

# Record Retention Requirements

Effective Date: 10/19/2017

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## Policy

It is the policy of the ACO to comply with relevant federal and state regulations governing document retention. This will include, but is not limited to, CMS and the Health Insurance Portability and Accountability Act (HIPAA) Privacy Rule.

## Applicability

This policy and procedure applies to all Participants, Providers/Suppliers, and other individuals or entities performing functions or services related to the ACO's activities.

## Procedure

- A. The ACO will:
  1. Maintain and give CMS, the Department of Health and Human Services (DHHS), the Comptroller General, the Federal Government or their designees access to all books, contracts, records, documents, and other evidence (including data related to Medicare utilization and costs, quality performance measures, shared savings distributions, and other financial arrangements related to ACO activities) sufficient to enable the audit, evaluation, investigation, and inspection of the ACO's compliance with program requirements, 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; and,
  2. Maintain such books, contracts, records, documents, and other evidence 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—
    - a. 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 days before the normal disposition date; or,
    - b. There has been a termination, dispute, or allegation of fraud or similar fault against the ACO, its participants, its providers/suppliers, or other individuals or entities performing functions or services related to ACO activities, in which case ACOs 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.
- B. The ACO will also require all Participants, Providers/Suppliers, and other individuals or entities performing functions or services related to the ACO's activities to comply with Section 1, above.
- C. Documents that are no longer in use will be appropriately archived by the ACO in a manner consistent with their record keeping practices.

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- D. Archived files are retained for a period of ten (10) years from the end date of an ACO contract or the completion date of an audit, whichever is later, in accordance with the Medicare Shared Savings Program guidelines.

### Reporting

- A. N/A

### Related Documentation

- A. 42 CFR §425.314(b)
- B. ACO Terms & Definitions Policy
- C. Compliance Plan
- D. Health Insurance Portability and Accountability Act (HIPAA): [https://www.cms.gov/HIPAAgenInfo/02\\_TheHIPAALawandRelated%20Information.asp](https://www.cms.gov/HIPAAgenInfo/02_TheHIPAALawandRelated%20Information.asp)
- E. Medical Records Policy
- F. Privacy & Security of Beneficiary Data Policy

### Additional Guidance

If CMS determines there is a special need to retain a particular record or group of records for a longer period, CMS must provide thirty (30) days before the normal disposition date.