



Board of Optometric Examiners

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.

Board of Optometric Examiners

The Kentucky Board of Optometric Examiners was established in 1950 and is responsible for regulating the practice and licensure of optometry in Kentucky. The Board grants initial licensure to qualified optometrists and oversees the annual renewal of licenses. The Board also investigates complaints against practitioners and is responsible for imposing disciplinary sanctions against those who violate Kentucky Revised Statutes Chapter 320. The Board promulgates regulations concerning professional and business practice standards, continuing education and licensure requirements.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Optometric Examiners
Agency

March 8, 2007
Schedule Date

Unit

June 9, 2016
Change Date

June 9, 2016
Date Approved By Commission

APPROVALS

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

Cornie Calmet
Agency Head

5-19-2016
Date of Approval

Cornie Calmet
Agency Records Officer

5-19-2016
Date of Approval

State Archivist and Records Administrator
Director, Public Records Division

Date of Approval

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

6/9/16
Date of Approval

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

Joseph Isaac
Records Analyst/Regional Administrator

May 19, 2016
Date of Approval

Jim Inge
Appraisal Archivist

6/9/2016
Date of Approval

[Signature]
State/Local Records Branch Manager

6/9/2016
Date of Approval

The determination as set forth meets with my approval.

Mike Hammon
Auditor of Public Accounts

6/9/16
Date of Approval

*by
Melissa
Coet*

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Optometric Examiners, Board of

Record Group
Number
2020

Series	Records Title and Description	Function and Use
00928	Master File on Optometrists (V)	This file contains the application for license, supporting documents, and other materials related to registered Optometrists. KRS 320.220 requires all persons who practice optometry in this state to be licensed by the Ky. Board of Optometric Examiners. KRS 320.250 establishes criteria for a license, including the applicant's having reached the age of eighteen, and having the appropriate education. KRS 320.270 grants the board the discretion to admit into practice in Ky. persons licensed to practice optometry in other states. Applications are valid for one year from date of application, after which candidates must reapply. Registered Optometrists must renew their licenses annually.
	Access Restrictions	KRS 61.878(1)(a)
	Contents	Application, birth certificate, educational transcripts, law exam, national board scores, letters of recommendation, personal interview data, licensure letters, license renewal, complaints, and any other correspondence relating to the Optometrist.
	Retention and Disposition	Retain in Agency for 50 years. Transfer to State Archives for permanent retention.
05532	Continuing Education Certificates (V)	This Series contains paper certificates issued upon completion of continuing education classes. Pursuant to 201 KAR 5:030 Section 2, effective January 1, 2006, all continuing education taken for license renewal must be sponsored by a state, regional (multi-state like SECO) or national optometric association, an accredited school of optometry or an accredited school of medicine. Each Optometrist must complete 15 hours of continuing education classes each year. The agency also maintains a database of classes completed each year.
	Access Restrictions	None
	Contents	Paper certificates showing Optometrist's name, class completed, and date completed.
	Retention and Disposition	Retain in Agency two (2) years and destroy
05534	Continuing Education database (V)	This database contains information regarding continuing education classes that are completed. Pursuant to 201 KAR 5:030 Section 2, effective January 1, 2006, all continuing education taken for license renewal must be sponsored by a state, regional (multi-state like SECO) or national optometric association, an accredited school of optometry or an accredited school of medicine. Each Optometrist must complete 15 hours of continuing education classes each year. Paper certificates issued upon completion of the classes are retained in the agency for two years. License renewal applications are printed from this database.
	Access Restrictions	KRS 61.878(1)(a)
	Contents	Name of Optometrist, license number, graduation date, Social Security number, DEA number, licensure status, licensure fees, adverse action taken by the Board, practice addresses, date class completed, number of hours issued for class, total hours earned per year
	Retention and Disposition	Retain in Agency and maintain entries in database permanently, updating information as needed.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
 Optometric Examiners, Board of

Record Group
Number
2020

Series	Records Title and Description	Function and Use
06734	Complaints - Substantiated	This series documents activity related to substantiated complaints brought against an Optometrist. All complaints, substantiated and unsubstantiated, are registered with the Board and investigated. Upon receipt of a complaint, a copy is sent to the licensee for a response. The Board will consider the complaint along with the response and may choose to dismiss the complaint, investigate it further, or bring its own complaint against the licensee. Disciplinary cases may be resolved informally or after a hearing. For substantiated complaints, KRS 320.310(1) states the board may refuse to issue, refuse to renew, limit or restrict, revoke, or suspend a license, may place on probation or reprimand a licensee, may order, restitution, or may impose a fine. The complainant will be informed of the findings of the investigation and the resolution of the complaint. With Record Series 06735, Complaints - Unsubstantiated, replaces series 05533, Complaint File.
	Access Restrictions	KRS 61.878 (a) and (h) - Personal information/open investigations only
	Contents	Series may contain: Documentation of original complaint, responses, investigation of complaint, correspondence, documentation of findings and final resolution of complaint.
	Retention and Disposition	Retain until twenty (20) years after Agency action, then destroy.
06735	Complaints - Unsubstantiated	This series documents activity related to unsubstantiated complaints brought against an Optometrist. All complaints, substantiated and unsubstantiated, are registered with the Board and investigated. Upon receipt of a complaint, a copy is sent to the licensee for a response. The Board will consider the complaint along with the response and may choose to dismiss the complaint, investigate it further, or bring its own complaint against the licensee. Disciplinary cases may be resolved informally or after a hearing. For unsubstantiated complaints the agency finds there is not sufficient cause to impose disciplinary action on a licensee. The complainant will be informed of the findings of the investigation and the resolution of the complaint. With Record Series 06734, Complaints - Substantiated, replaces series 05533, Complaint File.
	Access Restrictions	KRS 61.878 (a) and (h) - Personal information/open investigations only
	Contents	Series may contain: Documentation of original complaint, responses, investigation of complaint, correspondence, documentation of findings and final resolution of complaint.
	Retention and Disposition	Retain until ten (10) years after case closure and dismissal of action, then destroy.