

(was MCCMH Policy 3-01-010)

Chapter: **CONFIDENTIALITY**
Title: **RETENTION AND DISPOSAL OF CLINICAL RECORDS**

Prior Approval Date: 3/25/11
Current Approval Date: 10/28/20

Approved by:



Chief Executive Officer

October 28, 2020

Date

I. ABSTRACT

This policy establishes standards and procedures for the retention and disposal of clinical records at Macomb County Community Mental Health (MCCMH).

II. APPLICATION

This policy shall apply to all directly-operated and contract network providers of the MCCMH Board.

III. POLICY

It is the policy of the MCCMH Board that clinical records shall be retained and disposed of in accordance with appropriate federal and state statutes and regulations.

IV. DEFINITIONS

A. Adult Clinical Records

Records of treatment and support services maintained by MCCMH for persons eighteen years of age or older.

B. Children's Clinical Records

Records of treatment and support services maintained by MCCMH for children under the age of eighteen years.

C. Family Support Subsidy Program Clinical Records

Records maintained to document applications for family support subsidy assistance for children seventeen years of age or younger. These files may include: previous applications (originals), birth certificates (copies), Social Security cards (copies), Certificates of Disability (copies), renewal applications, etc.

D. Identifying and Summary Data

Documents of the record which include, but are not limited to, the final face sheet and the final discharge summary.

E. Clinical/Medical Portion of Clinical Record

Documents of the record which include, but are not limited to the face sheet, consumer history, initial interview, progress reports, consent for treatment, all assessments, and the discharge summary.

F. Non-Clinical/Medical Portion of Clinical Record

Documents of the record which include, but are not limited to correspondence and information from other agencies.

V. STANDARDS

A. Adult Clinical Records

1. The non-clinical/medical portion of the clinical record shall be retained for 7 years after preparation.
2. The following records shall be retained for 20 years after the date of discharge or death, whichever occurs first:
 - a. Identifying and summary data
 - b. Clinical/medical portion of the clinical record

B. Child and Adolescent Clinical Records

1. The non-clinical/medical portion of children's clinical records shall be retained for 7 years after the consumer reaches the age of majority or death.
2. The following records shall be retained for 20 years after the consumer reaches the age of majority or death:

- a. Identifying and summary data of the clinical record
- b. Clinical/medical portion of the clinical record

C. Family Support Subsidy Program

1. Records shall be retained for 7 years after the date of last service.

D. Disposal of Clinical Records

1. Paper Clinical Records

The clinical records in paper format which are due for disposal shall have their information copied onto networked, secure storage. Thereafter, all paper records shall be disposed of by shredding.

2. Electronic Records

At the time that an electronic clinical record is due for disposal, the information stored on the physical media (i.e. the hard drive) shall be archived to tape. Thereafter the retired electronic physical media shall be destroyed by shredding, or other comparable means.

E. Legal Processes

In the event that a lawsuit is initiated against MCCMH or an employee thereof, any pertinent clinical records which are due for disposal shall not be destroyed but shall be held until conclusion of all litigation pertaining to those records.

VI. PROCEDURES

A. The Clinical Records Coordinator shall:

1. Determine when each clinical record is due for disposal.
2. Ensure that the information from each clinical record that is due for disposal is copied onto a digital format, as necessary.
3. Dispose of the paper clinical record or physical media that stored the electronic clinical record by shredding at the appropriate time.

VII. REFERENCES / LEGAL AUTHORITY

- A. MDHHS Records Retention and Disposal Schedule, # 20 - Community Mental Health Services Programs, approved 5-1-07
- B. MDHHS-MCCMH Managed Specialty Supports and Services Contract
- C. Commission on Accreditation of Rehabilitation Facilities (CARF) 2010 Standards Manual, §1., "Legal Requirements," 4.f., p. 54

VIII. EXHIBITS

- A. None.