



Board of Physical Therapy

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 Physical Therapy

The Board of Physical Therapy licenses all physical therapists and physical therapist assistants for the Commonwealth of Kentucky. The Board interprets and enforces the laws and regulations through the credentialing process, investigating complaints and applying disciplinary measures as set forth by law.

The Board was established in 1958 under the provisions of KRS 327.030 – 327.070 to license and regulate the practice of physical therapy. The Board consists of seven members appointed by the Governor. Six of these members are either physical therapists or physical therapist assistants, and one is a public member. KRS 327.010 defines physical therapy, in part, as “the use of selected knowledge and skills in planning, organizing, and directing programs for the care of individuals whose ability to function is impaired or threatened by disease or injury, encompassing preventive measures, screening, tests in aid of diagnosis by a licensed doctor of medicine, osteopathy, dentistry, chiropractic, or podiatry and evaluation and invasive or noninvasive procedures with emphasis on the skeletal system, neuromuscular and cardiopulmonary function, as it relates to physical therapy.”

RECORDS RETENTION SCHEDULE

Signature Page

Board of Physical Therapy

December 9, 2021

Agency

Schedule Date

Unit

Change Date

December 9, 2021

Date Approved By Commission

APPROVALS

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

DocuSigned by:

 39599CDADA174D7...
 Agency Head 12/1/2021
 Date of Approval

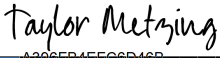
DocuSigned by:

 39599CDADA174D7...
 Agency Records Officer 12/1/2021
 Date of Approval

DocuSigned by:

 B447D63F7EC9447...
 State Archivist and Chairman, State
 Libraries, Archives, and Records
 Commission 12/10/2021
 Date of Approval


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

DocuSigned by:

 A396FB4EFC6D46B...
 Records Analyst/Regional Administrator 11/30/2021
 Date of Approval


 767A3F5C540E417...
 Appraisal Archivist 11/30/2021
 Date of Approval


 F25FB2B0E6434BA...
 State/Local Records Branch Manager 11/30/2021
 Date of Approval

The determination as set forth meets with my approval.

DocuSigned by:

 3E7D3BB5E0E540E... on behalf of 12/10/2021
 Auditor of Public Accounts Date of Approval

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Physical Therapy, Board of

Record Group
Number
2100

Series	Records Title and Description	Function and Use
00940	Physical Therapist and Physical Therapist Assistant Master Folder (V)	This series documents those who have completed the necessary requirements to be licensed and practice physical therapy or assist in the practice of physical therapy pursuant to KRS 327. The Board of Physical Therapy has the responsibility to ensure physical therapists and physical therapist assistants are properly licensed and have met the requirements of the Board prior licensure.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: License applications, diploma, proof of completion from an accredited school; exam score, verification of license or status for endorsement (when moving from another state), related correspondence.
	Retention and Disposition	Retain Permanently.
00944	Applicants Never Licensed File	This series documents incomplete applications for licensing by the Board of Physical Therapy. A portion of applications the Board of Physical Therapy receives to practice physical therapy in the state of Kentucky are never finished and therefore do not complete the licensing process.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	This series may contain: Application, correspondence, exam results, verification of license.
	Retention and Disposition	Retain for one (1) year after date of application, then destroy.
04127	Complaint File (V)	This series documents complaint cases where a complaint was filed and a response, or investigation was required, but no disciplinary action is warranted. The information normally should come to the attention of the agency by letter (documented in writing), however, there are a few cases that may be "looked into" because it has been brought to the attention of the Executive Director or the Board in the way of an "unofficial" nature. This file will document action taken regarding a complaint. The Board members and the Executive Director conduct their own investigations. They bring their findings to the Board meetings for review. Results of an investigation will be noted in the Board Minutes (M0008). If the complaint is not resolved through the investigation activity, a special hearing may be called. If there is no disciplinary action taken, the name of the Physical Therapist under investigation is withheld in the Board Minutes (identified by case number). The file also documents any court action that would take place on unlicensed individuals where a Board hearing is not required.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Summary of complaint (complaint number, date, complaine's name, address, phone number, employer's name, employer's address, employer's phone number, method of complaint, nature of complaint, duration of possible violation, informant, disposition of case, date of Initial Board Action, investigator's name, hearing (Yes/No), final disposition), correspondence, closing letter, investigative report, court documentation (if applicable).
	Retention and Disposition	Retain for ten (10) years after case closure, then destroy. Complaints resulting in disciplinary action will be documented in the Complaint File Resulting in Disciplinary Action (04128).

