully attempted to evade taxation in any manner or has failed to file a return. Please note, some business and accounting records should be kept longer than seven (7) years, depending on their use. For example, if a hospital is taking deductions for the depreciation of equipment, it should keep records of those depreciations as long as it depreciates the equipment and then long enough afterwards in case the IRS brings suit.

Under Montana Law, all Medicaid providers must retain all records that support a claim for a service or item for a period of at least six years and three months. See Medicaid Records, endnote 9. Thus, providers must retain program-related medical and financial information for at least six years and three months after the date of service.

4. Corporate Records. Most corporate records should be maintained permanently inasmuch as there is no

particular reason why an entity would want to dispose of such records. This would include records such as minutes of all board meetings, bylaws, articles of incorporation and similar documents.

5. Industry Standard. There are no specific statutes or regulations (except as noted) which speak directly to the retention requirements for this type of record. Thus, any of the logs, copies of tests results, etc. may be kept according to hospital policies and guidelines established for an individual institution or in accordance with what Hall Render has determined as being the industry standard in past years.
6. Duration. It is necessary to keep some documents, such as licenses, permits, etc., for at least the duration of their validity because of their essential nature to the operation or well-being of a facility. After such documents expire, or their time of use is no longer valid, the documents should be retained for the duration relevant to the applicable statute of limitations per the Legal Proceedings Standard in endnote 7 or, if not applicable, the Industry Standard in endnote 5..
7. Legal Proceedings. Any records that are directly or even indirectly involved in litigation, claims, negotiations, etc. should, at an absolute minimum be maintained until the issues involved are fully resolved. It is recommended that these records be kept indefinitely and certainly any settlement papers should be kept permanently. Some records should also be retained, at the minimum, until the statute of limitations runs where after, in certain instances, a claimant cannot bring an action against a hospital. The statute of limitations for general personal injuries is three (3) years, and two (2) years for most medical malpractice actions. See Mont. Code Ann. § 27-2-204; 27-2-205. For actions upon contracts or liabilities set out in writing, the action must be brought within eight (8) years; for those not in writing, the action must be brought within five (5) years. § 27-2-202(1); § 27-2-202(2). An action based on other obligations not set out in writing must be brought within three (3) years. § 27-2-202(3). Further, actions for injuries involving property must be brought within five (5) years. § 27-2-207. Finally, actions not explicitly provided for in Mont. Code Ann. § 27-2-201 to § 27-2-216 must be brought within five (5) years. § 27-2-231. However, it may be longer or shorter depending on the circumstances giving rise to a specific dispute. Please consult Hall Render or other legal counsel for further guidance on these issues.
8. Medicare Records. Pursuant to the Medicare Claims Processing Manual (CMS Pub. 100-4), Chapter 1, §§110 - 110.3, Medicare cost report materials and medical records to which the reports support must be maintained for five (5) years after the month the cost report is filed with the Intermediary. This includes original invoices, canceled checks, the Hospital copies and materials used in preparing the cost report, other similar cost reports, schedules, related worksheets, contracts and records dealing with outside sources of medical supplies, services for related organization. CMS requires that Medicare managed care program providers retain their financial records, documents and evidence of account procedures and practices for ten (10) years. 42 CFR § 422.504(d). If providers subcontract services that would cost more than ten thousand dollars (\$10,000) over a twelve (12) month period, then they must include a clause in the subcontract that until the expiration of four (4) years after the furnishing of such services pursuant to such subcontract, the provider must make available the subcontract, books, documents and records of such organization that are necessary to verify the nature and extent of its costs. 42 CFR § 420.302(b).
9. Medicaid Records. Pursuant to ARM 37.85.414, all providers of service must maintain records which fully demonstrate the extent, nature and medical necessity of services and items provided to Montana Medicaid recipients. The records must support the fee charged or payment sought for the services and items and demonstrate compliance with all applicable requirements. Financial records pertaining to

Medicaid must be retained for a period of at least six years and three months from the date on which the service was rendered or until any dispute or litigation concerning the services is resolved, whichever is later.

10. Blood Transfusion Records. CLIA regulations require that blood transfusion records be retained for ten (10) years after processing, or six (6) months after the latest expiration date for the product. 21 C.F.R. § 606.160(d). If there is no expiration date on blood or a blood component, their records should be retained indefinitely. Nonetheless, if such records are kept as part of the medical record, they should be retained for ten (10) years pursuant to our medical records retention guideline (See Endnote 1). However, we recommend keeping blood transfusion records and donor records permanently due to the potential for the spread of infectious/communicable disease, the discovery of which could occur outside the retention period.

