



Cabinet for Health and Family Services

Office of Inspector General

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.

**Cabinet for Health and Family Services
Office of Inspector General**

The Office of Inspector General is the regulatory agency for licensing all health care facilities, day cares, long-term care facilities, and child adoption/child-placing agencies in the Commonwealth. The Office is responsible for the prevention, detection and investigation of fraud, abuse, waste, mismanagement and misconduct by the Cabinet's clients, employees, medical providers, vendors, contractors and subcontractors. The Office of Inspector General also conducts special investigations as requested by the Secretary, Commissioners, or Office heads within the Cabinet into matters related to the cabinet or its program.

RECORDS RETENTION SCHEDULE

Signature Page

Cabinet for Health and Family Services
Agency

June 8, 2017
Schedule Date

Office of Inspector General
Unit

Change Date

June 8, 2017
Date Approved By Commission

APPROVALS

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

Robert S. Silvestro
Agency Head

5.15.17
Date of Approval

Bradley J. Papp
Agency Records Officer

5-8-17
Date of Approval

Bern Shurt
State Archivist and Records Administrator
Director, Archives and Records Management Division

6/8/17
Date of Approval

T. ...
Chairman, State Archives and Records Commission

6/8/17
Date of Approval

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

[Signature]
Records Analyst/Regional Administrator

5.17.17
Date of Approval

[Signature]
Appraisal Archivist

6/8/17
Date of Approval

[Signature]
State/Local Records Branch Manager

05/30/2017
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

6/8/17
Date of Approval

RECORDS RETENTION SCHEDULE

Signature Page

Cabinet for Health and Family Services
Agency

March 13, 2003
Schedule Date


Office of Health Policy
Unit

Change Date

June 14, 2018
Date Approved By Commission

APPROVALS

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


Agency Head

May 2, 2009
Date of Approval


Agency Records Officer

5-1-18
Date of Approval


State Archivist and Records Administrator
Director, Archives and Records Management Division

6/14/18
Date of Approval

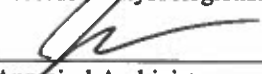

Chairman, State Archives and Records Commission

6/14/18
Date of Approval

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


Records Analyst/Regional Administrator

6.6.18
Date of Approval


Appraisal Archivist

6/18/18
Date of Approval


State/Local Records Branch Manager

6.14.18
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

6/19/18
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
Inspector General, Office of

Record Group
Number
1441

Series	Records Title and Description	Function and Use
06802	Kentucky National Background Check Program (NBCP) File (V)	<p>This series documents criminal background checks for applicants seeking employment with an "employer" defined by 906 KAR 1:190, Section 1(6); criminal background checks for applicants seeking licensure or certification with a professional licensing board enrolled in the Kentucky NBCP; and criminal background checks required as a condition of provider participation in the State's medical assistance program. 906 KAR 1:190 establishes a voluntary fingerprint-supported state and national background check program for the aforementioned applicants and providers.</p> <p>When available, the KY NBCP will implement "rap back," which is a mechanism that will allow the State and Federal Criminal Justice Information Services (CJIS) agencies to immediately notify the Kentucky NBCP of any new criminal history record information found for an employee or licensee who has been fingerprinted under the KY NBCP. Applicants will be enrolled in the "rap back" service for a period of five years from the date of fingerprint submissions and may be renewed on a five-year renewal basis thereafter.</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: Name, address, phone number, e-mail address, date of birth, social security number, race, gender, eye color, hair color, height, weight, U.S. citizenship status, place of birth, fingerprints, and background check results including fitness determination as a result of the background check. Series may also contain notification of ineligibility for hire based on background check results, documentation related to applicant appeals, and optionally uploaded information such as application documents, forms, and government-issued identification cards.</p> <p>Retention and Disposition Retain in Agency seven (7) years after issuance of fitness determination or one (1) year from expiration of rap back service, whichever is longer, then destroy.</p>

STATE ARCHIVES AND RECORDS COMMISSION
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Health and Family Services, Cabinet for
 Inspector General, Office of
 Audits & Investigations, Division of