STATE LIBRARIES, ARCHIVES, AND RECORDS COMMISSION

Archives and Records Management Division

Kentucky Department for Libraries and Archives

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Physical Therapy, Board of

Record Group
Number
2100

Series	Records Title and Description	Function and Use
04128	Complaint File Resulting in Disciplinary Action (V)	This series documents disciplinary action taken against a licensee due to an initial complaint and investigation. The nature of the discipline may range from an administrative warning or licensed probation to suspension and revocation of license. The Board may call for a special hearing when it is deemed that disciplinary action is required. The disciplinary action is normally done by an Agreed Order (both parties agree to the action as a result of a hearing of the Board of Physical Therapy). If either party elected to appeal the verdict of the hearing, an appeal would be filed in Franklin Circuit Court. KRS 327.070 specifies practice standards to follow by licensees and aids in determining deviations from ethical activity. The information relating to these cases is included in the Board Minutes (M0008), and the individual or parties involved are identified by name.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Investigative information, complaint summary (complaint number, nature of complaint, disposition of case, name and address of licensee or organization, informant), correspondence, notice of hearing, hearing transcript, Agreed Order (if applicable), monitoring reports (Probation).
	Retention and Disposition	Retain for fifty (50) years after case closure, then destroy.
04129	Litigation File (V)	This series documents legal action taken against the Board of Physical Therapy, generally appealing board decision. It may also document legal action initiated by the Board. Appeals of board decisions are made to the Franklin Circuit Court.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Copies of complaint file, related correspondence, investigative information, monitoring reports, hearing transcript, disposition of case, court pleadings.
	Retention and Disposition	Retain for five (5) years after case closure, then destroy.
05757	Renewal Applications File (V)	This series documents the application renewal process for licensed physical therapists and physical therapist assistants. Pursuant to KRS 327.050 (8)(9), "all licenses and certificates shall be renewed biennially, upon payment on or before March 31 of each uneven-numbered year. Licenses and certificates which are not renewed by March 31 of each uneven-numbered year shall lapse."
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Renewal application, applicants name, address, affidavit, applicants work location.
	Retention and Disposition	Retain for five (5) years and audit, then destroy.
05758	Inactive License File	This series documents candidates who have completed the necessary requirements to be licensed and to practice physical therapy, or assist in the practice of physical therapy in accordance with KRS 327.050, but did not renew their license. A non-renewal establishes inactive status pursuant to KRS 327.050 (9). The Board of Physical Therapy is charged with ensuring that physical therapists and physical therapist assistants are properly licensed and have met all requirements of the board to be licensed.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info. Agencies should consult legal counsel regarding open records matters.
	Contents	Series may contain: Applications, diploma, proof of completion from an accredited school, exam score, out of state verification (license or status for endorsement), related correspondence.
	Retention and Disposition	Retain Permanently.

Electronic System With Included Records Series

General Government

Physical Therapy, Board of

System Description: The Back Office system and supporting applications of license renewal and discipline monitoring are used to administer the Kentucky Board of Physical Therapy. The system supports the processes for active and inactive licensees as well as tracking of discipline monitoring.

System Contents: The Back Office System contains all records related to physical therapists and physical therapist assistants. This data includes license, address, additional state licenses, jurisprudence exam records, verifications, and payment history. The Discipline Monitoring System includes monitoring information for discipline cases of physical therapists and physical therapist assistants. The License Renewal presents the physical therapist and physical therapist assistants renewal information and allows renewal of their licenses.

Gen. Schedule Items:

System Title: **Physical Therapy Licensing System** Alternate Title: **KBPT - Licensing System**

<i>Series #</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>
00940	Physical Therapist and Physical Therapist Assistant Master Folder	Retain Permanently.
04127	Complaint File	Retain for ten (10) years after case closure, then destroy. Complaints resulting in disciplinary action will be documented in the Complaint File Resulting in Disciplinary Action (04128).
04128	Complaint File Resulting in Disciplinary Action	Retain for fifty (50) years after case closure, then destroy.
04129	Litigation File	Retain for five (5) years after case closure, then destroy.
05757	Renewal Applications File	Retain for five (5) years and audit, then destroy.
05758	Inactive License File	Retain Permanently.