



Cabinet for Health and Family Services

Department for Aging and Independent Living

Records Retention Schedule

Prepared by the State Records Branch

Archives and Records Management Division

Approved by the State Libraries, 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 this agency. **Government records in Kentucky can only be disposed of with the approval of the State Libraries, 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 agency personnel and Archives and Records Management Division staff and reviewed and approved by the Commission. This schedule provides the legal authority for this agency to destroy the records listed, after the appropriate retention periods have passed.

Agency 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 this agency.

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.

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.

Department for Aging and Independent Living

The Kentucky Department for Aging and Independent Living (DAIL) oversees the administration of statewide programs and services on behalf of Kentucky's elders and individuals with disabilities. In partnership with Kentucky's 15 Area Agencies on Aging and Independent Living, Community Mental Health Centers, Center for Independent Living and other community partners, DAIL provides leadership and addresses issues and circumstances that stand in the way of elders and individuals with disabilities achieving the best possible quality of life.

The Department was established in 2007 under KRS 194A.030, and is headed by a commissioner appointed by the secretary with the approval of the Governor. It is charged to serve as the state unit as designated by the Administration on Aging Services under the Older Americans Act and has responsibility for administration of the federal community support services, in-home services, meals, family and caregiver support services, elder rights and legal assistance, senior community services employment program, the state health insurance assistance program, state home and community based services including home care, Alzheimer's respite services and the personal care attendant program, certifications of adult day care and assisted living facilities, the state Council on Alzheimer's Disease and other related disorders, and the Institute on Aging. The department also administers the Long-Term Care Ombudsman Program and the Medicaid Home and Community Based Waivers Consumer Directed Option (CDO) Program. It serves as the information and assistance center for aging and disability services and administers multiple federal grants and other state initiatives.

RECORDS RETENTION SCHEDULE

Signature Page

Dept. of Aging & Independent Living
Agency

June 14, 2012
Schedule Date

Unit

June 8, 2023
Change Date
June 8, 2023

Date Approved By Commission

APPROVALS

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

Victoria L. Shidge
Agency Head

6/1/23
Date of Approval

Matt Hall
Agency Records Officer
DocuSigned by:

6/1/23
Date of Approval

Dunip
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State Archivist and Chairman, State
Libraries, Archives, and Records
Commission

6/8/2023
Date of Approval

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

Taylor Metzger
Records Analyst/Regional Administrator

5/24/2023
Date of Approval

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Appraisal Archivist

6/2/2023
Date of Approval

CMD
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State/Local Records Branch Manager

6/2/2023
Date of Approval

The determination as set forth meets with my approval.

Graham Gray
B0067BB509E3413...
on behalf of
Auditor of Public Accounts

6/8/2023
Date of Approval

**Archives and Records Management Division
Kentucky Department for Libraries and Archives**

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Cabinet for Health and Family Services
Aging and Independent Living, Department for

**Record Group
Number
1436**

Series	Records Title and Description	Function and Use
04217	Area Development District (ADD) Plan File (V)	<p>This series documents the community-based social and nutritional services provided for people age sixty (60) and over, within each of the Area Development Districts (ADD). The plan defines: 1) the needs of the people; 2) the number of people estimated to be in need; 3) the number of services to be provided; 4) the estimated number of people to receive services; 5) the cost of services; 6) which agencies will provide the services; 7) where services will be provided; 8) when services will be provided; and 9) the total amount of funds available to pay for services. The plans are used to notify the public about the services, document that the ADD Agency on Aging (or subcontractor) will provide services in compliance with federal and state laws. Also, that it will obtain federal and state funding through a Program Administration Contract between the Office of Aging Services and each ADD, and that it will provide a means for assessment/monitoring for contract compliance. The contracts may be executed once the plan has been approved by state officials. The plan is incorporated into the state plan (04218), according to the requirements of Title III of the Older Americans Act of 1965.</p>
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Budget allocations; census data; statistical data regarding the elderly; Federal and state policies; regulations and laws; directives and instructional material; and contracts
	Retention and Disposition	Retain in Agency one (1) year after plan activities are completed, then transfer to State Records Center for seven (7) years. Destroy after audit. Total retention is eight (8) years after completion or after audit, whichever is longer.
04218	State Plan for Programs on Aging File (V)	<p>This series documents the Commonwealths proposed programs and services for eligible persons over age sixty (60), under Title III of the Older American Act of 1965. It represents proposed spending patterns for programs funded through the services of local or state agencies. The Department of Aging and Independent Living (DAIL) contracts with the states Area Development Districts (ADDs), Area Agencies on Aging (AAA), which provide services directly to or by subcontract for any or all of the services of the plan. Services are provided in accordance with an approved plan submitted to the Administration of Aging, Federal Department of Health and Human Services. This series is the source of continual reference during its official life span and is subject to federal review and monitoring. The state may develop plans annually, semi-annually, or every three (3) years, based on state goals for a determined period of time. Public hearings are held around the state to observe needs in the area agencies. These needs are incorporated into the state plan from the Area Development District Plans File (04217). The Area Development District Plan is subject to the same scrutiny by the Cabinet for Health and Family Services, Department for Aging and Independent Living as the state plan is by the federal government. Amendments are written when there are changes in the requirements of the Older Americans Act.</p>
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Federal preparation instructions; internal drafts; public review documents; federal approval documents; final draft; and interagency agreements, if needed, and correspondence
	Retention and Disposition	Destroy the working file documents three (3) years after the life span of the plan expires, and audit. Forward a copy to the Archives and Records Management Division when final plan is completed. Retain one copy permanently in the agency.

