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**SUBSTITUTE SENATE BILL 5239**

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**State of Washington**

**69th Legislature**

**2025 Regular Session**

**By** Senate Health & Long-Term Care (originally sponsored by Senators Slatter, Nobles, and C. Wilson)

READ FIRST TIME 01/27/25.

1 AN ACT Relating to the retention of hospital medical records; and  
2 amending RCW 70.41.190.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 70.41.190 and 1985 c 213 s 27 are each amended to  
5 read as follows:

6 ~~((Unless specified otherwise by the department, a hospital shall  
7 retain and preserve all medical records which relate directly to the  
8 care and treatment of a patient for a period of no less than ten  
9 years following the most recent discharge of the patient; except the  
10 records of minors, which shall be retained and preserved for a period  
11 of no less than three years following attainment of the age of  
12 eighteen years, or ten years following such discharge, whichever is  
13 longer.))~~

14 (1) A hospital shall retain and preserve all medical records for  
15 a minimum period of 26 years from the date the record was created. A  
16 hospital may retain medical records on paper, microfilm,  
17 electronically, or on other media.

18 (a) This subsection applies to:

19 (i) Medical records created prior to the effective date of this  
20 section and retained or preserved by the hospital on the effective  
21 date of this section; and

1 (ii) Medical records created on or after the effective date of  
2 this section.

3 (b) This subsection does not apply to medical records no longer  
4 retained and preserved by the hospital on the effective date of this  
5 section if the hospital complied with this section as it existed  
6 prior to the effective date of this section when it destroyed or  
7 otherwise disposed of the records.

8 (c) This subsection does not exempt hospitals from compliance  
9 with any other record retention requirements.

10 (2) All information collected at each unique visit is considered  
11 a medical record for the purposes of this section.

12 (3) If a hospital ceases operations, it shall make immediate  
13 arrangements, as approved by the department, for preservation of its  
14 records.

15 (4) The department shall by regulation define the type of records  
16 and the information required to be included in the medical records to  
17 be retained and preserved under this section; which records may be  
18 retained in photographic form pursuant to chapter 5.46 RCW.

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