



FREQUENTLY ASKED QUESTIONS

Q Who needs a Records Custodian?

A Any business or medical practice that is no longer operating, for any reason, is legally required to store and make records available for a specific amount of time. Failure to meet this obligation can result in fines, penalties, and potential litigation against the former operators.

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Q How do I find out what my Custodial Records project will cost?

A All Cariend needs to provide you with a comprehensive solution is an idea of the volume, nature, and retention of your records. With some basic information about how much, what type(s), and how long you need to store the records, Cariend can provide you with a very accurate and comprehensive proposal, which will enable you to quickly walk away from the long-term obligations associated with managing your records. If you need assistance identifying your requirements, contact us for help. Cariend is solely dedicated to providing Custodial Records services for all who need it.

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Q How does the Custodial Records process work?

A Once Cariend provides you with a comprehensive proposal, we consolidate your records in our secure storage facilities, and provide you with the direct contact information of our dedicated Release of Information team. You simply make this information available to those who are entitled to receive copies of the records throughout the statutory retention period. Any valid requestors contact Cariend directly, enabling you to walk away from the entire process. Once your required retention period has been met, Cariend securely destroys the records.

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Q If my Business or Medical Practice is no longer operating, do I still have to maintain the records?

A Yes – Federal and State laws require you to maintain records for certain periods of time, depending where you are located, and what type of records you have.

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Q The owner of the business or medical practice passed away, or the business went bankrupt - do I still have to maintain the records?

A Yes – Federal and State laws require the records be maintained for certain periods of time. In some cases, the laws may provide some flexibility, depending on the reasons why a business or healthcare facility is no longer operating. You should consult with a legal representative with knowledge of your business or industry.

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Q How do I know how long to store my records?

A Statutory Retention (the amount of time State and/or Federal laws dictate records must be stored) varies based on several factors, including where you are located and the type of records. You should consult with an attorney, your malpractice/risk insurer, or state agency to be certain of your specific records retention, as the penalties for failing to meet these requirements can be severe.

Q Can a Custodial Records vendor charge whatever they want to release copies of records to valid requestors?

A No. Laws restrict what can be charged for certain record types, and these vary between states. There has recently been significant legal action taken against Custodial Records vendors that were charging for copies in violation of the law.

Q How do I estimate the volume of my records?

A Items such as file counts or pictures of your records do not provide enough information to quote your project. For paper records in drawers or shelves, measure how long each unit is and count the number of units – think like you are trying to measure all the files laid out, end-to-end, in one long line. For paper records in boxes, measure the longest dimension of the box and count the number of boxes. For electronic records, estimate how much data you have (in gigabytes or terabytes) taking into account the format your data is currently in, may be a different amount of data compared to the file sizes once your data has been converted to a generic format. Your software provider should be able to provide you with this calculation, and Cariend can assist if needed.

Q Is it better to just scan all my paper records?

A Typically, No. Scanning tends to be much more expensive than physical storage, and it doesn't eliminate any other requirements for managing the records.

Q Can my Custodial Records vendor store data from my proprietary system?

A Typically No, and this is also an insecure approach. If the proprietary system vendor were to cease operations or discontinue the product before the statutory retention period, you risk being cut off from the data. The potential licensing, hosting, upgrade, and support costs, are also risky – the better approach is to perform a one-time export or conversion of the proprietary data to a generic format (PDF, CSV, etc.) This will eliminate any potential costs or uncertainty about the software vendor.



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Q What if I have electronic data on a proprietary fileserver or software package that can't be converted?

A In some cases, the Custodial Records vendor may have to store hardware or media that could require a third party to access, if necessary. Your Custodial Records provider should be experienced in handling proprietary systems and working with third party data management vendors.

Q How long does it take for patients or requesters to receive copies of records?

A Cariend focuses solely on managing Release of Information. Upon receipt of a valid request, we immediately process the order and the fulfillment time depends on the delivery method requested. If requesters need assistance understanding the legal requirements for their request, our dedicated team of experts will provide assistance.

Q What if I have sensitive records, or those with special handling requirements, such as Psychiatry notes, Substance Abuse & Mental Health (42 CFR Part 2), Mammography, or Pathology material?

A The Cariend team has significant experience managing Release of Information for all record types, including those with specific handling requirements, beyond the general HIPAA laws.

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