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# MEDICAL RECORD STORAGE COMPANY AGREEMENTS

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If you are a psychiatrist who maintains paper records, at some point you will likely find that you no longer have sufficient space within your office to store all of your inactive patient files. Fortunately, in many locations, there are secure facilities dedicated to business record storage. As you are considering your various options, carefully review the companies' proposed agreements and watch for the following:

**Access:** How easily can you access your records? Is the facility open 24/7? If you cannot go to your assigned space and retrieve records directly, what is the time frame in which records can be retrieved? Remember, if you are (provided) with a record request, you will only have so much time in which to respond so you must ensure that records can be obtained in a timely manner.

**Business Associate/Confidentiality Agreement:** If you are a covered entity under HIPAA, and the storage facility will have access to patient information, you must ensure that the facility is willing to enter into a Business Associate Agreement. If you are not a covered entity, you should still require that the facility agree to maintain the confidentiality of your information if such an obligation is not already laid out in your contract.

**Non-Payment Provisions:** Pay close attention to provisions in the agreement that outline the facility's remedies in the event of your non-payment of storage fees. Some contracts provide that the facility retains the right to destroy the contents or even to sell the contents. Although it may seem unlikely that this would ever occur, consider the consequences in the event that something happened to you or a change in your office staffing caused payment to be overlooked.

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