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Series	Records Title and Description	Function and Use
04493	Audit Report File	This series documents the results and final report of the audits completed on contractors and providers of services to the Cabinet and its programs. The audits aid in determining allowable expenses and reimbursements, financial compliance, and effecting cost settlements between the Cabinet and providers, if necessary. The reports are prepared by the auditors and reflect their opinions, comments, and recommendations. The reports may be used as a basis for settlements by the Cabinet with contractors or vendors.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: transmittal report; auditor's opinion, findings and recommendations; report on compliance with applicable regulations; revised cost report.
	Retention and Disposition	Retain in Agency for two (2) years or until final settlement, whichever is longer, then transfer to State Archives for permanent retention.
04494	Agency Record File	CLOSED SERIES. This is an audit that is no longer conducted in the office. This series documents the information gathered on an agency each year as audits are conducted that may serve as a resource when future audits are undertaken. The series is updated as new information is collected so that the file contains current data as needed.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Board of Director's minutes, articles of incorporation, by-laws, depreciation schedule, amortization schedule, square footage, mortgages, loan agreements, management or other contracts, brochures, notes for future audits.
	Retention and Disposition	Retain in Agency and destroy individual documents when no longer useful.
04495	Audit and Desk Review Workpapers File (V)	This series documents the procedures followed, tests performed, information obtained, and conclusions reached during an examination, audit, or review of an agency or a single audit report. This series represents records maintained by the auditor or reviewer which provide supporting documentation for the issuance of a final audit or review, regardless of type.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Correspondence, memoranda, printouts, tax information, interviews and communications, work programs, analyses, abstracts of agency documents, schedules or commentaries prepared by the auditor, annual cost reports, detailed costs, square footage information, personnel and financial data, revised cost reports.
	Retention and Disposition	Retain in Agency for six (6) years or until final disposition of the audit, whichever is longer, then destroy.
05378	Medicaid and Welfare Fraud and Abuse Complaint File	This series documents complaints that are compiled on a daily basis from the Medicaid and welfare fraud hotline. The documentation taken during the phone conversation provides information that can be useful to the investigator handling the complaint. The complaint itself provides a detailed description of the type of fraud individuals are alleged to have committed.
	Access Restrictions	KRS 194A.060 - confidentiality of record and reports that directly or indirectly identify a client, former client, patient, or former patient of the cabinet. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Complaint form; screen prints from databases that are pertinent to the investigation; internet screen prints; bank statements, wage verification, medical information or other investigative findings; investigator notes; and related correspondence.
	Retention and Disposition	Retain in Agency until six (6) years after final disposition, then destroy.

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 Inspector General, Office of
 Audits & Investigations, Division of

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Number
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Series	Records Title and Description	Function and Use
05379	Investigation File (V)	This series documents the investigations that are undertaken based on complaints or referrals received from other agencies involving but not limited to alleged fraud, abuse, or eligibility of benefits. Complaints generally originate over the hotline established for that purpose (05378). Investigations result from referrals received from agencies such as the Department of Medicaid Services, the Department of Community Based Services, and Law Enforcement. The information gathered is used in the event of an administrative hearing or litigation in court. Information gathered during the investigation can come from several automated databases, including: Kentucky Automated Management Eligibility System (KAMES)(NOS), Information Management System (IMS)(NOS) and Kentucky Automated Support Enforcement System (KASES) (NOS).
	Access Restrictions	KRS 194A.060 - confidentiality of record and reports that directly or indirectly identify a client, former client, patient, or former patient of the cabinet. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Complaint, summary disposition, correspondence, materials gathered during the investigation, screen shots, investigative report, medical and other personal information, bank statements, wage verification, vendor information, information on the subject (name, social security number, address), overpayment calculations, and case records.
	Retention and Disposition	Retain in Agency until six (6) years post disposition, then destroy.
06803	Desk Review or Quality Control Review Letter and Memoranda	This series documents the results of Desk Reviews or Quality Control Reviews for audits performed by contractor organizations as required by the Single Audit Act. The Single Audit Act Amendments of 1996 were enacted to streamline and improve the effectiveness of audits of federal awards expended by states, local governments, and not-for-profit entities. It requires these audits to be conducted by an independent auditor.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: written communications to independent audit organizations, internal memoranda to CHFS departments which communicate the results
	Retention and Disposition	Retain in Agency for three (3) years, then transfer to State Archives for permanent retention.

