

102-5-16. Unprofessional conduct regarding recordkeeping.

(a) The failure of a marriage and family therapist licensee or clinical marriage and family therapist licensee to comply with the recordkeeping requirements established in this regulation shall constitute unprofessional conduct.

(b) Content of marriage and family therapy or clinical marriage and family therapy records. Each licensed marriage and family therapist or clinical marriage and family therapist shall maintain a record for each client or client system that accurately reflects the licensee's contact with the client or client system and the results of the marriage and family therapy or clinical marriage and family therapy services provided. Each licensee shall have ultimate responsibility for the content of the licensee's records and the records of those persons under the licensee's supervision. These records may be maintained in a variety of media, if reasonable steps are taken to maintain confidentiality, accessibility, and durability. Each record shall be completed in a timely manner and shall include the following information for each client or client system:

- (1) Adequate identifying data;
- (2) the date or dates of services that the licensee or the licensee's supervisee provided;
- (3) the type or types of services that the licensee or the licensee's supervisee provided;
- (4) the initial assessment, conclusions, and recommendations;
- (5) a plan for service delivery or case disposition;
- (6) the clinical notes from each session; and
- (7) sufficient detail to permit planning for continuity that would enable another marriage and family therapist or clinical marriage and family therapist to take over the delivery of services.

(c) Retention of records. If a licensee is the owner or custodian of client or client system records, the licensee shall retain a complete record for the following time periods, unless otherwise provided by law:

- (1) At least six years after the date of termination of one or more contacts with an adult; and
- (2) for a client who is a minor on the date of termination of the contact or contacts, at least until the later of the following two dates:
 - (A) Two years past the date on which the client reaches the age of majority; or
 - (B) six years after the date of termination of the contact or contacts with the minor.

(Authorized by K.S.A. 65-6408 and 74-7507; implementing K.S.A. 65-6408; effective July 11, 2003.)