

FLORIDA OSTEOPATHIC PHYSICIANS: MEDICAL RECORDS REQUIREMENTS

This document contains the following rules-

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Florida Administrative Code

Rule Chapter: 64B15-15 Osteopathic Physicians: Medical Records

64B15-15.001 Medical Records of Deceased Physician; Retention; Time Limitations.

(1) The executor, administrator, personal representative or survivor of a deceased osteopathic physician licensed pursuant to Chapter 459, F.S., shall retain medical records in existence upon the death of the osteopathic physician concerning any patient of the osteopathic physician for at least a period of two (2) years from the date of the death of the physician.

(2) Within one (1) month from the date of death of the osteopathic physician, the executor, administrator, personal representative or survivor of the deceased osteopathic physician shall cause to be published in the newspaper of greatest general circulation in the county where the osteopathic physician resided, a notice indicating to the patients of the deceased osteopathic physician, that the osteopathic physician's medical records are available to the patients or their duly constituted representative from a specific person at a certain location.

Specific Authority 456.058, 459.005 FS. Law Implemented 456.058 FS. History—New 7-1-80, Formerly 21R-15.01, Amended 7-19-89, Formerly 21R-15.001, 61F9-15.001, 59W-15.001, Amended 12-22-97.

64B15-15.002 Handling of Patient Records Upon Termination of Practice.

(1) When an osteopathic physician sells or otherwise voluntarily terminates practice, the physician shall notify patients of such termination by causing to be published, in the newspaper of greatest general circulation in the county of practice, a notice which shall contain the date of termination and an address at which the records may be obtained.

(2) When a physician's practice is involuntarily terminated by suspension, emergency or otherwise, the physician shall immediately notify patients of such termination by causing to be published, in the newspaper of greatest general circulation in the county of practice, a notice which shall contain the date of termination and an address at which the records may be obtained. A copy of the notice shall be mailed to the board office within ten days of publication.

(3) In addition to the requirements of subsections (1) and (2) above, the physician shall place in a conspicuous location in or on the facade of the office a sign, announcing the termination of the practice. The sign shall be placed 30 days prior to the termination, when such termination is voluntary, and shall remain until the termination date. When the termination of practice is involuntary, the physician shall immediately cause the sign to be placed and shall remain in place for 30 days.

(4) For purposes of this rule, voluntary termination shall include retirement or relocation of the physician's practice. Involuntary termination shall include suspension, revocation, relinquishment, or expiration of the physician's license to practice osteopathic medicine.

(5) Both the notice and sign shall advise the physician's patients of their opportunity to transfer or receive their records.

(6) For purposes of this rule, an osteopathic physician may ask the Board to be exempt from this rule when relocation occurs in the general area of the practice.

(7) The osteopathic physician shall provide for the retention of medical records in existence concerning any patient of the osteopathic physician for at least a period of two (2) years from the date his practice is sold or otherwise terminated. In the event that the osteopathic physician does not personally retain the medical records, then he shall publish a notice in the newspaper of greatest general circulation in the county in which he practiced immediately preceding termination of his practice, which shall provide the address at which the records shall be retained for the two (2) year period.

(8) Physicians whose patient records are maintained by an institution or health care entity formed under Chapter 641, F.S., shall be exempt from this rule.

(9) Nothing herein precludes a licensee of this Board from receiving records and delivering the records to the patient upon receipt of authorization to release the records.

Specific Authority 456.057, 459.0122 FS. Law Implemented 456.057, 459.0122 FS. History—New 5-13-87, Amended 7-19-89, Formerly 21R-15.002, Amended 1-10-94, Formerly 61F9-15.002, Amended 4-9-95, Formerly 59W-15.002. - 1 -

64B15-15.003 Patient Records; Costs of Reproduction; Timely Release.

