



# Office of Health Policy

## Records Retention Schedule

Prepared by the State Records Branch  
Public Records Division

Approved by the State Archives and Records Commission



Kentucky Department for  
Libraries and Archives

This records retention schedule governs retention and disposal of records created, used and maintained by the Office of Health Policy. **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 Office of Health Policy personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for the Office of Health Policy to destroy the records listed, after the appropriate retention periods have passed.

Office of Health Policy 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 Office of Health Policy.

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 Office of Health Policy, 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.

**Cabinet for Health and Family Services**  
**Office of Health Policy**

The Office of Health Policy was established under KRS 194A.030 and is headed by an executive director who is appointed by the secretary with the approval of the Governor. The Office of Health Policy leads efforts to coordinate health care policy and planning, including Medicaid, mental health and mental retardation services, public health, certificate of need, health insurance, and the state employee health insurance program. The duties, responsibilities, and authority pertaining to the certificate of need functions and the licensure appeal functions, as set out in KRS Chapter 216B, are performed by this office. The office includes Certificate of Need, which controls growth of unnecessary, duplicative and underused health care services, and Health Policy Development, which works to apply best practices and innovative strategies from the private sector and other states to benefit Kentuckians.

**RECORDS RETENTION SCHEDULE**

*Signature Page*

Cabinet for Health and Family Services  
Agency

March 13, 2003  
Schedule Date

Division of Health Policy Development  
Unit

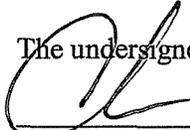
December 14, 2006  
Change Date

December 14, 2006  
Date Approved By Commission

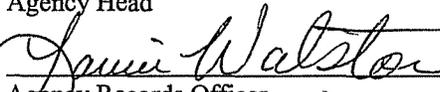
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**APPROVALS**

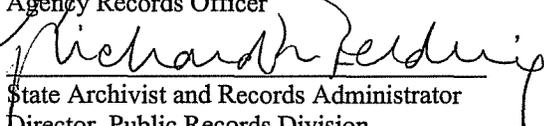
The undersigned approve of the following Records Retention Schedule or Change:

  
\_\_\_\_\_  
Agency Head

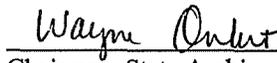
Dec. 14, 2006  
Date of Approval

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

12-14-06  
Date of Approval

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

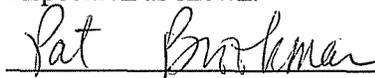
December 14, 2006  
Date of Approval

  
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Chairman, State Archives and Records Commission

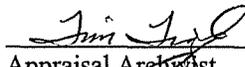
Dec 14, 2006  
Date of Approval

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

  
\_\_\_\_\_  
Records Analyst/Regional Administrator

12-14-06  
Date of Approval

  
\_\_\_\_\_  
Appraisal Archivist

12/14/06  
Date of Approval

  
\_\_\_\_\_  
State/Local Records Branch Manager

14 DEC 06  
Date of Approval

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The determination as set forth meets with my approval.

  
\_\_\_\_\_  
Auditor of Public Accounts

12-14-06  
Date of Approval

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

STATE AGENCY RECORDS  
RETENTION SCHEDULE

Health and Family Services, Cabinet for  
Health Policy, Office of  
Certificate of Need

Record Group  
Number  
1448

Series	Records Title and Description	Function and Use
04078	<b>Certificate of Need File (V)</b>	This series documents a comprehensive record of all Certificate of Need (CON) proposals and proposals for exemption received from applicants throughout the state. A CON is an authorization by the Cabinet to proceed to acquire, establish, or substantially change the bed capacity or a health service of a facility, such as a transplant program at a medical facility. Once an application is received, staff review it for completeness and, if necessary, request additional information. Once declared complete, proposals are batched with similar projects and placed on public notice (via a CON Newsletter mailed to all licensed health care facilities in Kentucky). The applicant and affected parties have 15 days from the date of the public notice to request a public hearing. Based on the information from the application and a public hearing, the Cabinet makes a decision to approve, reject, or request additional information. Appeals to a decision may be taken to the Franklin Circuit Court. Progress reports must be submitted every six months after issuance of the CON until the project is implemented.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Application; correspondence; proposal summary and evaluation; Certificate of Need; cabinet decision letter, including stipulations on the issuance of the CON; public notices; hearing reports, including information to be introduced at public hearings; petitions filed with circuit court; court opinions and judgments
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after initial application is completed, withdrawn or rejected and transfer to the State Records Center for permanent retention
04079	<b>Verbatim Transcripts of Certificate of Need and Licensure Hearings</b>	This series documents the activities of Certificate of Need (CON) and Licensure hearings held at the Cabinet. The hearings provide an applicant(s) and affected parties an opportunity to testify in support of or in opposition to a CON proposal in a public forum, as defined in KRS 216B.015 (12). Decisions are not made at the hearing. The Cabinet takes the information and testimonies from the hearing and makes its decisions at a separate time. If a decision is appealed, a copy of a certified transcript must be filed with the Franklin Circuit Court within 30 days of being served with a summons issued from a petition.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Cover sheet identifying date, location, time of hearing; names of witnesses, court reporter(s); project name, CON number; list of appearances, index of testimony and exhibits; and notarized statement from court reporter
	<b>Retention and Disposition</b>	Retain in Agency two (2) years; transfer to the State Records Center for permanent retention. NOTE: In the case of an appeal, transfer five (5) years after final disposition of case
04081	<b>Section 1122 Files - (Of the Social Security Act)</b>	Closed Series: This series documented information related to federal funding provided by Section 1122 of the Social Security Act of 1972 to states for capital expenditures for health care facilities. The purpose of the Section was to assure that federal funds were not used to support unnecessary capital expenditures for health care facilities or health maintenance organizations. Instead, funds would support only those that were needed by their communities. A capital expenditure is a financial outlay which buys a fairly permanent asset, such as a new building or new wing to an existing building; a major piece of equipment; or adding a new service, such as an emergency room, or a transplant program. The capital expenditure must exceed more than \$100,000. Reviews were limited to facilities eligible for federal reimbursement (hospitals, skilled nursing facilities, ambulatory surgery centers). Kentucky implemented the Section 1122 program in March 1974, with the Department of Human Resources (DHR) as the Designated Planning Agency to review projects. The State Comprehensive Health Planning Council acted as the advisory body and the Certificate of Need Board (CONB) acted as the appeals body. With the demise of the state Council, the Governor transferred the authority to review 1122 proposals to the CONB. Section 1122 applications could be submitted simultaneously with the CON application or separately (04078).
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Correspondence; speeches; actions taken on proposals; expiration dates; project numbers; facility names; and proposed costs
	<b>Retention and Disposition</b>	Retain in Agency three (3) years after initial application is completed, withdrawn or rejected; transfer to State Records Center for permanent retention.

