**02 DEPARTMENT OF PROFESSIONAL AND FINANCIAL REGULATION**

**416 BOARD OF SOCIAL WORKER LICENSURE**

**Chapter 17: RECORD RETENTION REQUIREMENTS**

**Summary:** This chapter sets forth client record retention requirements.

**1. Generally**

A licensee who is employed by or affiliated with an agency or other institution shall retain client records as required by the employing or affiliated agency or institution. A licensee shall comply with all of the employing or affiliated agency or institution policies concerning the retention of client records.

**2. Private Practice**

A licensee in private practice, as defined in 32 M.R.S. §7001-A(9), who generates client records other than as a licensee affiliated with an agency or other institution, shall comply with the following requirements for those records:

1. **Record Retention**

A licensee shall retain all client records for at least 7 years after the client’s last date of service or date of death, except that:

A. Records for a minor client shall be retained for at least 7 years after the client reaches the age of 18.

B. In the event that a licensee receives information that a client is involved in litigation in which the client’s records may be relevant, the licensee shall retain the client’s records until the matter is resolved by the court.

2. **Record Destruction**

A licensee may destroy client records when the applicable retention period has expired, as follows:

A. Paper client records shall be destroyed through the use of a secure shredding system.

B. Electronic client records shall be destroyed through a technologically appropriate process that renders the records unreadable, indecipherable, and incapable of being reconstructed.

3. **Continuing Obligation After Licensure Ends**

In the event that a licensee no longer holds a license, client records generated in the course of the licensee’s private practice must be retained in accordance with this chapter.

STATUTORY AUTHORITY:

32 M.R.S. §7030(2)

EFFECTIVE DATE:

January 25, 2016 – filing 2016-008

REPEALED AND REPLACED:

October 11, 2022 – filing 2022-203