

(Effective until September 1, 2021)

WAC 246-830-570 Record retention. (1) A massage therapist who treats clients or patients eighteen years of age and older must keep client or patient records for at least three years from the date of last treatment.

(2) A massage therapist who treats clients or patients under the age of eighteen years old must keep client or patient records for at least three years after the client or patient reaches eighteen years old.

(3) A massage therapist must also comply with record retention requirements of chapter 70.02 RCW.

(4) All records must be secured with properly limited access in compliance with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act (HIPAA).

(5) After the retention period, the massage therapist may dispose of the record. Disposal must be done in a secure and confidential manner in compliance with chapter 70.02 RCW and HIPAA and must include as appropriate:

- (a) Shredding;
- (b) Deleting, erasing, or reformatting electronic media; and
- (c) Other readable forms of media that are defaced or rendered unusable or unreadable.

[Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-570, filed 6/29/17, effective 7/30/17.]

(Effective September 1, 2021)

WAC 246-830-570 Record retention. (1) Massage therapist records for clients or patients eighteen years of age and older must be retained by, or be otherwise accessible to the massage therapist for at least three years from the date of last treatment.

(2) Massage therapist records for clients or patients under the age of eighteen years old must be retained by, or be otherwise accessible to the massage therapist for at least three years after the client or patient reaches eighteen years old.

(3) The record retainer of the massage therapist records for clients or patients shall comply with record retention requirements of chapter 70.02 RCW, Medical records—Health care information access and disclosure.

(4) All records must be secured with properly limited access in compliance with chapter 70.02 RCW and the Health Insurance Portability and Accountability Act (HIPAA).

(5) After the retention period, records may be disposed of pursuant to this subsection. Disposal must be done in a secure and confidential manner in compliance with chapter 70.02 RCW and HIPAA and must include as appropriate:

- (a) Shredding;
- (b) Deleting, erasing, or reformatting electronic media; or
- (c) Rendering other readable forms of media unusable or unreadable.

(6) Nothing in this section shall be intended to infringe upon any rights or remedies related to unfair trade practices as those found in chapter 19.86 RCW, the Unfair Business Practices Act.

(7) A massage therapist will not be in violation of subsections (1) and (2) of this section if the massage therapist is unable to access the records after a good faith attempt has been made to obtain the records.

[Statutory Authority: RCW 18.108.085 (1)(a), 18.108.025 (1)(a), chapter 18.108 RCW and 2020 c 76. WSR 21-02-012, § 246-830-570, filed 12/24/20, effective 9/1/21. Statutory Authority: RCW 18.108.025 (1)(a), 18.108.085 (1)(a), 43.70.041 and chapter 18.108 RCW. WSR 17-14-062, § 246-830-570, filed 6/29/17, effective 7/30/17.]