STATE AGENCY RECORDS RETENTION SCHEDULE

Cabinet for Health and Family Services
Aging and Independent Living, Department for

Record Group
Number
1436

Series	Records Title and Description	Function and Use
04220	Assessment / Monitoring Report File	This series documents the on-site aging program monitoring visit to the Area Development Districts (ADD) by Department for Aging and Independent Living personnel to establish contract/program compliance. The Older Americans Act requires the monitoring of services and activities. The state plan (04218) reflects the monitoring requirements. The monitoring visits are done routinely. Staff provide technical assistance to an ADD or program that is out of compliance.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Narrative reports that document findings; correspondence; and corrective recommendations/follow-up
	Retention and Disposition	Retain in Agency until closure of the state plan, transfer to State Records Center. Destroy after audit. Total retention is eight (8) years after closure of the state plan or after audit, whichever is longer.
04221	Disaster Relief Grant Funds File	This series documents the receipt and distribution of grant funds made available to the Area Development Districts (ADD) by the federal Department for Health and Human Services, Administration of Aging. Upon the occurrence of some type of disaster, such as a flood or tornado, the funds are directed for the assistance of Kentucky's elderly population and are administered to the needed location(s) by the Department for Aging and Independent Living. The series reflects cash flow, utilization dates, purposes for which the grant was used, and the recipients of the funds. The amount of a grant is dependent on the availability of funds at the time a disaster occurs.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Cash flow of funds; dates of payment; purpose of grant; recipients; location(s); correspondence; fiscal Reports; and grant activity data
	Retention and Disposition	Retain in Agency two (2) years, then transfer to State Records Center for an additional six (6) years. Destroy after audit. Total retention is eight (8) years after end of project or after audit, whichever is longer.
04224	Menus-Nutrition Program for the Elderly File	This series documents the menus planned and prepared by the contracting agencies of the Area Agency on Aging of the Area Development Districts for the older citizens participating in food programs. The menus must comply with the regulations and nutrition requirements of the state of Kentucky, as well as the Older Americans Act. The menus generally cover a months period of time. The foods offered must meet one-third of the Required Daily Allowance, and the menus must provide some variety. Menus are created by the nutritionist associated with the contracted agencies. The state would resolve any conflicts that might be presented as a result of menus that were dissatisfactory to the recipients.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Menus and nutrient requirements
	Retention and Disposition	Retain in Agency one (1) year, then transfer to the State Records Center for two (2) years. Destroy after audit. Total retention is three (3) years or after audit, whichever is longer.

STATE AGENCY RECORDS RETENTION SCHEDULE

Cabinet for Health and Family Services
Aging and Independent Living, Department for