(1) Any Osteopathic Physician who makes an examination of or administers treatment to any person shall upon request of such person or his/her legal representative release copies of all reports and patient medical records made of such examination or treatment, including x-rays and insurance information. The furnishing of such copies shall not be conditioned upon payment of an unpaid or disputed fee for services rendered, but may be conditioned upon payment by the requesting party of the reasonable costs of reproducing the records.

(2) Reasonable costs of reproducing copies of written or typed documents or reports shall be as follows:

(a) For the first 25 pages, the cost shall be no more than \$1.00 per page.

(b) For each page in excess of 25 pages, the cost shall be no more than 25 cents.

(3) Reasonable costs of reproducing x-rays, and such other special kinds of records shall be the actual costs. The phrase "actual costs" means the cost of the material and supplies used to duplicate the record, as well as the labor costs and overhead costs associated with such duplication.

(4) An Osteopathic Physician shall comply with a patient's written request for copies of records and reports in a timely manner, with due regard for the patient's health needs. In the absence of circumstances beyond the control of the licensee, timely shall mean less than 30 days.

Specific Authority 456.057, 459.005 FS. Law Implemented 456.057 FS. History—New 10-28-91, Formerly 21R-15.003, 61F9-15.003, 59W-15.003, Amended 4-30-03.

64B15-15.004 Written Records; Minimum Content; Retention.

(1) For the purpose of implementing the provisions of subsection 459.015(1)(o), F.S., osteopathic physicians shall maintain written legible records on each patient. Such written records shall contain, at a minimum, the following information about the patient:

(a) Patient histories;

(b) Examination results;

(c) Test results;

(d) Records of drugs prescribed, dispensed or administered;

(e) Reports of consultations; and

(f) Reports of hospitalizations.

(2) Whenever patient records are released or transferred, the osteopathic physician releasing or transferring the records shall maintain either the original records or copies thereof and a notation shall be made in the retained records indicating to whom the records were released or transferred. However, whenever patient records are released or transferred directly to another Florida licensed physician, or licensed health care provider it is sufficient for the releasing or transferring osteopathic physician to maintain a listing of each patient whose records have been so released or transferred which listing also includes the physician or licensed health care provider to whom such records were released or transferred. Such listing shall be maintained for a period of five (5) years.

(3) In order that the patients may have meaningful access to their records pursuant to Section 455.241, F.S., an osteopathic physician shall maintain the written record of a patient for a period of at least five (5) years from the date the patient was last examined or treated by the osteopathic physician. However, upon the death of the osteopathic physician, the provisions of Rule 64B15-15.001, F.A.C., are controlling.

Specific Authority 459.005 FS. Law Implemented 456.058, 459.015(1)(o) FS. History—New 11-30-94, Amended 10-25-95, Formerly 59W-15.004, Amended 12-22-97

64B15-15.006 Maintenance/Ownership of Patient Records.

(1) The records required in this section and any other patient records shall be properly annotated to identify the physician of record. The physician of record is the physician who:

(a) Is noted in the patient record as the physician of record; or

(b) Provides a treatment or service and is noted in the patient record as the physician of record for that treatment or service; or

(c) If there has been more than one provider of treatment, does the surgical procedure, makes the diagnosis or finishes the service or procedure in question; or

(d) If there has been more than one provider of treatment and neither paragraph (a) or (b) can be determined with reasonable certainty, is the owner physician of the practice in which the patient was seen or treated. However, in situations where the physician is employed by a Health Maintenance Organization (HMO), Corporation, Professional Association, or has entered into a contractual arrangement with state-chartered regional organizations known as Community Health Purchasing Alliances or CHPAs, the employing entity owns the records.

(2) All patient records required by this rule and any additional records maintained in the course of treatment shall be the property of the owner physician or the employing entity as noted in paragraph (1)(d).

(3) The owner physician or the employing entity are ultimately responsible for all record keeping requirements set forth by statute or rule.

Specific Authority 459.005, 459.015(1)(o) FS. Law Implemented 456.057, 459.015(1)(o) FS. History—New 11-30-94, Formerly 59W-15.006.