



HIPAA and Medical Records Retention Requirements by State

The Health Insurance Portability and Accountability Act (HIPAA) requires Covered Entities and Business Associates to maintain required documentation for a minimum of six (6) years from the date of its creation, or the date when it last was in effect, whichever is later.¹ HIPAA preempts state requirements if the state has a shorter retention period. If you have any questions specific to your state’s record retention policies, it is best to contact your legal counsel for their recommendations.

Total HIPAA Compliance has created a table of each state’s medical records retention requirements for healthcare providers and insurance agents.

Healthcare Providers	
State	Retention Requirement
Alabama	As long as may be necessary to treat the patient and for medical legal purposes. (Ala. Admin. Code r. 545-X-4-.08)
Alaska	7 years (AS § 18.20.085)
Arizona	6 years (A.R.S. § 12-2297)
Arkansas	10 years (Ark. Code R. 007.05.17-14)
California	7 years (22 CA ADC § 70751 (c))
Colorado	10 years (§§ 21.170.1 (b)(1) and (c)(1))
Connecticut	7 years (Conn. Agencies Regs. § 19a-14-42)
Delaware	7 years (Del. Code Ann. tit. 24, § 1761)
D.C.	3 years (D.C. Mun. Regs. tit. 17, § 4612.1)- Follow HIPAA Guidelines
Florida	5 years (Fla. Admin. Code Ann. 64B8- 10.002(3))- Follow HIPAA Guidelines
Georgia	10 years (§ 111-8-40-.18 (1)(h))
Hawaii	7 years (Haw. Rev. Stat. § 622-58 (c))
Idaho	5 years (§ 39-1394 (b))- Follow HIPAA Guidelines
Illinois	10 years (210 ILCS 85/6.17 (c))
Indiana	7 years (Ind. Code Ann. § 16-39-7-1 (b))
Iowa	7 years (Iowa Admin. Code r. 653-13.7(8)(a))
Kansas	10 years (Kan. Admin. Regs. § 100-24-2 (a))
Kentucky	6 years (902 Ky. Admin. Regs. 20:058 Sec. 3 (f)(1))
Louisiana	6 years (La. Rev. Stat. Ann. § 40:1299.96(A)(3)(a))
Maine	7 years (10-144 Me. Code R. Ch. 112 § 3.5.5)
Maryland	5 years (MD. Code Ann., Health–Gen. §§ 4-403(a)–(c))- Follow HIPAA Guidelines
Massachusetts	7 years (243 Mass. Code Regs. 2.07(13)(a))
Michigan	7 years (Mich. Comp. Laws § 333.16213 (1))
Minnesota	7 years (Minn. Stat. § 145.32 (1))
Mississippi	10 years (Miss. Code Ann. § 41-9-69 (1))
Missouri	7 years (Mo. Rev. Stat. § 334.097(2))

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Montana	3 years (Mont. Code Ann. § 50-16-525)- Follow HIPAA Guidelines
Nebraska	10 years (9-006.07A5)
Nevada	5 years (Nev. Rev. Stat. § 629.051 (7))
New Hampshire	7 years (N.H. Code Admin. R. Ann. Med 501.02(f)(8))
New Jersey	7 years (N.J. Admin. Code § 13:35-6.5(b))
New Mexico	10 years (N.M. Code R. § 16.10.17.10 (D))
New York	6 years (N.Y. Education § 6530 (32))
North Carolina	11 years (10A NCAC 13B .3903 (a))
North Dakota	10 years (N.D. Admin. Code. § 33-07-01 (1)(a)(4))
Ohio	6 years (Ohio Admin. Code § 3701-84-11 (e))
Oklahoma	5 years (Okla. Admin. Code § 310:667-19-14)- Follow HIPAA Guidelines
Oregon	10 years (Or. Admin. R. 333-505-0050 (14))
Pennsylvania	7 years (49 Pa. Code § 16.95(e))
Rhode Island	5 years (31-5-41 R.I. Code R. § 11.3)- Follow HIPAA Guidelines
South Carolina	10 years (S.C. Code Ann. § 44-115-120)
South Dakota	10 years (S.D. ADMIN. R. 44:73:09:06)
Tennessee	10 years (Tenn. Comp. R. & Regs. 0880-2-.15 (f))
Texas	7 years (22 Tex. Admin. Code § 165.1(b)(1))
Utah	7 years (Utah Admin. Code §432-100-33)
Vermont	10 years (12-5-14 VT. Code R. §946)
Virginia	6 years (18 Va. Admin. Code § 85-20-26(D))
Washington	10 years (Wash. Rev. Code § 70.41.190)
West Virginia	5 years (W. Va. Code St. R. § 64-12-7.2)- Follow HIPAA Guidelines
Wisconsin	5 years (Wis. Admin. Code Med. § 21.03)- Follow HIPAA Guidelines
Wyoming	3 years (Wyo. Stat. Ann. § 35-2-606)- Follow HIPAA Guidelines