STATE ARCHIVES AND RECORDS COMMISSION
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Health and Family Services, Cabinet for
 Inspector General, Office of
 Audits & Investigations, Division of
 Drug Enforcement and Professional Practices Branch

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 Number
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Series	Records Title and Description	Function and Use
06805	KASPER Account Information (V)	This series documents the Kentucky All Schedule Prescription Electronic Reporting (KASPER) account application forms processed by the Drug Enforcement and Professional Practices Branch (DEPPB) within the Division of Audits and Investigations (A&I). These application forms are used to verify the registration information entered by the applicant into the KASPER system and to validate the applicant's identification and credentials. The application forms are scanned and stored in the eKASPER folder on the A&I internal data drive.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access is restricted to CHFS staff authorized under KRS 218A.202. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: applicant's driver's license number, credentials (which may include DEA license, professional license, law enforcement identification, certification of election, letter of appointment, CHFS employee or contractor identification), name, address, phone, email address, date of birth, profession, specialty area, last four digits of Social Security Number, work facility name, work address, work phone, work fax.
	Retention and Disposition	Retain in Agency for five (5) years after account deactivation, then destroy.
06806	KASPER Data Request Form (V)	This series documents the Kentucky All Schedule Prescription Electronic Reporting (KASPER) data requests received from licensure boards and law enforcement agencies. KASPER data request forms are submitted by authorized users to obtain system reports or data that cannot be requested through the web-based KASPER system (such as for prescribers and pharmacies) or by authorized users without a KASPER account.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access is restricted to CHFS staff authorized under KRS 218A.202. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: requestor information, the subject of the report/data request, any special instructions.
	Retention and Disposition	Retain in Agency until three (3) years after request is processed, then destroy.
06807	KASPER Manually Prepared Reports and Data (V)	This series documents the Kentucky All Schedule Prescription Electronic Reporting (KASPER) reports and data sets that are prepared by Drug Enforcement and Professional Practices Branch staff in response to requests received from licensure boards and law enforcement agencies (series 06806). These reports show a prescriber history or a dispensing history of the requested prescriber or pharmacy.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access is restricted to CHFS personnel and KASPER users as authorized under KRS 218A.202. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: patient name, date of birth, address information, information for each controlled substance the patient has received including drug information, prescriber information, dispenser information, drug and pharmacy information for each prescription written by the prescriber, and drug and prescriber information for each prescription dispensed at pharmacy.
	Retention and Disposition	Retain in Agency for three (3) years after preparation, then destroy.
06808	KASPER Prescription History Data (V)	This series documents the prescription history data that is reported to the Kentucky All Schedule Prescription Electronic Reporting (KASPER). This data is used to compile the KASPER reports and data that are available to authorized users.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access is restricted to users authorized under KRS 218A.202 and for purposes authorized under KRS 218A.202 and KRS 218A.240. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: prescription level data including information on the patient, drug, prescriber, and dispenser.
	Retention and Disposition	Retain in Agency for fifteen (15) years, then destroy.

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STATE AGENCY RECORDS
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 Audits & Investigations, Division of
 Drug Enforcement and Professional Practices Branch

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 Number
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Series	Records Title and Description	Function and Use
06809	KASPER Patient Report Request Information (V)	This series documents the Kentucky All Schedule Prescription Electronic Reporting (KASPER) Patient Report request information submitted by authorized health care professionals or entities to obtain a KASPER Patient Report, along with requested tracking information assigned by the KASPER system.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access restricted to authorized Cabinet for Health and Family Services personnel as identified in KRS 218A.202. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: requestor information, KASPER assigned report request number, report processing information.
	Retention and Disposition	Retain in Agency until five (5) years after request is processed, then destroy.
06810	KASPER Patient Report (V)	This series documents the Kentucky All Schedule Prescription Electronic Reporting (KASPER) reports and data sets that are prepared by Drug Enforcement and Professional Practices Branch staff in response to requests received from authorized health care professionals and entities (series 06809). These reports show scheduled prescriptions for an individual over a specified time period.
	Access Restrictions	KRS 61.878(1)(a) - personal information. KRS 61.878(1)(L) - records made exempt by enactment of the General Assembly. Access is restricted to KASPER users authorized under KRS 218A.202 (specifically the user who requested the report) and to authorized CHFS staff. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: patient name, date of birth, address; information for each controlled substance the patient has received including drug information, prescriber information, and dispenser information.
	Retention and Disposition	Retain in Agency for one (1) year after preparation, then destroy.