11. Critical Access Hospital Records. Recommend permanent retention of records that pertain to the Critical Access Hospital's eligibility for CAH status for billing and administrative purposes or exemptions from eligibility requirements under various programs. In order to qualify as a Critical Access Hospital (CAH) in Montana, the facility must be either (1) located more than thirty-five (35) road miles, or if located in mountainous terrain, fifteen (15) miles, from a hospital or another CAH, or (2) a necessary provider of health care services to the residents of the area where the CAH is located. Mont. Code Ann. § 50-5-233(1)(a) (2005). Additionally, the facility must (1) provide twenty-four (24) hour emergency care, (2) comply with bed limitations (in Montana a CAH can maintain up to twenty-five (25) inpatient beds), (3) provide inpatient care for a period not exceeding ninety-six (96) hours annually for each patient, (4) comply with staffing requirements under 42 U.S.C. 1395i(c)(2)(B)(iv), and (5) operate a quality assessment and performance improvement program and follow proper review procedures as specified in 42 U.S.C. 1395x(aa)(2)(I). Id. at §50-5-233(1)(b)-(f).

PERSONNEL RECORD RETENTION REQUIREMENTS

Employers must ensure that their record keeping practices adhere to all of the numerous statutes and regulations dictating what types of records must be retained and the corresponding periods of retention. Below is a listing of record retention requirements of specific interest to those dealing in human resources. The chart considers the records involved, the period of retention, and the statutory foundation for these requirements.

Basic Payroll and Personnel Records and Information		
Record	Recommended Retention	Explanation
<p>Payroll Records Includes:</p> <p>a. Basic payroll records which includes name, home address, date of birth, sex, occupation, rate or basis of pay and terms of compensation, start of work week (time and day), daily and weekly hours of work per pay period, total daily or weekly straight time earnings, total overtime compensation for the workweek, total compensation paid, total additions to or deductions from wages paid, total wages each pay period, basis of payment (e.g. "\$/month" or "\$/an hour"), and date of payment and the pay period covered by payment.</p> <p>b. For each non-exempt employee under FLSA, include regular hourly rate of pay for any week in which overtime occurs. And records of additions to or deductions from payroll.</p>	<p>a. 3 years: Basic payroll records (See also personnel records below) and certificates and notices of Wage-Hour Administrator.</p> <p>b. 3 years: Wage rate tables, work time schedules, job evaluations, merit and seniority systems, records of deductions or additions to pay.</p>	<p>a. Fair Labor Standards Act (29 C.F.R. § 516.5); Family Medical Leave Act (29 C.F.R. § 825.500); Age Discrimination in Employment Act (29 C.F.R. § 1627.3); ARM 24.16.6102(1)</p> <p>b. 29 C.F.R. § 516.6; ARM 24.16.6102(4)(d)</p>
<p>Employment Eligibility Verification Includes: Employment Eligibility Verification Form (INS Form I-9).</p>	<p>3 years after date of hire (commences on the date of execution of the I-9) or 1 year after date employee is terminated, whichever is later.</p>	<p>Immigration Reform and Control Act of 1986 (8 U.S.C. § 1324a; 8 C.F.R. § 274a.2(c)(2))</p>

Employee History Records and Information

Record	Recommended Retention	Explanation
<p>Personnel or Employment Records Includes: Any employment record made or kept, including applications and records having to do with hiring, promotion, demotion, transfer, layoff, recall, or termination, replies to job advertisements (including records of failure to hire), test papers in connection with aptitude tests, physical examination results, job orders submitted to employment agencies or unions, any advertisements or notices to public or employees re: job openings, promotions, trainings, or opportunities for overtime, requests for reasonable accommodation, and selection for training or apprenticeship.</p>	<p>1 year from date of making record or taking personnel action (i.e. termination), whichever is later, or until any relevant charge of discrimination reaches final disposition.</p>	<p>Title VII of Civil Rights Act and Americans with Disabilities Act (See 29 C.F.R. § 1602.14); Age Discrimination in Employment Act (See 29 C.F.R. § 1627.3)</p>
<p>Employee Health Records Includes: Any employee health record included but not limited to: (1) medical and employment questionnaires/histories, (2) the results of medical examinations and tests; (3) medical opinions, diagnoses, progress notes, or recommendations; (4) first aid records; (5) description of treatments and prescriptions; and (6) employee medical complaints.</p> <p>Employee medical records include both individual medical records and general research or statistical studies based on information collected from medical records. Health records of employees who have worked less than one year for the employer need not be retained beyond the term of employment if they are provided to the employee upon termination of employment.</p>	<p>30 years after termination of employment</p>	<p>29 C.F.R. § 1910.1020(c)(6)(i), (d)(1)(i)</p>

	<p>Employee Workplace Exposure Records Includes: Records which contain information concerning the health status of an employee or employees exposed or potentially exposed to toxic materials or harmful physical agents. These records may include, but are not limited to: (1) workplace monitoring/measuring of toxic substance and related information re: interpretation of results; (2) the biological monitoring results which assess the absorption of a toxic substance; (3) medical safety data sheets; (4) chemical inventory/other record to identify toxic substance/harmful agent These records include both individual medical records and general research or statistical studies based on information collected from medical records.</p>	<p>30 years after termination of employment.</p>	<p>29 C.F.R. § 1910.1020(d)(1)(ii)</p>
	<p>Personnel Records Related to EEOC Charge Includes: Personnel records relevant to bias charge or action by EEOC or Attorney General against employer, including, for example, records relating to charging party and to all other employees holding similar positions, application or test papers completed by unsuccessful applicants and by all other applicants applying for same position.</p>	<p>Until final disposition of charge or action.</p>	<p>Title VII of Civil Rights Act (29 C.F.R. § 1602.21(b))</p>