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Insurance Agents	
State	Retention Requirement
Alabama	5 years (Al. Ins. Reg. 482-1-118-03) - Follow HIPAA Guidelines
Alaska	Follow HIPAA Guidelines
Arizona	Follow HIPAA Guidelines
Arkansas	Follow HIPAA Guidelines
California	5 years (10 CCR § 2190.2) - Follow HIPAA Guidelines
Colorado	3 years (3 CCR 702-1. 5 (A)) - Follow HIPAA Guidelines
Connecticut	7 Years (Ct. Ins. Reg. Sec. 38a-432a-7 (a))
Delaware	Follow HIPAA Guidelines
Florida	5 years (Fla. Stat. § 626.748) - Follow HIPAA Guidelines
D.C.	Follow HIPAA Guidelines
Georgia	Follow HIPAA Guidelines
Hawaii	5 years (Ha. Rev. Stat. §431:9A-123) - Follow HIPAA Guidelines
Idaho	Follow HIPAA Guidelines
Illinois	5 years (Ill. Admin. Code Sec. 901.20 (b)) - Follow HIPAA Guidelines
Indiana	Follow HIPAA Guidelines
Iowa	Follow HIPAA Guidelines
Kansas	Follow HIPAA Guidelines
Kentucky	Follow HIPAA Guidelines
Louisiana	Follow HIPAA Guidelines
Maine	3 years (Me. Ins. Code §1447.2) - Follow HIPAA Guidelines
Maryland	5 years (Mar. Stat. §8-210. (a)(1)) - Follow HIPAA Guidelines
Massachusetts	Follow HIPAA Guidelines
Michigan	Follow HIPAA Guidelines
Minnesota	Follow HIPAA Guidelines
Mississippi	Follow HIPAA Guidelines
Missouri	Follow HIPAA Guidelines
Montana	Follow HIPAA Guidelines
Nebraska	Follow HIPAA Guidelines
Nevada	Follow HIPAA Guidelines
New Hampshire	5 years (N.H. Title XXXVII Ins. Chap. 400-B:4 (I)) - Follow HIPAA Guidelines
New Jersey	Follow HIPAA Guidelines
New Mexico	Follow HIPAA Guidelines
New York	Follow HIPAA Guidelines
North Carolina	Follow HIPAA Guidelines
North Dakota	Follow HIPAA Guidelines

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Ohio	Follow HIPAA Guidelines
Oklahoma	Follow HIPAA Guidelines
Oregon	Follow HIPAA Guidelines
Pennsylvania	7 years (41 Pa.B. 5849)
Rhode Island	Follow HIPAA Guidelines
South Carolina	Follow HIPAA Guidelines
South Dakota	Follow HIPAA Guidelines
Tennessee	Follow HIPAA Guidelines
Texas	5 years (Tex. Ins. Code Sec. 1114.052 (g)) - Follow HIPAA Guidelines
Utah	Follow HIPAA Guidelines
Vermont	5 years (Ver. Ins. Div. Reg. 99 - 1 Sec. 7) - Follow HIPAA Guidelines
Virginia	Follow HIPAA Guidelines
Washington	Follow HIPAA Guidelines
West Virginia	Follow HIPAA Guidelines
Wisconsin	Follow HIPAA Guidelines
Wyoming	Follow HIPAA Guidelines

1. 45 CFR § 164.316 (b)(2)(i)