

## **MAINTENANCE AND RETENTION OF MEDICAL RECORDS IN MICHIGAN**

On December 22, 2006, a new law was signed in Michigan which impacts the maintenance and retention of medical records. Key elements of the new law include:

1. Physicians who sell or close their practice, or otherwise cease to operate or practice must provide notice to the Michigan Department of Community Health specifying who will have custody of the records and how a patient may request access to or copies of his or her medical records. This requirement also applies when physicians sell their practices to another entity.
2. Physicians and other providers who are licensed under the Michigan Public Health Code are required to maintain a medical record for each patient.
3. Physicians must maintain medical records for a minimum of seven years, unless federal or state laws or regulations or generally accepted standards of medical practice require a longer retention period.
4. Physicians applying for a license or license renewal are required to include an affidavit with the application stating that he or she has a written policy for maintaining and protecting medical records and for otherwise complying with the legal requirements.
5. Failure to comply with these medical records maintenance and retention requirements could result in an administrative fine of \$10,000.00.

Physicians should review and modify their medical record retention policies and procedures to ensure that they comply not only with this new law but with other applicable laws as well. For assistance, please contact James A. Christopherson, Dingeman, Dancer & Christopherson, P.L.C., 100 Park Street, Traverse City, MI 49684, (231) 929-0500, email at: [Christopherson@ddc-law.com](mailto:Christopherson@ddc-law.com).

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