

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 1187

H.P. 820

House of Representatives, April 1, 2015

An Act To Specify the Record-keeping Requirements for Social Workers

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative GOODE of Bangor.
Cosponsored by Senator KATZ of Kennebec and
Representatives: FECTION of Biddeford, LOCKMAN of Amherst, MASTRACCIO of
Sanford, McCREIGHT of Harpswell, O'CONNOR of Berwick, SEAVEY of Kennebunkport,
WARD of Dedham, Senator: PATRICK of Oxford.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 32 MRSA §7006** is enacted to read:

3 **§7006. Record-keeping requirements**

4 **1. Record-keeping requirements.** A person licensed under this chapter shall:

5 A. Retain all client records for a period of 7 years from the date of the client's last
6 visit, except that records for minors must be retained for 7 years following the date
7 the client reaches the age of majority and records of deceased clients must be retained
8 for a period of 3 years from the date of the client's death; and

9 B. Maintain all client records in accordance with the federal Health Insurance
10 Portability and Accountability Act of 1996.

11 **2. Destruction of records.** Upon the applicable date of maturity under subsection 1,
12 the person licensed under this chapter shall dispose of all client paper records through the
13 use of an onsite shredding system and dispose of all electronic client records
14 electronically.

15 **3. Discontinuance of practice.** In the event a person licensed under this chapter
16 discontinues practice as a result of a loss of licensure, death, disability or retirement, the
17 person licensed under this chapter or an individual designated under subsection 5 shall
18 provide public notice of the discontinuance of the practice in a newspaper of general
19 circulation in the area in which the person licensed under this chapter practices at least 2
20 times within a period of 2 weeks from the date the person licensed under this chapter
21 discontinues the practice. In addition, a notification letter must be sent to all clients who
22 have been treated by the person licensed under this chapter within 3 years preceding the
23 date of the discontinuance of the practice. Medical records of all clients must be retained
24 for at least 60 days following the notice provisions under this section. For purposes of
25 this section, "medical records" includes information about the client submitted to the
26 person licensed under this chapter that is sufficient to justify any diagnosis and treatment
27 rendered by the person licensed under this chapter, dates of treatment, actions taken by a
28 nonlicensed persons when authorized by the person licensed under this chapter, a mental
29 health provider's orders, a health care practitioner's notes, charts and any other diagnostic
30 data.

31 **4. Client litigation.** In the event a client is involved in litigation, no client records
32 may be destroyed until the matter is resolved by the court.

33 **5. Transfer of client records.** A person licensed under this chapter shall submit a
34 plan to the board every 2 years as part of the license renewal process in section 7060 that
35 describes the designated party that will be responsible for the person licensed under this
36 chapter's client records under this section in the event of the person licensed under this
37 chapter's death, disability or transfer out of state.

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SUMMARY

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This bill amends the laws governing social workers by adding new client record-

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keeping requirements for persons licensed as social workers by the State as well as public

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and client notice requirements in the event a person licensed by the State discontinues

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practice.