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STATE AGENCY RECORDS
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Health and Family Services, Cabinet for
 Inspector General, Office of
 Certificate of Need

Record Group
 Number
 1448

Series	Records Title and Description	Function and Use
04078	Certificate of Need File (V)	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 fifteen 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 County Circuit Court. Progress reports must be submitted every six months after issuance of the CON until the project is implemented.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	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.
	Retention and Disposition	Retain in Agency until twenty-five (25) years after initial application is completed, withdrawn, or rejected, then destroy.
04079	Verbatim Transcripts of Certificate of Need and Licensure Hearings	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 it 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.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	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
	Retention and Disposition	Retian 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	Section 1122 Files - (Of the Social Security Act)	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 unnassary 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).
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: Correspondence; speeches; actions taken on proposals; expiration dates; project numbers; facility names; and proposed costs
	Retention and Disposition	Retain in Agency three (3) years after initial application is completed, withdrawn or rejected; transfer to State Records Center for permanent retention.

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Health and Family Services, Cabinet for
 Inspector General, Office of
 Certificate of Need

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Number
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Series	Records Title and Description	Function and Use
04409	Advisory Opinion File	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.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: Opinions; correspondence; request for opinion; litigation activities (motions, pleadings), applicable
	Retention and Disposition	Retain permanently in agency
05374	Facility File - (Documents changes to facilities that do not require a certificate of need)	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.
	Access Restrictions	Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: Notice of intent to acquire; requests for advisory opinions; certificate of need application; and correspondence regarding changes in administration or services
	Retention and Disposition	Retain in Agency one (1) year and transfer to the State Records Center for permanent retention.
05375	Litigation File	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.
	Access Restrictions	KRS 61.878 (1) (h)(i)(j). Agencies should consult legal counsel regarding open records matters.
	Contents	Series contains: Motions; opinions; correspondence; and appeal information
	Retention and Disposition	Retain in Agency until after case closure and all appeals have been exhausted; then transfer to State Records Center for twelve (12) years; destroy.

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Health and Family Services, Cabinet for
 Inspector General, Office of
 Health Care, Division of

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 Number
 1441

Series	Records Title and Description	Function and Use
05381	Nurse Aide Abuse and Neglect Investigative File and Registry Appeals (V)	This series documents investigations of allegations of resident abuse, resident neglect, and misappropriation of resident property by certified nurse aides working in long-term care facilities. This series further documents appeals through the administrative hearing process requested by certified nurse aides or home health aides found by the Cabinet for Health and Family Services to have abused or neglected residents or misappropriated the property of a resident of a long-term care facility or a patient of a home health agency pursuant to 906 KAR 1:100. The appeal shall be filed in writing no later than thirty (30) calendar days of the date of the notice of a preliminary finding of resident abuse, resident neglect, or misappropriation of property. Final administrative action of the Cabinet is taken within ninety (90) days after the last day of testimony or adjournment of the hearing. A party who has exhausted administrative remedies may appeal the final order to the circuit court by filing a petition for review within thirty (30) calendar days after the final order of the Cabinet is mailed or delivered by personal service. A certified nurse aide or home health aide is placed on the Nurse Aide Registry within ten (10) days after: 1. The Cabinet Secretary issues a final order after an administrative hearing upholding the substantiated finding of resident abuse, resident neglect, or misappropriation of resident or patient property; 2. The nurse aide or home health aide fails to file a written request for hearing with the Cabinet Secretary on or before thirty (30) days after the notice was mailed; or 3. Fails to appeal. The Kentucky Board of Nursing maintains the Nurse Aide Registry. Individuals with records of substantiated findings must remain on the registry permanently per 42 CFR § 483.156(c)(1)(iv)(D).
	Access Restrictions	KRS 61.878(1)(h) - identity of informants. KRS 61.878(1)(i) - preliminary drafts, notes, correspondence with private individuals. KRS 61.878(1)(j) - preliminary recommendations and memoranda. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Name and address of alleged perpetrator, details regarding the finding and investigation, appeal request including the reason the appellant challenges the Cabinet's substantiated finding, all Cabinet employees involved with the investigation, Final Administrative Findings of the Cabinet, correspondence, legal documentation.
	Retention and Disposition	Retain resident neglect files in Agency until ten (10) years after final order is issued and all appeals have been exhausted, then destroy. Retain resident abuse and misappropriation of resident property files in Agency until final order is issued and all appeals have been exhausted, then destroy.
06804	Health Facilities Cumulative File (V)	This series documents licensure and/or certification, initial and annual surveys, complaints, facility changes, and ownership changes to ensure compliance with state and federal regulations. It also documents the investigation of complaints, licensure and, if applicable, certification of health facilities, as defined by KRS 216B.015 (13). Under the terms of KRS 216.557, there are two types of violations which can result from an investigation of a health facility. A type A violation is the most severe and one that represents an imminent danger to any resident of a health facility and creates substantial risk that death or serious mental or physical harm to the resident will occur. The violation is to be abated or eliminated immediately, unless a fixed period of time not to exceed ten days, as determined by the Cabinet, is required for correction. A type B violation presents a direct or immediate relationship to the health, safety, or security of any health facility resident, but does not create an imminent danger. The citation issued specifies the period of time within which corrective action must be taken. In both cases, monetary penalties may be assessed by the Cabinet only if the health facility has not been assessed a civil monetary penalty by the Centers for Medicare and Medicaid Services for the same violation. All administrative fines collected by the Cabinet are deposited in the Kentucky Nursing Incentive Scholarship Fund.
	Access Restrictions	KRS 61.878(1)(h) - identity of informants. KRS 61.878(1)(i) - preliminary drafts, notes, correspondence with private individuals. KRS 61.878(1)(j) - preliminary recommendations and memoranda. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Request for complaint investigation; investigation report; State Agency Complaint Tracking System printout; cease operation form; citation forms; statement of deficiencies; plan of correction; licensure addenda; assurance of compliance with the Department of Health and Human Services regulation under the Civil Rights Act of 1964; Medicare and Medicaid certification and transmittal form and attachments; health care financing administration forms; license application; denial of license; related correspondence; facility name, address, phone number; provider number; geographic area of service; nursing services; medical records and pharmaceutical services; changes in services; effective date of ownership and termination.
	Retention and Disposition	Retain investigation files in Agency one (1) year from final resolution. Retain licensure files in Agency one (1) year from most recent renewal. Transfer to State Records Center for nine (9) years, then destroy. Total retention of investigation files is ten (10) years after resolution. Total retention of licensing files is ten (10) years after most recent renewal.

