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Owner Lesley Anne
Durant: Privacy &
Data Counsel &
Chief Privacy
Officer
Area Legal
Applicability Privia Health and
All Markets

Retention of Documents

1. Purpose.

This policy provides guidance to ensure medical records and related documents are maintained and retained in accordance with the HIPAA Privacy Rule.

2. Scope.

This policy applies to all entities that are part of the Privia Affiliated Covered Entity and/or Organized Healthcare Arrangement, including, but not limited to all Privia Quality Networks (PQNs) and Medicare Shared Savings Program (MSSP) Participants and Providers/Suppliers.

3. Definitions.

See policy PMG.HPA.000.01, HIPAA Policy Definitions.

1. **Accountable Care Organization (ACO).** A legal entity that is recognized and authorized under applicable State, Federal, or Tribal law, is identified by a Taxpayer Identification Number (TIN), and is formed by one or more ACO participants(s) that is(are) defined at § 425.102(a) and may also include any other ACO participants described at § 425.102(b)
2. **ACO Participant.** An entity identified by a Medicare-enrolled billing TIN through which one or more ACO providers/suppliers bill Medicare, that alone or together with one or more other ACO participants compose an ACO, and that is included on the list of ACO,
3. **ACO Related Individual.** ACO officers, directors, employees, ACO Participant, ACO Provider/Supplier, or any other individual or entity providing functions or services related to ACO Activities.
4. **Medicare Shared Savings Program (MSSP).** Medicare Shared Savings Program, established

under section 1899 of the Social Security Act.

4. Policy.

1. **Medical Records.** All PHI, including medical and financial records contained in the Designated Record Set, must be retained for such period as required by state or federal law, or ten (10) years from the last encounter date, whichever is longer. Medical records relating to minor patients must be retained for three years after the minor reaches the age of majority under applicable state law or ten (10) years from the last encounter date, whichever is longer. Medical records relating to pending litigation must be retained pending the final conclusion of the litigation.
2. **Records Related to Medicare Managed Care Programs.** All documents related to Medicare managed care programs must be retained for at least eleven (11) years.
3. **Records Related to ACOs.** It is the policy of the ACO to maintain all books, contracts, records, documents, and other evidence sufficient to enable the audit, evaluation, investigation, and inspection of the ACO's compliance with program requirements as required by the MSSP Final Rule.
 - The ACO requires all ACO Related Individuals to maintain all books, contracts, records, documents and other evidence (including data related to Medicare utilization and costs, quality performance measures, shared savings distributions, information related to operation of a beneficiary incentive program, and other financial arrangements related to ACO activities) sufficient to enable the audit, evaluation, investigation, and inspection of the ACO's compliance with the MSSP Final Rule, the quality of services performed, right to any shared savings payment, or obligation to repay losses, ability to bear the risk of potential losses, and ability to repay any losses to CMS.
 - Each ACO Participant is responsible for maintaining the records associated with their practice. The ACO is responsible for maintaining the records of the ACO's activities, including records regarding the scope of outcomes-based contracts held by the ACO and/or its Participants with non-Medicare purchasers.
 - The ACO shall maintain, and shall require Participants and providers/suppliers to maintain, records of all remuneration paid or received pursuant to participation in the ACO.
 - CMS, DHS, the Comptroller General, the Federal Government or their designees have the right to audit, inspect, investigate and evaluate any books, contracts, records, documents and other evidence of the ACO and any ACO Related Individual, in accordance with the MSSP Final Rule.
 - All such books, contracts, records, documents and other evidence must be maintained for a period of 10 years from the final date of the agreement period or from the date of completion of any audit, evaluation or inspection, whichever is later, unless:
 - CMS determines there is a special need to retain a particular record or group of records for a longer period and notifies the ACO at least 30 calendar days before the normal disposition date; or

- There has been a termination, dispute or allegation of fraud or similar fault against the ACO or an ACO Related Individual, in which case the ACO must retain records for an additional 6 years from the date of any resulting final resolution of the termination, dispute, or allegation of fraud or similar fault.
4. **Other Documents.** All documents listed below must be retained for six (6) years from the date created or the last effective date, whichever is later:
- All policies related to HIPAA, including uses and disclosures of PHI;
 - Signed authorizations;
 - Notice of Privacy Practices;
 - Documentation regarding the following individual rights:
 - Records and documents relating to an individual's request for access to PHI;
 - Records and documents relating to an individual's request for an amendment to PHI;
 - Records and documents relating to an individual's request for restrictions on the use and disclosure of PHI and Privia's response.
 - Records and documents relating to an individual's request for an accounting of disclosures and Privia's response;
 - Records of PHI disclosures for purposes of treatment, payment, or healthcare operations;
 - Records and documents relating to an individual's request for alternate communication.
 - Individual complaints and outcomes;
 - Records of sanctions imposed on employees, agents, subcontractors or business associates;
 - Documentation related to Privia's designation as a hybrid or affiliated entity or an organized healthcare arrangement;
 - Business associate contracts; and
 - Employee training documentation.
5. **Responsibility.** The Privacy Officer and HIM Director shall be responsible to ensure documents are retained in accordance with this policy

Approval Signatures

Step Description

Approver

Date

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| Deputy General Counsel Approval #2 | Kristen Hall: SVP, Deputy General Counsel | 12/2023 |
| Privacy Leadership Approval #1 | Lesley Anne Durant: Privacy Officer | 12/2023 |
| | Lesley Anne Durant: Privacy Officer | 12/2023 |