

AGENDA ITEM 13

**DISCUSSION AND CONSIDERATION OF HOW TO IMPLEMENT
BPC 2570.185, REQUIRING RETENTION OF PATIENT RECORDS, AND
HOW TO IMPLEMENT THE REQUIREMENT IF THE BUSINESS IS CLOSED
OR SOLD OR IF THE PRACTITIONER IS NO LONGER IN PRIVATE
PRACTICE.**

An extract from the inquiring email and BPC 2570.185 is attached.

Relevant parts of an email from an OT:

I'm hoping you can help me with a few regulations questions. I have a private pediatric clinic. I'm planning to semi-retire, and two of my current employees will take over the clinic, continuing to see the same kids in the same space. However, I'll be closing my LLC and they'll be opening a new one, so my business will officially be closing.

I have 2 questions about my responsibilities for the client records:

1. I know I need to maintain the records until the child turns 19 or for 7 years after discharge, whichever is longer. Does this also apply after my business closes? What about after I die?
2. For the current clients, kids who will be continuing their therapy here under the auspices of a new business, it will be essential that their current charts remain available to the treating therapist. What's the legal way to make this possible?

Business & Professions Code

Section 2570.185.

(a) An occupational therapist shall document his or her evaluation, goals, treatment plan, and summary of treatment in the patient record.

(b) An occupational therapy assistant shall document the services provided in the patient record.

(c) Occupational therapists and occupational therapy assistants shall document and sign the patient record legibly.

(d) Patient records shall be maintained for a period of no less than seven years following the discharge of the patient, except that the records of unemancipated minors shall be maintained at least one year after the minor has reached the age of 18 years, and not in any case less than seven years.