


CHAPTER: 10	SECTION: 5	SUBJECT: Management of Information
TITLE: Clinical Record Retention and Destruction		
EFFECTIVE DATE: 11/5/2007	REVISED/REVIEWED DATE: 5/6/08, 03/02/11, 6/6/12, 9/3/13, 6/23/14, 6/12/15, 4/26/16, 5/1/17, 7/13/18, 7/2/19; 10/01/2020; 05/01/2021, 01/03/2023, 11/14/2023	
ISSUED AND APPROVED BY:  EXECUTIVE DIRECTOR		

I. PURPOSE:

To assure CMHOC records are retained and accessible to the public pursuant to Michigan’s retention schedules.

II. APPLICATION:

All records under the direct control of Community Mental Health of Ottawa County (CMHOC).

III. DEFINITIONS:

FORMAT: Records can exist in a wide variety of formats, including paper, maps, photographs, digital images, e-mail messages, databases, etc. The retention periods listed on the schedule do not specify the format that the record may exist in.

PUBLIC RECORD: The Michigan Freedom of Information Act (FOIA) (Public Act 442 of 1976, as amended), defines public records as “a writing prepared, owned used in the possession of, or retained by a public body in the performance of an official functions, from the time it is created.”

NON-RECORD: These are common materials to most offices in local government. Those materials may be destroyed as soon as they have served their intended purpose. Examples include drafts, duplicates, convenience copies, publications and other materials that do not document agency activities.

RETENTION SCHEDULE: A retention schedule:

- Lists records series created and maintained by an agency
- Includes records in all formats: paper, microfilm, digital images, databases, e-mail
- Identifies how long records will be kept
- Identifies records with historical value that will be preserved by the Archives of Michigan
- Identifies when certain records can be destroyed.

GENERAL SCHEDULE 20: COMMUNITY MENTAL HEALTH SERVICES

PROGRAMS: One of over 20 schedules published by Michigan's Records Management Department to identify records that are common to CMH programs in order to promote consistent retention practices across the state so as to reduce duplication of effort.

AGENCY SPECIFIC SCHEDULE: Public records not listed on a general schedule must be listed on a CMHOC specific schedule. These records would be unique to CMHOC and would supersede the general schedule. They must be submitted to Michigan's Records Management System for approval prior to implementation.

IV. POLICY:

- A. CMHOC records will be retained and accessible (regardless of format) as mandated by the Michigan Department of History, Arts and Libraries' Records Management Services - Schedule 20 (Community Mental Health Programs).
- B. Records not listed on Schedule 20 will not be destroyed absent an approved CMHOC specific schedule authorized by the Michigan Department of History, Arts and Libraries' Records Management Services.

V. PROCEDURE:

- A. As a department of Ottawa County, CMHOC is to defer questions as to whether a document should be maintained or not to Ottawa County's Records Management process.
- B. CMHOC will refrain from destroying any clinical records if legal action is imminent.
- C. If the retention period specified on the schedule has been met, the records may be destroyed or transferred to permanent storage.
- D. Permanent storage must be in a stable storage medium with appropriate environmental controls and conservation. Permanent storage may be within Ottawa County facilities (per county procedures), via a depository agreement, and/or with the Michigan Archives.
- E. Confidential materials must be destroyed so as to prevent them from being recreated.
- F. Enforcement of the General Schedule is the responsibility of the Executive Director.

VI. REFERENCE:

Department of Technology, Management & Budget (DTMB) General Schedule #20
Health Insurance Portability and Accountability Act (HIPAA) of 1996
45 CFR 164.316(b)(2)
MDHHS Medicaid Provider Manual
MDHHS Medicaid Specialty Supports and Services Contract
Medicaid Managed Care provisions of the Balanced Budget Act (BBA) of 1997
42 CFR 425.314