

# Document Retention – California Privacy Rights



Number	C09-B
Policy Owner	Compliance Officer
Approved By	Compliance and Audit Committee

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## GENERAL INFORMATION

To establish the policy and procedures for the creation, use, maintenance, retention, preservation and disposal of Select Medical records to 1) meet current Company needs in record storage (or other electronic media) and retrieval systems; 2) ensure compliance with the various governmental regulations concerning document retention; 3) ensure uniformity in records retention throughout the Company; and 4) ensure compliance with the California Privacy Rights Act.

## POLICY

It is the policy of Select Medical to apply appropriate and cost effective management techniques to maintain complete and accurate records. Records are retained in accordance with all applicable laws and regulations and this policy.

## PROCEDURES

1. Records shall not be destroyed before the prescribed retention period (see Attachment A) has expired. Records shall not be retained for longer than the prescribed period without first contacting the applicable Department Manager and the Compliance Officer.
2. Retention periods are specified for original documents only unless otherwise specified. Duplicates of original documents should generally be properly destroyed after use unless the retention of such duplicate original document is necessary to support current operations. If duplicates are retained, they should be properly destroyed after they have served their purpose.
3. Records containing confidential and proprietary information will be securely maintained, controlled and protected to prevent unauthorized access.
4. All records generated and received by Select Medical are the property of Select Medical. No Select employee, by virtue of his or her position, has any personal or property right to such records even though he or she may have developed or compiled them.
5. Any unauthorized destruction, removal or use of such records is strictly prohibited.
6. No person shall falsify or inappropriately alter information in any record or document. Information pertaining to unauthorized destruction, removal or use of Select Medical records or regarding falsifying or inappropriately altering information in a record or document must be reported to management either directly or through the Compliance Hotline at 1-888-823-8945.

## SPECIAL CONSIDERATIONS

The following special considerations apply to the application of Select Medical Document Retention policy and procedure.

### 1. Records Relevant to more than one category

When records may be subject to more than one category and corresponding retention period, employees must use the longest retention period.

### 2. Copies

Only one copy of each record should be retained to comply with record retention requirements.

### 3. Exceptions

Any exceptions to Select Medical Document Retention policy and procedure may be made only after consultation with the Legal Department and Compliance Officer.

If the destruction of records is not feasible, the reason (e.g. electronic health records) must be provided in writing to the Legal Department and the Compliance Officer for approval and documentation purposes.

### 4. Assistance

Employees should never guess the applicable retention period to a particular record or category of records. Any questions in this regard should be directed to the Supervisor/Manager who shall consult with the Legal Department as appropriate.

### 5. Investigations, Legal and Administrative Proceedings

Routine application of document retention policies and procedures and all document destruction procedures shall immediately cease in the following circumstances

- The records may be covered by a subpoena that has been issued (or other existing request) or there is reason to believe that the records may be subpoenaed (or otherwise requested) in a current or impending matter.
- There is existing or impending internal or governmental investigation, civil litigation or other legal or administrative proceeding that may reasonably require production of the records, or
- The company is voluntarily cooperating with governmental authorities or other outside parties in a legal or administrative proceeding that may reasonably require production of the records.

The Legal Department has primary responsibility to promptly notify appropriate Select Medical employees of the occurrence of any of the above events to ensure that a proper "HOLD" is placed on record destruction. If there is any question whether a particular document is or should be subject to a "HOLD" designation, the Legal Departments approval must be obtained prior to the destruction of such documents.

#### Reference:

Select Medical Code of Conduct