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
 Inspector General, Office of
 Regulated Child Care, Division of

Record Group
 Number
 1441

Series	Records Title and Description	Function and Use
05397	Child Care Licensure and Complaint File	This series documents the licensure and complaint investigations of day care centers, child caring facilities, family child care homes, and child placing agencies. It also documents compliance with state and federal regulations. It includes information related to annual surveys.
	Access Restrictions	KRS 61.878(1)(h) - identity of informants. KRS 61.878(1)(i) - preliminary drafts, notes, correspondence with private individuals. KRS 61.878(1)(j) - preliminary recommendations and memoranda. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Request for complaint investigation; investigation reports; cease operation forms; civil penalty data; statements of deficiencies; corrective action plans; intermediate sanction agreements; compliance with Civil Rights Act of 1964; license application; certified family child care home application; facility name, address, phone number, license number; owner's name, number, address; related correspondence.
	Retention and Disposition	Retain investigation files in Agency seven (7) years from case closure or all exhaustion of appeals, whichever is longest, then destroy. Retain licensure files in Agency seven (7) years from most recent renewal, then destroy.
05398	Adverse Action File	This series documents the adverse actions against a day care center, child caring facilities, family child care homes, or child placing agency. Adverse actions include: civil monetary penalties, license suspensions, license revocation, and license denials. Under the terms of KRS 194A.050 (1) and KRS 199.896 (2), the agency can levy a civil penalty against a day care center at the time a deficiency in regulations is found and when there is an immediate threat to the health, safety and welfare of the children in the center. All penalties collected by the Cabinet are deposited in a special fund for the purpose of the Early Childhood Scholarship Program, which was created in accordance with KRS 164.518.
	Access Restrictions	KRS 61.878(1)(h) - identity of informants. KRS 61.878(1)(i) - preliminary drafts, notes, correspondence with private individuals. KRS 61.878(1)(j) - preliminary recommendations and memoranda. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Memoranda regarding adverse actions; allegation reports; statements of deficiencies; corrective action plans; legal proceedings and findings; pay records documenting penalties; name, address, and license number of the facility; and other investigative materials.
	Retention and Disposition	Retain in Agency until seven (7) years after the last date of legal remedies of a prior denial, suspension, or revocation of a certification or license, then destroy.