

Retention of Client Files

As a clinician, it's important that you know how long you should keep client files. With electronic recordkeeping now, not only is it important that you back-up these electronic client files, but you should ensure that you are meeting the requirements of your provincial Health Ministry, or counselling regulatory body.

Because Mental Health Care (including counselling and therapy) falls under the medical health care which is regulated by each provinces' Health Ministry, it then follows that until provincial regulatory colleges determine a policy on client file retention in each province, the best rule of thumb to follow is the legislation that currently exists in the province your practice is located.

Counselling and Psychotherapy will eventually be regulated within each province of Canada. While regulation has not come into force in many provinces, you should know where your province or regulatory college stands on file retention.

| Province | File Retention Recommendation Requirement |
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| British Columbia (age of majority is 19) | Statute of Limitations in BC states a person can bring a claim for medical malpractice for up to 15 years. Recommendation of 16 years from the date of the last entry; OR from the age of majority (19) the record must be kept until that child turns 19 years old <u>PLUS</u> another 16 years, whichever is later. |
| Alberta (age of majority is 18) | 10 years from the date of last service; OR no less than 2 years past the age of majority (18), whichever is longer |
| Saskatchewan (age of majority is 18) | 6 years; OR 2 years past the age of majority (18), OR 6 years after date client is last seen, whichever is later |
| Manitoba (age of majority is 18) | 10 years from the date of last entry; OR Minor (18) = retention of file should be the age of majority plus 10 years |
| Ontario (age of majority is 18) | 10 years; OR 10 years past the age of majority (18) |
| Quebec | 5 years from the date of last entry |

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| New Brunswick | 10 years after the patient was last seen; OR Until age 21, whichever is longer |
| Nova Scotia (age of majority is 19) | 10 years; OR 10 years past age of majority (19) |
| Prince Edward Island (age of majority is 18) | 10 years after date of last session; OR 10 years past age of majority (18); OR 10 years after member ceases to practice, whichever comes first |
| Newfoundland and Labrador (age of majority is 21) | 10 years after the patient was last seen; OR in the case of a patient who was a minor when last seen, until that patient reaches age 21; OR 10 years from when that patient was last seen, whichever is longer. |
| Yukon (age of majority is 19) | 6 years from date of last entry; OR 7 years where minor, the later of 2 years past the age of majority (19); OR 7 years since the last date seen. |
| Northwest Territories (age of majority is 19) | 10 years; OR No less than 2 years past the age of majority (19), whichever is longer |
| Nunavut (age of majority is 19) | 10 years; OR No less than 2 years past the age of majority (19), whichever is greater |