



# Retention of Medical Records Policy

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**Policy** It is the policy of the Department of Behavioral Health (DBH) to manage DBH and DBH contracted provider client medical records in compliance with all applicable laws and regulations, both state and federal.

**Purpose** The purpose of this policy is to provide instruction to the DBH workforce and DBH contracted providers regarding proper retention, storage, and disposition of client medical records in accordance with Federal and State requirements.

**Definitions**

**Active-**Medical records of clients currently receiving services (open episode).

**Disposition-** The action to be taken with the medical record when it is no longer in active status.

**Inactive-** Medical records of clients whose services (episodes) have been closed.

**Retention-** The period of time the medical record must be stored before it can be destroyed.

**Record Retention and Storage** Client medical records are to be retained in accordance with the Retention Schedule (Attachment A) and in no case less than 10 years.

**Storage of Active Records**

- Active medical records are to be stored on site in a secured area accessible by staff only.
- Paper-based records involved in litigation or investigation are considered to be **active** records and will be stored on site in a secured file designated as such.

**Storage of Inactive Records**

- Following discharge of a client, the inactive medical records or reproductions thereof shall be safely preserved for a **minimum** of 10 years (see Attachment A: Retention Schedule).

**Note:** When there is a court order to destroy medical information, the Medical Records Supervisor will refer these cases to San Bernardino County Counsel.

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**Storage Area(s)** Storage areas for inactive records can include either an area inside the facility approved for record storage use, or an off-site, private, professional record storage facility that has an active contract for storage and retrieval services.

Storage areas approved for records storage must be physically secure and environmentally controlled to protect records from unauthorized access and damage or loss due to temperature fluctuations, fire, water damage, pests, and other hazards.

Any inactive records moved to off-site storage are to be boxed, labelled, and logged within the medical record tracking system to allow for efficient access and retrieval if needed.

**Note:** Storage warehouses, mini-storage facilities, and off-campus personal or rental property, including garages, basements, homes, trailers, etc., are NOT acceptable for storage of inactive medical records.

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### Exceptions

Please note the following exceptions to the retention regulations:

- 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.**
- Juvenile court records under the Forensic Adolescent Services Team (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 Records Supervisor will refer these cases to the County of San Bernardino, County Counsel)**
- Client records for un-emancipated minors in Mental Health and Substance Use Disorder programs are required by California Health Care Association to be retained for at least 10 years after the client has attained the age of 18, but in no event less than seven (7) years following discharge (last date of service); the final date of the contract period; from the date of completion of any audits, or from termination of contract whichever is later.
- The County shall store the medical records for all contracted provider County funded clients when a contract ends its designated term, a contract is terminated, a Contractor relinquishes its contracts, or if the Contractor ceases to provide services to DBH clients.

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## Retention of Medical Records Policy, Continued

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### **Destruction of Records**

All shredding of Outpatient Medical Records is completed by a vendor under contract with San Bernardino County's Purchasing Department, following State and Federal confidential guidelines including:

- A "Certificate of Destruction" is completed on each record destroyed and is provided to the Medical Records Supervisor, and
  - The Certificate of Destruction is retained for 25 years following the destruction date.
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### **Reference(s)**

- [Code of Federal Regulations Title 42 § 219.901](#)
  - [Code of Federal Regulations Title 45\) § 164.530\(c\)](#)
  - [California Code of Regulations Title 22 § 77143 \(a\) \(c\)](#)
  - [California Code of Regulations Title 28 § 1300.67.8 \(b\)](#)
  - [California Health and Safety Code § 123145](#)
  - [California Health and Safety Code § 1205](#)
  - [Welfare and Institutions Code § 389: Juvenile Records](#)
  - [Welfare and Institutions Code § 14124.1](#)
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**Department of Behavioral Health Medical Record Retention Schedule: Attachment A**

<b>Records</b>	<b>Provider Types</b>	<b>Retention Period</b>	<b>Reference/ Remarks</b>
Adults, Minors/ emancipated	Mental Health	10 years	Health & Safety Code § 7151.5
Un-emancipated minors	Mental Health	At least 10 years after the 18 <sup>th</sup> birthday, but no less than 7 years following discharge	Title 22, California Code of Regulation § 77143(c)
Pregnant Women Medication	Mental Health	25 years following discharge or final treatment	42 CFR 431.620
Certification of Destruction	Mental Health	25 years	
Juvenile Records	Probation FAST	28 years *exception: court order to destroy	Welfare and Institutions Code Sections 389
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	42 CFR §219.901 Retention of alcohol and drug records.
Death Certificates	Mental Health/Alcohol and Drug Services	Consistent with the retention period listed above	

**Department of Behavioral Health Medical Record Retention Schedule: Attachment A**

Records	Provider Types	Retention Period	Reference/ Remarks
Medi-Cal services	Mental Health	Health care services rendered under the Medi-Cal program shall keep and maintain records of each service rendered 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, termination of contract or from the date service was rendered, whichever is later.	Welfare & Inst. Code § 14124.1 In accordance with Section 438.3(u) of Title 42 of the Code of Federal Regulations.