



COUNTY OF YOLO

HEALTH AND HUMAN SERVICES AGENCY

POLICIES AND PROCEDURES

SECTION 5, CHAPTER 4, POLICY 020

BEHAVIORAL HEALTH CLIENT RECORD RETENTION

POLICY NUMBER:	5-4-020
SYSTEM OF CARE:	BEHAVIORAL HEALTH
FINALIZED DATE:	03.29.2021
EFFECTIVE:	04.01.2021
SUPERSEDES # :	Supersedes Policy #'s: N/A

- A. PURPOSE:** To define time periods required for the retention of Yolo County Health & Human Services Agency (“HHSA”) behavioral health (BH) client records (“client records”) and the procedure for destruction of client records when the time for retention has expired.
- B. FORMS REQUIRED/ATTACHMENTS:**
- C. DEFINITIONS:**
- 1. Clinical Record:** The official record containing all clinical information and services related to a client in paper format and stored in a secured file cabinet.
 - 2. Electronic Health Record (EHR):** The official record containing all clinical information and services related to a client in an electronic format and stored in an electronic database.
- D. POLICY:** Pursuant to 42 CFR 438.3, records must be retained for a minimum of 10 years after the expiration date of the contract under which the clients were served or to the conclusion of any audit of same. Further, California Business and Profession Code (Bus. & Prof. Code) requires that certain professional licensed in the State of California maintain records for specified periods of time. The general consensus for mental health professionals is a record retention requirement of a minimum of 7 years from the client’s discharge date or 7 years after the client reaches the age of 18, if services were provided when the client was a minor. It is Yolo County HHSA BH’s policy to retain behavioral health client records as follows:

1. **Adults:** Adult client records will be maintained for a minimum of 10 years from the expiration of the State contract under which the clients were last served or to the conclusion of any audit of the services provided under that contract, whichever is longer.

2. **Minors:** Minor client records will be maintained for a minimum of 10 years from the expiration of the State contract under which the clients were last served, or to the conclusion of any audit of the services provided under that contract, or to the client's 28th birthday, whichever is longer.

3. **Pregnant Clients:** If the client was pregnant when they received treatment, client records shall be maintained as follows:
 - a. For clients who were over 18 years old when they were treated while pregnant, records shall be maintained for either 25 years from last date of treatment while pregnant or a minimum of 10 years from the expiration of the State contract under which the clients were last served or to the conclusion of any audit of the services provided under that contract, whichever is longer.

 - b. For clients who were under the age of 18 years old when they were treated while pregnant, records shall be maintained for 10 years from the expiration of the State contract under which the clients were last served, or to the conclusion of any audit of the services provided under that contract, or to the client's 28th birthday, or for 25 years from last date of treatment while pregnant, whichever is longer.

 - c. In the event the client was pregnant more than once while they received treatment, the last date of treatment during the last pregnancy term shall be used to calculate the appropriate time frames for record retention.

 - d. In the event that the last day of treatment while pregnant cannot be ascertained from the client record, the last day of treatment while pregnant shall be calculated as one year from the initial report of pregnancy in the client record.

4. **Licensing Boards:** The California Board of Behavioral Sciences (CA BBS) can pursue disciplinary action against marriage and family therapists, clinical social workers, and professional clinical counselors, pursuant to Bus. & Prof. Code § 4982.05, within 7 years from the date an alleged act or omission requiring disciplinary action occurred. However, Bus. & Prof. Code § 4982.05 also indicates that the CA BBS can pursue disciplinary action up to 10 years from the date an alleged act or omission for allegations of sexual misconduct.

<u>Profession</u>	<u>Records Retention Requirement</u>	<u>Bus & Prof. Code</u>
<u>Licensed Psychologist</u>	minimum of seven (7) years from the client's discharge date or seven (7) years after a client reaches the age of eighteen (18) if services were rendered when the client was a minor	§2919
<u>Licensed Marriage & Family Therapist</u>	minimum of seven (7) years from the client's discharge date or seven (7) years after a client reaches the age of eighteen (18) if services were rendered when the client was a minor	§4980.49
<u>Licensed Clinical Social Worker</u>	minimum of seven (7) years from the client's discharge date or seven (7) years after a client reaches the age of eighteen (18) if services were rendered when the client was a minor	§4993
<u>Licensed Professional Clinical Counselor</u>	minimum of seven (7) years from the client's discharge date or seven (7) years after a client reaches the age of eighteen (18) if services were rendered when the client was a minor	§4999.75

E. PROCEDURE:

1. Records shall be shredded or erased as to destroyed them in a manner that preserves the confidentiality of the information contained therein in compliance with federal, state, local laws and regulations including the Health Insurance Portability and Accountability Act of 1996 (HIPPA), 45 FR 160 et seq. and the Confidentiality of Medical Information Act (CMIA), California Civil Code §56.00 et seq.
2. Paper records shall be shredded using the confidential shredding company that Yolo County HHS contracts with for the provision of confidential shredding services. The paper records should be rendered essentially unreadable, indecipherable, and made so they could not otherwise be reconstructed.

3. Electronic records may be deleted from the Electronic Health Record by authorized personal approved by the Compliance Officer.

F. REFERENCES

1. HIPAA-45 C.F.R. Part 160, Part 162, and Part 164
2. California Business and Professions Code §§2919, 4980.49, 4982.05, 4993, & 4999.75
3. California Civil Code §56.00 et seq.
4. California Health and Safety Code §123145
5. California Welfare and Institutions Code §14124.1
6. 42 CFR §§438.3 and 438.230.

Approved by:



Karen Larsen, Director
Yolo County Health and Human Services Agency

3/30/2021

Date