



# Board of Chiropractic Examiners

Records Retention Schedule

Prepared by the State Records Branch  
Public Records Division

Approved by the State Archives and Records Commission



This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Chiropractic Examiners. **Government records in Kentucky can only be disposed of with the approval of the State Archives and Records Commission (the Commission). If records do not appear on a Commission-approved records retention schedule, agencies should not destroy those records.** This agency-specific schedule was drafted by Board of Chiropractic Examiners personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Board of Chiropractic Examiners to destroy the records listed, after the appropriate retention periods have passed.

Board of Chiropractic Examiners personnel should use this agency-specific schedule in combination with the *General Schedule for State Agencies (General Schedule)*, also approved by the Commission. The *General Schedule* applies to records that are created, used and maintained by staff at all or most state agencies. Agency-specific retention schedules are used only by specific agencies and apply to records that are created only by a particular state agency, or to records that a state agency is required to retain longer than the approved time period on the *General Schedule*. The *General Schedule* and agency-specific retention schedule should cover all records for the Board of Chiropractic Examiners.

This retention schedule applies to state agency records and information regardless of how it is created or stored. For example, information created and sent using e-mail is as much a public record as materials created or maintained in paper. Kentucky law defines public records, in part, as "documentary materials, *regardless of physical form or characteristics*, which are prepared, owned, used, in the possession of or retained by a public agency" (KRS 171.410[1]). This means that records management standards and principles apply to all forms of recorded information, from creation to final disposition, regardless of the medium. Records retention scheduling is important in developing, using, and managing computer systems and other electronic devices. Records management practices encourage cost-effective use of electronic media through accurate retention scheduling and legal destruction of records.

**All state government employees are responsible for maintaining records according to the retention schedule, whether those records are stored electronically or in paper. Information must be accessible to the appropriate parties until all legal, fiscal, and administrative retention periods are met, regardless of the records storage medium.**

This retention schedule covers the content of records created by the Board of Chiropractic Examiners, including records created or stored using computers and computer systems. The *General Schedule for Electronic and Related Records* applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

### **Audits and Legal Action**

Agency records may be subject to fiscal, compliance or procedural audit. If an agency should maintain records longer than the approved retention period, as may be the case with some federal audits, then all affected records should be retained until the audit has been completed and the retention period met. In no case should records that are subject to audit be destroyed until the audit has been completed and retention periods met, or the records have been officially exempt from any audit requirements.

Records may also be involved in legal or investigative actions, such as lawsuits, administrative hearings or open records matters. These records must be retained at least until all legal or

investigative matters have concluded, regardless of retention period. This includes all appeals of lawsuits.

### **Vital Records**

Vital records are essential to the continued functioning of an agency during and after an emergency. Vital records are also essential to the protection of the rights and interests of an agency and of the individuals for whose rights and interests it has a responsibility. Vital records are identified in the retention schedule with a (V).

### **Confidential Records**

While all records created, used and maintained by government agency personnel are public records, not all of those records are open to public inspection. Whether a record is open to public inspection is determined by the state's Open Records laws and other relevant state or federal statutes and regulations. Restriction of public inspection of confidential records may apply to the whole record or only to certain information contained in the record.

Kentucky's public records are considered open for public inspection unless there is some specific law or regulation that exempts them. Agency personnel who believe certain records are confidential should submit a citation from Kentucky Revised Statutes, Administrative Regulations, Code of Federal Regulations, or similar authority. **State agency heads have the responsibility to know all the appropriate confidentiality laws, statutes and regulations that apply to the records maintained by their agency and to see that those laws are enforced.** Even though a record series may or may not be marked confidential on a retention schedule, contradictory laws or regulations that are passed after the schedule has been approved must be honored.

### **Copies of Records**

Agency personnel often make copies of records for internal use or reference purposes. Agencies should designate one copy as the official copy and make sure it is retained according to the records retention schedule. Agencies can destroy all other copies when no longer useful.

### **Updating the Retention Schedule**

Per 725 KAR 1:010, the head of each state government agency is required to designate a member of his or her staff to serve as a records officer. The agency records officer represents that agency in its records-related work with the Archives and Records Management Division. The agency records officer is responsible for assisting the Archives and Records Management Division in drafting a records retention schedule, and in finding any schedule updates to bring before the Commission. The retention schedule should be reviewed on a regular basis to suggest appropriate changes to the Commission.

## **Board of Chiropractic Examiners**

The Kentucky Board of Chiropractic Examiners is responsible for regulating the practice and licensure of chiropractic in the Commonwealth of Kentucky. The Board grants initial licensure to qualified chiropractors and oversees the annual renewal of licenses. The Board also investigates complaints against practitioners and is responsible for imposing disciplinary sanctions against those who violate KRS Chapter 312 and KAR 201 Chapter 21. The Board promulgates continuing education and licensure requirements.

