



Education and Labor Cabinet

Disability Determination Services Program

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.

Education and Labor Cabinet
Disability Determination Services Program

Previously, the Disability Determination Services Program was within the Department for Income Support, Cabinet for Health and Family Services, and was moved to the Education and Labor Cabinet, effective July 1, 2024.

Disability Determination Services makes disability determinations on behalf of the commissioner of the U.S. Social Security Administration for residents of Kentucky. The program uses federal regulations to determine disability for both Supplemental Security Income (SSI) and Social Security Disability Income (SSDI). The program also adheres to federal regulations for performance accuracy and processing time standards.

The program does not take applications for these benefits. Applications for disability benefits are filed at any of 27 local Social Security offices throughout the state. The program does not determine technical eligibility for SSI or SSDI. Technical eligibility is determined by the local Social Security office based on credits earned by working for SSDI and income and asset levels for SSI.

The program also includes the Medical Review Team, which determines medical eligibility using state regulations for the following state public assistance programs: Kentucky Transitional Assistance Program and Family Medicaid (based on the deprivation of incapacity) and Adult Medicaid (based on disability).

RECORDS RETENTION SCHEDULE

Signature Page

Cabinet for Health & Family Services
Agency

December 1, 1976
Schedule Date

Department for Disability Determination
Unit

September 13, 2007
Change Date

September 13, 2007
Date Approved By Commission

APPROVALS

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

[Signature]
Agency Head

8/16/2009
Date of Approval

[Signature]
Agency Records Officer

2/16/2009
Date of Approval

[Signature]
State Archivist and Records Administrator
Director, Public Records Division

9/13/07
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

9/13/07
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

09-13-2007
Date of Approval

[Signature]
Appraisal Archivist

9/13/07
Date of Approval

[Signature]
State/Local Records Branch Manager

12 SEP 07
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9-13-07
Date of Approval

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

**STATE AGENCY RECORDS
RETENTION SCHEDULE**

Education and Labor Cabinet
Disability Determination Services Program

**Record Group
Number
0903P**

Series	Records Title and Description	Function and Use
05720	Disability Case Folders	This series documents a clients application for, and the final decision made regarding, disability. The Department for Disability Determination Services makes disability determinations on behalf of the Commissioner of Social Security for residents of Kentucky. The Department follows Federal Regulations to determine disability for both Supplemental Security Income (SSI) and Social Security Disability Income (SSDI). The Department does not take applications for disability benefits. Applications for disability benefits are filed at any of the 27 local Social Security offices throughout the state. The Department does not determine technical eligibility for SSI or SSDI. Technical eligibility is determined by the local Social Security office and is based on "credits" earned by working for SSDI, and income and asset levels for SSI. The department follows Federal Regulations for performance accuracy and processing time standards.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	SSA disability application, medical records collected to define the applicants physical and mental condition, determination forms, special functional capacity forms, summation forms, final decision documentation
	Retention and Disposition	Retain in Agency and transfer to Federal Government after disability determination is made.
05721	Authorizations for Claimant Travel Expenditures	This series documents payment of travel expenses to Disability applicants. The applicants are paid for going to their required medical exams if the roundtrip from their home is more than 28 miles.
	Access Restrictions	KRS 61.878(1)(a). Agencies should consult legal counsel regarding open records matters.
	Contents	Applicants name, address, and Social Security number; payment authorization; amount paid to claimant; Fiscal Year start date; Batch date
	Retention and Disposition	Retain in Agency one (1) year; transfer to Records Center for two (2) years; total retention is three (3) years.
05722	Authorization for Medical Evidence of Record (MER) and Consultative (CE) Medical Records Expenditures	This series documents payment for medical evidence (medical examinations and records submitted by claimants medical sources) used in the determination of disability. If the treating doctor does not submit an exam with enough findings to determine disability status, the applicant is required to have a comprehensive medical exam at the expense of Social Security Administration. This exam is not a duplicate; it is more complete than the original.
	Access Restrictions	KRS 68.178(1)(a). Agencies should consult legal counsel regarding open records matters.
	Contents	Vendor code, vendor name and address, amount of individual vendor payment, batch number, batch payment authorization number, claimants name and Social Security number.
	Retention and Disposition	Retain in Agency one (1) year; transfer to State Records Center for two (2) years. Destroy after audit. Total retention is three (3) years.

STATE AGENCY RECORDS RETENTION SCHEDULE

Education and Labor Cabinet Disability Determination Services Program

Record Group
Number
0903P

Series	Records Title and Description	Function and Use
05723	Disability Determination and Transmittal	This series documents findings of Disability Determination as indicated by disability adjudicator from studying medical and personal information related to claimants. It is a full description of the decision for disability applicant, documentation of onset date, claimant capability, primary/secondary diagnosis, allowance/denial criteria, notification information. Paper copies are retained in certain instances, but the majority are maintained electronically.
	Access Restrictions	KRS 68.171(1)(a). Agencies should consult legal counsel regarding open records matters.
	Contents	DDS code, filing date, claimant Social Security number, name & address of claimant, wage earners SSN, typed of claim, date of birth, District field office address and code, onset date, date last insured, occupational and educational years, basis for decision, listing number, claim level, Examiners name, date & Examiners signature, reference to Physician or Physicians signature, remarks relevant to decision.
	Retention and Disposition	Retain in Agency one (1) year. Destroy paper copies after 1 year. Transfer electronic records to the Federal Social Security Administration.
05724	Cessation or Continuance of Disability or Blindness Determination and Transmittal	This series documents findings of Disability Determination as indicated by the disability adjudicator from studying medical and personal information related to the Disability claimants condition and the continuance or cessation of disability benefits. It represents a full description of the decision for the Disability applicant, documenting onset date, claimant capability, primary/secondary diagnosis, cessation/continuance decision, and notification information. Paper copies are retained in certain instances, but the majority are maintained electronically.
	Access Restrictions	KRS 61.878(1)(a). Agencies should consult legal counsel regarding open records matters.
	Contents	DDS code, filing date, claimant Social Security number, name, and address, wage earners Social Security number, type of claim, date of birth, district field office address and code, onset date, primary/secondary diagnosis, diary type/date/reason, blindness information, occupational and educational information, basis for decision, listing number, claim level, examiners name, date of examination, signature, reference to Physician or Physicians signature, list number and designational folder
	Retention and Disposition	Retain in Agency and destroy paper copies after 1 year; transfer electronic records to the Federal Social Security Administration.