



Monterey County Behavioral Health Policies and Procedures

Policy Number	141
Policy Title	Health Service Records Retention
References	California Business and Professions Codes 2919, 4993, 4980.49, & 4999.75 California Health and Safety Code 123145 California Business and Professions Code 4982.05 California Welfare Institution Code 14124.1
Effective	April 25, 2013 Revised: September 25, 2014 Revised: January 12, 2023

Policy

It is the policy of Monterey County Behavioral Health (MCBH) to retain client health service records of each service rendered under the Medi-Cal program or any other health care program administered by contracted providers. The records shall contain the client to whom the service was rendered, the date the service was rendered, and any additional information required. Records shall be retained for a period of 10 years from the final date of the contract period between the plan and the provider, from the date of completion of any audit, or from the date the service was rendered, whichever is later (California Welfare Institution Code 14124.1).

MCBH will dispose of client records, both electronic and physical records, in accordance to the records retention timeframe established by this policy.

Background

California Business and Professions Code 2919 specify that licensed psychologists practicing in the state of California must retain a client's health records for a minimum of 7 years from the client's discharge date or 7 years after a client reaches the age of 18 if services were discharged when the client was a minor.

California Business & Professions Codes 4993 (LCSW), 4980.49 (LMFT), & 4999.75 (LPCC) specify the aforementioned professionals practicing in the state of California shall retain a client's health records for a minimum of 7 years from the date therapy is terminated. If the client is a minor, the client's health records shall be retained for a minimum of 7 years from the date the client reaches 18 years of age. Health records may be retained in either a written or an electronic format. The accepted minimum of 7 years is based upon established statutes and guidelines for record retention for

hospitals and community treatment facilities (i.e. California Health and Safety Code 123145).

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 California Business and Professions Code 4982.05, within 3 years from the date the board discovers the alleged act or omission that is the basis for disciplinary action, or within 7 years from the date the alleged act or omission requiring disciplinary action occurred, whichever occurred first. Additionally, an accusation filed against a licensee alleging sexual misconduct shall be filed within 3 years after the licensing board discovers the act or omission alleged as the grounds for disciplinary action, or within 10 years after the act or omission alleged as the grounds for disciplinary action occurs, whichever occurs first. If an alleged act or omission involves a minor, the 7 and the 10 year limitations period, shall be tolled until the minor reaches the age of majority.

The Monterey County Health Department – Behavioral Health Bureau adopted a policy to retain client health service records for a minimum of 10 years from the client's date of discharge or 10 years after a minor client reaches the age of eighteen 18 to address the myriad challenges presented by the diversity of MCBH's clients; the variety of professional backgrounds of the MCBH's mental health providers that enter documentation in any given health record; and the growing complexity of issues that providers and clients address together in their working relationships.