	<p>FMLA Records Includes: Dates FMLA leave is taken; hours FMLA leave is taken if taken in less than full day increments; copies of employee notices including general and specific notices given to employees as required under FMLA; documents describing benefits or employer policies/practices regarding the taking of unpaid or paid leave; premium payments of employee benefits; records of any dispute regarding designation of FMLA leave; and records or documents regarding medical certifications, recertifications, or medical histories (must be kept in separate files and treated as confidential).</p>	3 years	Family Medical Leave Act (29 C.F.R. § 825.500(b))
	<p>Employment Information Report Includes: Form EEO-1 for those employers with 100 or more employees.</p>	Copy of most recent report filed for each reporting unit must always be retained at each such unit or company or divisional headquarters.	Title VII of Civil Rights Act (29 C.F.R. § 1602.7)
	<p>Apprenticeship Reports Includes: a. Those required to file apprenticeship reports shall maintain a (1) chronological list of names and addresses of all applicants, dates of application, sex, minority group identification, or (2) file of written applications containing same information. b. Any other record made solely for completing EEO-2 or similar reports.</p>	<p>a. 2 years from date of application, or, if an annual report is required by the Commission, 2 years or period of successful applicant's apprenticeship, whichever is longer. A copy of the most recent apprenticeship report should be maintained at all times b. EEO-2 records or supporting records must be kept 1 year from date of report.</p>	Title VII of Civil Rights Act (29 C.F.R. § 1602.15 and § 1602.21)

	<p>Affirmative Action Programs Includes: All documents related to affirmative action programs including required utilization analysis and utilization evaluation for supply and service contractors and subcontractors.</p>	<p>Maintain all documents for the life of the program and a minimum of 1 year following the completion of the program.</p>	<p>Executive Order 11246 , 41 C.F.R. § 60-1.12</p>
	<p>Employee Benefit Plans Includes: Employee Benefits Plans, written seniority or merit rating systems and related documents.</p>	<p>Maintain during period of plan or system plus 1 year.</p>	<p>Employment Act (29 C.F.R. § 1627.3(b)(2)</p>

OSHA Records		
Record	Recommended Retention	Explanation
<p>OSHA Records Includes: Form 101 (Workers Comp. Board First Report of Injury); Form 200, Log and Summary of Occupational Injuries and Illnesses; OSHA 300 log; privacy case list, 301 incident forms; annual summary.</p>	<p>5 years from the end of the calendar year the records cover</p>	<p>Occupational Safety and Health Act § 9. (29 C.F.R. § 1904.44 and 1904.33)</p>
<p>OSHA Exposure Monitoring Includes: All health records of employees who are exposed to toxic or other designated hazardous products (e.g. bloodborne pathogens) and other related exposure monitoring records.</p>	<p>30 years from date of exposure</p>	<p>Occupational Safety and Health Act (29 C.F.R. § 1910.1020(d)(1)(ii))</p>

ERISA Records

Record	Recommended Retention	Explanation
<p>ERISA Report filings Includes: Documents and reports of matters subject to the ERISA reporting and disclosure requirements including, annual reports, SARs, SPDs, and SMMs.</p>	<p>6 Years from date of filing the reports or documents or 6 years after the reports or documents would have been filed if not for an exemption or simplified reporting requirement.</p>	<p>Employee Retirement Income Security Act § 107. (29 U.S.C. § 1027; 29 U.S.C. § 1024(2), (3))</p>
<p>ERISA Supporting Documents Includes: Documents which support ERISA reports with enough detail to allow verification and clarification including, vouchers, worksheets, receipts, and applicable resolutions.</p>	<p>6 Years from date of filing the reports or documents or 6 years after the reports or documents would have been filed if not for an exemption or simplified reporting requirement.</p>	<p>Employee Retirement Income Security Act § 107. (29 U.S.C. § 1027; 29 U.S.C. § 1021(k))</p>

UNION/EMPLOYMENT CONTRACTS AND WALSH-HEALEY PUBLIC CONTRACTS

Record	Recommended Retention	Explanation
<p>Union Related Records Includes: Documents that verify payments to union representatives and labor consultants as well as other related documents.</p>	<p>5 Years</p>	<p>Labor-Management Reporting and Disclosure Act § 10 (29 U.S.C. § 436)</p>
<p>Union Contract/Employment Includes: Collective bargaining agreements or individual employee contracts.</p>	<p>3 Years following termination of contract.</p>	<p>Fair Labor Standards Act (29 C.F.R. § 516.5)</p>
<p>Walsh-Healey Public Contracts Includes: a. Injury frequency rate data, record of each worker's sex, plus identifying number of contract on which each person worked. b. The OSHA 300 Log, the privacy case list (if one exists), the annual summary, and the OSHA 301 Incident Report forms.</p>	<p>a. 3 years b. 5 years following the end of the calendar year that these records cover.</p>	<p>Walsh-Healey Public Contract Act (41 C.F.R. § 50-201.502 referencing 29 C.F.R. § 1904.33)</p>