# RECORDS RETENTION SCHEDULE

## Signature Page

Board of Chiropractic Examiners  
Agency

December 8, 2016  
Schedule Date

\_\_\_\_\_  
Unit

\_\_\_\_\_  
Change Date

December 8, 2016  
Date Approved By Commission

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### APPROVALS

The undersigned approve of the following Records Retention Schedule or Change:

  
Agency Head

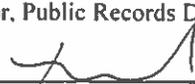
11-4-16  
Date of Approval

\_\_\_\_\_  
Agency Records Officer

\_\_\_\_\_  
Date of Approval

\_\_\_\_\_  
State Archivist and Records Administrator  
Director, Public Records Division

\_\_\_\_\_  
Date of Approval

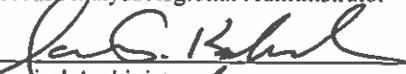
  
Chairman, State Archives and Records Commission

12/8/11  
Date of Approval

The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:

  
Records Analyst/Regional Administrator

11-22-17  
Date of Approval

  
Appraisal Archivist

12-08-16  
Date of Approval

  
State/Local Records Branch Manager

12/8/2016  
Date of Approval

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The determination as set forth meets with my approval.

 (for MTH)  
Auditor of Public Accounts

12-8-16  
Date of Approval

STATE ARCHIVES AND RECORDS COMMISSION  
Public Records Division  
Kentucky Department for Libraries and Archives

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Series	Records Title and Description	Function and Use
01194	<b>Licensee Ledger Cards</b>	CLOSED SERIES - no longer in use. Documentation located in Series Number 01196.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Retain permanently in Agency
01195	<b>License Applications - Chiropractors</b>	This series represents the initial application submitted to Board of Chiropractic Examiners for approval to issue license for chiropractic practice in the Commonwealth of Kentucky pursuant to KRS 312.085.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a)
	<b>Contents</b>	Series may contain: Original application form which includes name, photograph, address, date of birth, Social Security number, education credentials and transcripts.
	<b>Retention and Disposition</b>	Retain in Agency and transfer to State Records five (5) years after termination of license.
01196	<b>Master Folder of Chiropractic Examiners (V)</b>	This series documents that a person has met all the requirements to receive a license to practice chiropractics in the Commonwealth of Kentucky pursuant to KRS 312.
	<b>Access Restrictions</b>	KRS 61.878 (1)(a)
	<b>Contents</b>	Series may contain: the license application, address, date of birth, Social Security number, educational certification, correspondence, photographs, prior clinical practice, satisfactory evidence of good character and reputation, complaints, disciplinary action, administrative hearing documentation, license revocation, license restoration, and license renewals.
	<b>Retention and Disposition</b>	Retain in Agency for life of active and inactive licensees. Upon notification of death, retain license application and agreed orders permanently. Destroy balance.
01197	<b>Data on Chiropractic Schools</b>	CLOSED SERIES - records covered in General Schedule M0018, Informational and Reference Material.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Retain in Agency and destroy when obsolete.

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Series	Records Title and Description	Function and Use
01198	<b>In-State Mailing List of Chiropractic Examiners</b>	CLOSED SERIES - no longer use. Mailing List is in response to Open Records Request, use General Schedule Series Number M0016, Request to Inspect Public Records (includes responses to those requests).
	<b>Access Restrictions</b>	None
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Destroy when obsolete
01199	<b>Inspectors Pay Record</b>	CLOSED SERIES - no longer use. Records located in General Schedule, Series P0001.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Destroy after audit
01201	<b>Inspections, Surveys - Individual, Facilities, and Radiation</b>	CLOSED SERIES -- no longer in use.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	
	<b>Retention and Disposition</b>	Destroy
05731	<b>License Renewal Applications</b>	This series documents license renewals by licensed chiropractors. Pursuant to KRS Chapter 312 and 201 KAR 21:041 Sections 1 and 2, each chiropractor licensed to perform chiropractic practice in the Commonwealth of Kentucky is required to renew his/her license on or before March 1 each year. The license renewal procedure requires an application be completed and signed by the requesting individual.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series contains: the name of the requesting individual, address, phone number, date of birth, Social Security number, general information on reprimands and sanctions, affidavit, and photograph.
	<b>Retention and Disposition</b>	Retain in Agency one (1) year then destroy. If Part IV (Personal History Information) of the renewal application contains a "Yes" answer, transfer the renewal application and supporting documents to Record Series 01196 (Master Folder of Chiropractic Examiners) for permanent retention.

