

CORRECTIONAL MANAGED HEALTH CARE POLICY MANUAL	Effective Date: 3/7/2017	NUMBER: H-65.1
	Replaces: 1/8/2016	
	Formulated: 7/89 Reviewed: 10/18	Page 1 of 2

RETENTION/DESTRUCTION OF HEALTH RECORDS

PURPOSE: To ensure Texas Department of Criminal Justice (TDCJ) offender health records are retained upon discharge from TDCJ and destroyed according to the TDCJ records retention schedule.

POLICY: All TDCJ offender health records will be retained at Health Services Archives upon discharge according to the TDCJ records retention schedule and destroyed according to the TDCJ Executive Directive 02.29, *Records Management*.

- I. The Texas Department of Criminal Justice (TDCJ) establishes and maintains a record retention schedule in accordance with the applicable statute of limitations (Article 241.103). Such records will be properly destroyed according to the TDCJ Executive Directive 02.29, with proper documentation submitted to TDCJ Health Services staff once pertinent health care information has been retained on an acceptable archival medium.
- II. Health records of all offenders will be kept in their original form for ten years after discharge from TDCJ. The discharged offender health records will be maintained at Health Services Archives 262 FM 3478 Ste. B, Huntsville, Texas 77320. In the event an offender returns to a TDCJ facility for further incarceration, his/her previous health records will be made available for review and for continuity of care purposes upon request from a facility health care provider. Health care providers requesting records of previous incarcerations are encouraged to be as specific as possible. The requests will be mailed from Health Services Archives staff by regular mail to the health care provider within 5 days of receipt of the request.
- III. All incarcerated offender protected health information scanned legibly into the offender electronic health record must be forwarded to the Health Services Archives off-site warehouse (Hwy 75 location) for proper destruction. All facilities will send boxes of protected health information (PHI) shred material only once a month as scheduled by TDCJ Health Services.
- IV. Prior to sending PHI to the Health Services Archives offsite warehouse, any PHI not required to be scanned into the patient’s EHR, but necessitates destruction, must be kept separate from PHI that has been scanned into the EHR. The PHI must be labeled “scanning not required”.
- V. Upon notification that an offender will be leaving the originating facility of assignment on Bench Warrant status, qualified health services personnel will complete a Texas Uniform Health Status form (HSN-5), to be forwarded with the offender.

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- VI. Health records of an offender on Bench Warrant status will be maintained at the offender's last TDCJ facility location for thirty (30) working days. If the offender does not return to his/her facility of assignment *after thirty (30) working days*, the complete record will be forwarded to Health Services Archives for retention. Health records of Death Row offenders out on Bench Warrant are kept at the Polunsky Facility until their return.

Reference: TDCJ Executive Directive 02.29, Records Management
ACA Standard 4-4415
Texas Health and Safety Code, Article 241.103, Preservation of Records