Record Group
Number
1436

Series	Records Title and Description	Function and Use
05845	Assisted Living Community File	<p>This series identifies records regarding assisted living communities pursuant to KRS 194A.700 -194A.729. Assisted living communities are defined in KRS 194A.700 as a series of living units on the same site, certified per requirements under KRS 194A.707, and operated as one business entity to provide services for five (5) or more adult persons not related with the third degree of consanguinity to the owner or manager. Assisted living communities services include daily living assistance, three (3) meals and snacks made available each day, scheduled daily activities, and assistance with self-administration of medication. Clients may include additional services in the lease agreement in addition to the services required by statute and these shall also be stated within the lease agreement. Assisted-living communities shall have written policies on reporting and recordkeeping of all alleged or actual cases of abuse, neglect or exploitation of an adult under KRS 209.030. The Cabinet for Health and Family Services (CHFS) conducts initial and annual certification reviews for each facility and submits to the Legislative Research Commission, by June 30 of each year, a breakdown of fees assessed and costs incurred for conducting certification reviews. In the event a person or business seeks financing for an assisted-living community project, CHFS shall provide written correspondence to the lender, upon request, if the architectural drawings and lease agreements conditionally comply with the statutory requirements and CHFS may charge a fee for providing these documents.</p> <p>Access Restrictions KRS 194A.060 (1). Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Name of community; owner and address of community facility; certification status and inspections; lease agreements; policies regarding reports and recordkeeping of actual cases of abuse, neglect or exploitation of a client; and architectural drawings of the community facility.</p> <p>Retention and Disposition Retain in Agency for five (5) years after community facility has ceased operation and CHFS has determined it is closed, then destroy.</p>
06323	Hart-Supported Living Program Files (V)	<p>This series documents Hart-Supported Living Program assistance provided to individuals with disabilities the help needed to live successfully in a home of their choice, to participate in their community, promote the individuals rights and autonomy, enhance the individuals skills and competences, per KRS 210.770 - .795 and 910 KAR 1:270. The Hart-Supported Living Program is grants providing a broad category of highly flexible, individualized services, when combined with natural unpaid or other eligible paid supports, provide the necessary assistance to persons with disabilities for a successful life (KRS 210.770 (5)). Disability within the Hart-Support Program is defined as someone with a physical or mental impairments that substantially limits a major life activity such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, learning and working per the Americans with Disability Act. Applications are submitted annually by the April 1 deadline.</p> <p>Access Restrictions KRS 61.878 (1)(a) - Personal information. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Application which includes name, address, date of birth, Social Security Number, disability/disabilities, support plan and/or amended support plan including services needed or to be provided; correspondence; medical history; agency review team decision; recipient responsibilities agreement; outside agency contracts providing assistance; financial and programmatic data.</p> <p>Retention and Disposition Retain until five (5) years after date of final funds received, then destroy.</p>
06336	Guardianship and Patient Financial Records Files	<p>This series documents a patients spending account, including monies deposited into the account and withdrawn accounts.</p> <p>Access Restrictions KRS 194A.060. Agencies should consult legal counsel regarding open records matters.</p> <p>Contents Series may contain: Patients name, Social Security Number, personal account information, date and amount of money deposited, date and amount of money withdrawn and by whom (patient or guardian).</p> <p>Retention and Disposition Retain in Agency three (3) years. Transfer to State Records Center for five (5) years. Destroy after audit. Total retention is eight (8) years or after audit, whichever is longer.</p>

STATE AGENCY RECORDS RETENTION SCHEDULE

Cabinet for Health and Family Services
Aging and Independent Living, Department for

Record Group
Number
1436

Series	Records Title and Description	Function and Use
07020	Personal Care Attendant Program Application and Related Materials (V)	This series documents the enrollment and provision of services to Personal Care Attendant participants. Per KRS 205.905, The Personal Care Attendant Program helps adults who are severely, physically disabled and at risk of being institutionalized live in their own homes and communities by subsidizing costs of personal attendant services. A personal care attendant helps with personal care, housekeeping, travel, and other day-to-day activities. This case file is cumulative, including yearly re-assessment to the program, all program care notes, and case plan information for participant. If the participant decides to leave the program but wants to come back, they must re-apply to the program. This will include having a pre-screen, application, and initial assessment, then re-assessment yearly going forward if the participant wants to remain in the program, which would keep them on active status in the program.
	Access Restrictions	Agencies should consult legal counsel on matters related to open records.
	Contents	Series may contain: Assessment information, financial eligibility forms, documentation case plans, case notes documentation, attendant contracts, and related correspondence.
	Retention and Disposition	Retain until five (5) years after participant's enrollment has become inactive, then destroy.
07040	1915 (c) Medicaid Waiver Participant Files	This series documents Medicaid 1915 (c) Home and Community Based Waiver Service Program eligibility and participation. Records are used to monitor services provided to a participant and are active for as long as the participant is receiving services.
	Access Restrictions	KRS 61.878 (1)(a) Medical Information. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Assessments, reassessments, plan of care recommendations, progress notes, case notes, participant directed timesheets and/or financial information, medical assistance program forms, liability information, releases, confidentiality agreements, termination documents, correspondence and related documents.
	Retention and Disposition	Retain until six (6) years after date of last service provided, then destroy.

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Cabinet for Health and Family Services
Aging and Independent Living, Department for
Division of Operations and Support
Long Term Care Branch

**Record Group
Number
1436**

Series	Records Title and Description	Function and Use
05823	Adult Day Care Certification Files (V)	This series documents the certification and compliance of adult day care centers pursuant to 910 KAR 1:160 Section 11. KRS 205.950 requires the Cabinet for Health and Family Services to promulgate regulations regarding adult day care centers. The application for certification of an adult day care center is available at the Cabinet for Health and Family Services (CHFS) and upon completion is submitted to CHFS, Department for Aging and Independent Living, Frankfort, KY. Certifications of adult day care centers are valid for two (2) years from date of issuance. Included in this series is the renewal certification process. Per KRS 205.955, routine inspections are conducted by the Department. The unannounced routine inspections are conducted to ensure compliance with the health, safety, and treatment standards established in 901 KAR 1:160 Section 8. This series also documents the inspection reports, statements of non-compliance and the facility's plan of correction, including the date(s) of correction(s) in the event if violations are found.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Application for certification; Checklist (DSS 1283 and DSS 1284); Certificates; Records of Complaint; Inspection Reports; Statement of Non-Compliance; Plans of Corrections; Renewal certifications; and correspondence
	Retention and Disposition	Retain in Agency for two (2) years from date of certification and the previous two (2) certification periods, then transfer to State Records Center. Destroy after closure of day care center.