

## **Records Destruction**

Please be advised that the Department of Mental Health will begin destruction of non-current records including medical records of former patients or other business records/personnel records beginning April 1, 2013. The Department will follow its guidelines under the **Records Disposition Authority** approved by the Department of Archives/State Records Commission in April, 2011. The Department is giving this notice to the public to make them aware that if they have need of their own medical record or of a deceased relative's medical records, they should make a timely decision. As provided for under the Records Disposition Authority, a deceased patient's medical records may be destroyed 21 years after discharge. Since the privacy of a deceased person's medical records survives even the death of the individual under the Health Insurance Portability and Accountability Act (HIPAA), without the individual's consent, court authorization or letters awarded to the personal representative (executor/x) of the estate of a deceased patient must be presented in order to release those records. Medical condition and treatment provided cannot be disclosed to others, including family members, no matter how well intended these members may be, without following this procedure. In other words, a former patient that is still living may give written consent for disclosure of their medical records to the medical records officer at one of our hospitals and that consent will be honored in a reasonably timely manner. Family members will need to obtain a court order and/or be a personnel representative of an estate of that person for our records officers to disclose those records. If you have questions about accessing medical records you may contact, Ginger Harless, Director of Health Information Management at Bryce Hospital or our Privacy Officer, Ashley Nichols in Montgomery or the Bryce Legal Office in Tuscaloosa, or the Legal Office in Central Office, Montgomery, Alabama.