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Series	Records Title and Description	Function and Use
05732	<b>Peer Review Files and Findings</b>	This series documents requests for peer review of licensed chiropractors and the results. Pursuant to KRS 312.200 and 201 KAR 21:075, the Board of Chiropractic Examiners appoints a peer review committee to review cases. The committee is not to exceed five (5) licensed doctors of chiropractic medicine, who may not be in direct business relationship with the provider, insurer, or patient. Peer review is at the request of a patient, the patient's representative, insurer, or chiropractor inquiring about a treatment rendered to a patient by a chiropractor. Each inquiry is examined by the Peer Review Committee and a determination made as to whether the chiropractor properly utilized services and rendered or ordered appropriate treatment or services and whether or not the cost of the treatment was unconscionable. The Peer Review Committee provides the findings to the Board and provides copies to the patient, chiropractor, and third-party payer.
	<b>Access Restrictions</b>	HIPPA and KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: patient records, review requests, carrier records, and findings.
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after resolution of case, then destroy.
05781	<b>Historic Examination Materials</b>	CLOSED SERIES: This series is closed because records are no longer created. This series documents a historic collection of resources, references, and examinations that were used to develop the state competency examinations in chiropractic medicine. This examination material has now been replaced with the National Board of Chiropractic Examiners Examination Part 4. Pursuant to KRS 312.115, examination for a license to practice chiropractic medicine shall be made by the Board of Chiropractic Examiners according to the method deemed by it to be the most practicable and expeditious to the test the applicants' qualifications.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Copy of Examination; a list of practical clinic demonstrations to be performed or scenario questions to be answered successfully by applicant; dates and locations of examination; examination preparers; proctors; transcripts of scores; individual tests.
	<b>Retention and Disposition</b>	Retain in Agency permanently.
05782	<b>Examination Failure File</b>	CLOSED: This series is closed because it is no longer created or maintained by the agency. This series documents applicants who failed to meet standards during testing procedures. Pursuant to KRS 312.115, applicants applying for a chiropractic license to practice in the Commonwealth of Kentucky must pass the written test including questions of essay and/or objective type to measure an applicant's knowledge of subjects of anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics diagnosis, the use and effect of X-ray and chiropractic principles and practices. 201 KAR 21:070 sets forth examination standards, including but not limited to, holding a National Board of Chiropractic Examiners Certificate of Attainment which indicates that the applicant has passed the examination, Parts 1 and 2, with a score of three hundred seventy five (375) or the recommended passing score of the National Board of Chiropractic Examiners, whichever is greater. The State of Kentucky's requirement for successful passage shall be a score of seventy-five percent (75%) or greater on the test and demonstrated a practical demonstration of clinical competency that has been evaluated by the Board of Chiropractic Examiners.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: the license application, address, date of birth, Social Security number, educational certification, correspondence, photographs, prior clinical practice, if applicable, satisfactory evidence of good character and reputation, date and address of examination location, score of examination.
	<b>Retention and Disposition</b>	Retain in Agency two (2) years from date of examination; destroy.