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

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Health and Family Services, Cabinet for  
 Health Policy, Office of  
 Certificate of Need

Record Group  
 Number  
 1448

Series	Records Title and Description	Function and Use
04409	<b>Advisory Opinion File</b>	This series documents the opinions the Office provides upon request of an individual or facility, such as when a Certificate of Need (CON) is (or is not) required related to the establishment or expansion of a health facility or service. The individual or facility can request that a public hearing be conducted by the Office. A challenge to the final decision would be through Franklin Circuit Court. If that were to happen, all litigation documentation would be contained in this series as well.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Opinions; correspondence; request for opinion; litigation activities (motions, pleadings), applicable
	<b>Retention and Disposition</b>	Retain permanently in agency
05374	<b>Facility File - (Documents changes to facilities that do not require a certificate of need)</b>	This series was created to track various changes to health facilities that do not require a Certificate of Need. Examples include the de-licensing of beds, replacement of old or worn equipment that would be valued below the capital expenditure minimum (see 900 KAR 6:030), changes in administration and ownership, placement of currently licensed beds that do not require a certificate. It also documents changes to facilities that are exempt from the Certificate of Need process, as provided for in KRS 216B.020.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Series contains: Notice of intent to acquire; requests for advisory opinions; certificate of need application; and correspondence regarding changes in administration or services
	<b>Retention and Disposition</b>	Retain in Agency one (1) year and transfer to the State Records Center for permanent retention.
05375	<b>Litigation File</b>	This series represents the working file created when appeals to a decision made by the Cabinet are filed in Franklin Circuit Court. The appeals can be related to certificate of need applications, advisory opinions, and changes to certificate of need regulations.
	<b>Access Restrictions</b>	KRS 61.878 (1) (h)(i)(j)
	<b>Contents</b>	Series contains: Motions; opinions; correspondence; and appeal information
	<b>Retention and Disposition</b>	Retain in Agency until after case closure and all appeals have been exhausted; then transfer to State Records Center for twelve (12) years; destroy.

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

STATE AGENCY RECORDS  
 RETENTION SCHEDULE

Health and Family Services, Cabinet for  
 Health Policy, Office of  
 Health Policy Development, Division of

Record Group  
 Number  
 1448

Series	Records Title and Description	Function and Use
05521	State Health Plan, Facility Utilization and Series Surveys	This series includes all surveys required by the State Health Plan. These surveys include: (1) HOSPITAL - This is an annual survey of Kentucky Hospitals to determine bed and service utilization for each hospital, region, and statewide; (2) HOSPICE - This is an annual survey of Kentucky facilities to determine bed and service utilization for each Hospice, region, and statewide; (3) HOME HEALTH - This is an annual survey of Kentucky Home Health Agencies to determine service utilization for each facility, region, and statewide; (4) LONG-TERM CARE - This is an annual survey of Kentucky Long-Term facilities to determine bed and service utilization for each facility, region, and statewide; (5) MRI - This is an annual survey of Kentucky Magnetic Resonance Imaging usage through hospitals and stand-alone facilities that determines MRI utilization for the provider, region, and state, and contributes to an MRI registry that is eventually turned in to an MRI report; and (6) ASC - This is an annual survey of Kentucky Ambulatory Surgery Centers and Ambulatory services provided by hospitals that determines services, provided by facility, region, and statewide, and helps track Linear Accelerators (and equipment for cancer treatment) and PET Scanners. The Hospice report is submitted by email. All other surveys are completed and submitted on the web. The purpose of the reports generally is to provide service statistics by population area, to control health care costs, and to support Certificate of Need claims. For purposes of needs and other analysis, counties are grouped according to the state's various Area Development Districts.
	<b>Access Restrictions</b>	None
	<b>Contents</b>	Names and contact information of institutions, organizations, administrators. Utilization information varies by service type.
	<b>Retention and Disposition</b>	Retain in Agency seven (7) years; destroy.