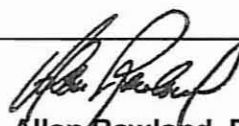


**County of San Bernardino
Department of Behavioral Health**

Retention of Medical Records Policy

Effective Date
Revised Date

3/87
4/9/07



Allan Rawland, Director

Policy

The Department of Behavioral Health (DBH) retains records in compliance with the Code of California Title 22, §77143 (c):

- Patient health records or reproduction thereof, shall be safely preserved for a **minimum** of seven years
- Following discharge of the patient, except that the records of un-emancipated minors shall be kept at least one year after such minor has reached the age of 18 years and, in any case, not less than seven years

DBH has made the decision, with the advice of County Counsel, to keep their "INACTIVE" records for 10 years, 3 years beyond regulations to protect for potential law suits.

"**INACTIVE**" records include: patients' or clients' Mental Health Programs, Drug & Alcohol Programs and closed contract programs

Purpose

The purpose of this policy is to ensure the proper retention, storage, and disposition of DBH Outpatient Medical Records according to Federal and State requirements.

Exceptions

- A. California Health Association recommends a longer retention period for medical records of pregnant women receiving medical treatment or medications during pregnancy; **DBH will retain the medical records of pregnant women for 25 years.**
- B. Juvenile court records under the **FAST** program are stored and archived for minors differently from the general retention policy. DBH retains these records until the youth reaches the age of 28. This includes records that are closed and not sealed, closed and sealed, and any mental health consultation and mental health services. **(Exception: when there is a court order to destroy medical information, the Medical Record Supervisor will refer these cases to the County of San Bernardino, Attorneys.)**
- C. Patient or client records for minors/un-emancipated minors, Drug & Alcohol Treatment Programs and Mental Health Programs are

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recommended by California Health Care Association, to be kept at least 1 year after the patient has attained the age of 18, but in **no** event less than 7 years following discharge.

- D. All shredding of Outpatient Medical Records is done under contract with San Bernardino County's Purchasing Department, following State and Federal confidential guidelines.
 - E. A "**Certificate of Destruction**" is completed on each record destroyed and is then given to the Medical Records Supervisor. The Certificate of Destruction will be kept until 25 years after the destruction date.
 - F. Review the recommended record retention schedule for the Department of Behavioral Health, Attachment A.
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Attachment A

Medical Record Retention Schedule:

Records	Provider Types	Retention Period	Reference/ Remarks
Adults, Minors/ emancipated	Mental Health	10 years	Health & Safety Code § 7151.5
Un-emancipated minors	Mental Health	At least 1 yr. after the 18 th birthday, but no less than 7 years following discharge	Title 22, California Code of Regulation § 77143(c)
Pregnant Women Medication	Mental Health	19 years	
Certification of Destruction	Mental Health	25 years	
Juvenile Records	Probation FAST	28 years *exception: court order to destroy	
Patient's Index Autopsy reports Consent forms Consultation Reports Laboratory notes Nurse's notes Patient histories Patient Identification Information Physical examinations Physical therapy notes Physicians' order Progress notes Reports of all tests Summary & final diagnosis	Mental Health	10 years - adults 25 years - minors	All providers must keep records of Service rendered to Med-Cal beneficiaries for three years. Welfare & Inst Code § 14124.1 information regarding prescribed medications must be kept for three years. Health & Safety Code § 11191.
Alcohol and Drug Services	Mental Health	10 years	
Death Certificates	Mental Health/Alcohol and Drug Services	Consistent with the retention period listed above	