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Series	Records Title and Description	Function and Use
05783	<b>Incomplete Application File</b>	This series documents incomplete applications for license to practice chiropractic medicine in the Commonwealth of Kentucky and correspondence related to obtaining the additional required information. Pursuant to KRS 312.115, applicants applying for a chiropractic license to practice in the Commonwealth of Kentucky must pass the written test including questions of essay and/or objective type to measure an applicant's knowledge of subjects of anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics diagnosis, the use and effect of X-ray and chiropractic principles and practices. 201 KAR 21:070 sets forth examination standards, including but not limited to, holding a National Board of Chiropractic Examiners Certificate of Attainment which indicates that the applicant has passed the examination, Parts 1 and 2, with a score of three hundred seventy five (375) or the recommended passing score of the National Board of Chiropractic Examiners, whichever is greater. The State of Kentucky's requirement for successful passage shall be a score of seventy-five percent (75%) or greater on the test and demonstrated a practical demonstration of clinical competency that has been evaluated by the Board of Chiropractic Examiners.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: License application, address, date of birth, Social Security number, educational certification, correspondence, photographs, prior clinical practice, if applicable, satisfactory evidence of good character and reputation, date and address of examination location and correspondence.
	<b>Retention and Disposition</b>	Retain in Agency one (1) year from receipt of application; destroy.
05784	<b>Continuing Education -- Applications for Credit Approval</b>	This series documents requests for approval of continuing education for chiropractors in the Commonwealth of Kentucky. Pursuant to KRS Chapter 312 each chiropractor licensed to perform in the Commonwealth of Kentucky shall renew his/her license on or before March 1 each year and shall meet the continuing education requirements set forth in 201 KAR 21:041 Section 3 Subsections 2, 3, 4 and 5. Chiropractors shall complete a minimum of twelve (12) hours of continuing education over a period of two (2) days and the Kentucky Board of Chiropractic Examiners shall review and approve or disapprove the educational program requested by the applicant. Independent chiropractic educational programs at universities and colleges also submit requests for approval of their continuing educational program.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series may contain: Name of course, sponsoring organization, objective of the program, number of hours the educational program will be presented and dates presented; names of speakers, instructors and their qualifications and/or educational background, name and address of institution, date of approval by the Board of Chiropractic Examiners, name and address of person certified to attend, and name of Commissioner Board member or person designated by the Commission that may attend to monitor course.
	<b>Retention and Disposition</b>	Retain in Agency; destroy in March following the year the course is held.
05793	<b>Incomplete Examinations</b>	CLOSED: This series is closed because the records are no longer created or maintained by the agency. This series documents incomplete applications for examination and correspondence related to obtaining the additional required information. Pursuant to KRS 312.115, applicants applying for a chiropractic license to practice in the Commonwealth of Kentucky must pass the written test including questions of essay and/or objective type to measure an applicant's knowledge of subjects of anatomy, physiology, pathology, neurology, histology, hygiene, bacteriology, chemistry, chiropractic orthopedics diagnosis, the use and effect of X-ray and chiropractic principles and practices. 201 KAR 21:070 sets forth examination standards, including but not limited to, holding a National Board of Chiropractic Examiners Certificate of Attainment which indicates that the applicant has passed the examination.
	<b>Access Restrictions</b>	KRS 61.878 (1) (a)
	<b>Contents</b>	Series may contain: License application, address, date of birth, Social Security number, educational certification, correspondence, photographs, prior clinical practice, if applicable, satisfactory evidence of good character and reputation, date and address of examination location and correspondence.
	<b>Retention and Disposition</b>	Retain in agency; destroy one year from date of scheduled examination date.

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Series	Records Title and Description	Function and Use
06825	<b>Complaints and Investigations Folders</b>	This series documents complaints filed with the Board of Chiropractic Examiners alleging a chiropractor has violated provisions of KRS Chapter 312 and the investigations thereof. A written complaint must be sent to the Board and assigned a case number. A copy of the complaint is sent to the licensed chiropractor to allow them an opportunity to respond. The Board will investigate the complaint and take appropriate action, which may be dismissal of the matter, informal resolution, or formal charges.
	<b>Access Restrictions</b>	KRS 61.878(1)(a) - personal information
	<b>Contents</b>	Series may contain: written complaint, transcripts or reports of interviews, correspondence, patient information, patient medical history, patient diagnosis, patient treatment, chiropractor information (name, address), authorization for release of medical and chiropractic records, supporting documentation, testimony, and agreed order.
	<b>Retention and Disposition</b>	After case closure, destroy patient medical records. Transfer the balance of the file to Record Series 01196 (Master Folder of Chiropractic Examiners).

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# *Electronic System With Included Records Series*

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## **General Government**

### *Board of Chiropractic Examiners*

**System Description:** The Board of Chiropractic Examiners is an independent, self-funded agency whose purpose is to protect the public by administering and enforcing the statutes and regulations concerning the practice of chiropractic. This system is used to grant licenses to qualified chiropractors so they may practice chiropractic medicine in Kentucky. The Board's other responsibilities include annual license renewal, monitoring continuing education requirements, handling complaints against chiropractors, and verifying the status of licenses chiropractic offices.

**System Contents:** Contents include license information: name, contact information, social security number, education credentials; date license issued; license renewal information; continuing education; disciplinary information; and license status.

#### **General Schedule Items:**

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<b>System Title:</b>	<b>Kentucky Board of Chiropractic Examiners Database</b>	<b>Alternate Title:</b>
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<b>Series #:</b>	<b>Series Title:</b>	<b>Disposition Instructions:</b>
01195	License Applications - Chiropractors	Retain in Agency and transfer to State Records five (5) years after termination of license.
05731	License Renewal Applications	Retain in Agency one (1) year then destroy. If Part IV (Personal History Information) of the renewal application contains a "Yes" answer, transfer the renewal application and supporting documents to Record Series 01196 (Master Folder of Chiropractic Examiners) for permanent retention.
05732	Peer Review Files and Findings	Retain in Agency three (3) years after resolution of case, then destroy.
05783	Incomplete Application File	Retain in Agency one (1) year from receipt of application; destroy.
05784	Continuing Education -- Applications for Credit Approval	Retain in Agency; destroy in March following the year the course is held.

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