



Department of Veterans Affairs

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 of Veterans Affairs

The Bureau of Veterans' Affairs was created in 1972. In 1974, the Bureau became the Advisory Board for Veterans' Affairs and the Department for Human Resources assumed some duties. In 1980, the Center for Veterans' Affairs was created in the Department for Military Affairs; it assumed the duties that had been assigned to the Department for Human Resources. In 1996, with enactment of HB 90, the Center was merged into the newly created Department of Veterans' Affairs (KDVA).

The Department provides assistance and support to citizens of the Commonwealth who are veterans of the military services, their families, dependents, and/or survivors, in the presentation, proof, and establishment of all claims, privileges, rights and other benefits they may have under state, federal or local law (KRS 40.310). KDVA provides benefits counseling, skilled nursing care at state veterans centers, dignified interment at state veterans cemeteries, and special programs for women veterans, homeless veterans and others. It collects data and information regarding facilities and services available to veterans, their families and dependents.

RECORDS RETENTION SCHEDULE

Signature Page

Department of Veterans Affairs
Agency

December 8, 2011
Schedule Date

Unit

September 13, 2012
Change Date

September 13, 2012
Date Approved By Commission

APPROVALS

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

[Signature]
Agency Head

Date of Approval

[Signature]
Agency Records Officer

9/25/12
Date of Approval

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

9/13/2012
Date of Approval

[Signature]
Chairman, State Archives and Records Commission

9/13/2012
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

9/13/2012
Date of Approval

[Signature]
Appraisal Archivist

9/13/2012
Date of Approval

[Signature]
State/Local Records Branch Manager

9/13/12
Date of Approval

The determination as set forth meets with my approval.

[Signature]
Auditor of Public Accounts

9/13/12
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

Governor, Office of the
 Veterans Affairs, Department of
 Cemeteries, Division of

Record Group
Number
2970

Series	Records Title and Description	Function and Use
06179	Construction Projects File	This series documents the entire history of the planning, development and construction phases of each state veterans cemetery located in the Commonwealth of Kentucky (KRS 40.315). The entire construction and initial equipping of these facilities is fully funded with a federal grant in coordination with the State Veterans Cemetery Service, a division of the National Cemetery Administration. Grant funds are also available for expansion and improvements to established cemeteries. Currently, there are four (4) operational state veterans cemeteries with a fifth cemetery in the planning phase. The purpose of these facilities is to provide internments of veterans and their eligible family members in a dignified and compassionate manner.
	Access Restrictions	None.
	Contents	Series contains: Land deeds, maps, architectural concepts, related correspondence, construction history, drawings, federal grants, and financial documents pertaining to the capitol project.
	Retention and Disposition	Retain permanently.
06180	Kentucky Indigent Veterans Burial Program File	This series documents the Indigent Veterans Burial Program administered by the Kentucky Department of Veterans Affairs. KRS 40.355 established the Indigent Veterans Burial Trust Fund to provide funds to defray the costs of funeral expenses for indigent veterans in the Commonwealth of Kentucky. The fund may receive state appropriations, gifts, grants, federal funds, and any other funds both public and private.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN
	Contents	Series contains: Veteran information and burial information.
	Retention and Disposition	Retain permanently.
06181	Kentucky Medal for Freedom Program File	This series documents the Kentucky Medal for Freedom awarded by the Kentucky Department of Veterans Affairs (KDVA) to individuals who meet criteria prescribed in KRS 40.353. KDVA maintains a permanent honor roll, listing each recipient's name and branch of service. The Honor Roll is made available for display at special occasions such as Memorial Day, Veterans Day, or during special ceremonies conducted at state or federal cemeteries located throughout the Commonwealth.
	Access Restrictions	None.
	Contents	Series contains: Nomination application; veteran name and service information.
	Retention and Disposition	Retain permanently.
06182	Veteran Pre-Application File	This series documents the eligibility (pre-application) of veterans and/or veteran dependents for burial benefit in state veterans' cemeteries (KRS 40.315).
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN.
	Contents	Series contains: Eligibility application form and military service data.
	Retention and Disposition	Retain until death of applicant.

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Series	Records Title and Description	Function and Use
06183	Interred Veteran or Dependent Master File	This series documents veterans or dependents of veterans interred in one of Kentucky's state cemeteries. Per KRS 40.315, the Kentucky Department of Veterans Affairs establishes and maintains state veterans cemeteries in the Commonwealth for the purpose of providing for the interment of Kentucky veterans of the United States Armed Forces and for their next of kin, as determined by the department.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN.
	Contents	Series contains: Decedent's name, address, DOB, DOD, SSN, Cemetery Location, Funeral Home Information, Next-of-Kin Information, Military Service Eligibility Information, Monument Inscription Proof Information, Profile Collection Form Information and Interment Checklist form.
	Retention and Disposition	Retain permanently.

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 Commissioner, Office of the
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Series	Records Title and Description	Function and Use
06184	Case Files	This series documents personnel actions brought against Department employees, claims made against the Department, and all litigation connected with the Kentucky Department of Veterans Affairs.
	Access Restrictions	KRS 61.878(1)(a)(h)(i) Personal information, attorney notes and investigation material.
	Contents	Series contains: Pleadings; motions; briefs; correspondence; research notes; legal documents; evidence; final hearing decisions from the Personnel Board and from appeal to Workforce Investment related to obtaining unemployment insurance benefits.
	Retention and Disposition	Retain for seven (7) years after final disposition, then destroy.

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Series	Records Title and Description	Function and Use
01719	Limited Tuition Claim Case Files	This series documents limited tuition waivers pursuant to KRS 164.507 and KRS 164. 515. A waiver of tuition is an education benefit provided by the Commonwealth of Kentucky in recognition of military service of Kentucky veterans. The tuition waiver is provided for children, stepchildren, adopted children, spouses, and un-remarried widows & widowers. An approved tuition waiver means a student may attend any two-year, four year or vocational technical school that is operated and funded by the Kentucky Department of Education. Applicants may be eligible for 45 months of training or until they receive a degree; or training until their twenty-sixth (26) birthday whichever comes first (no age limit for the spouse) if the veteran is permanently and totally disabled for pension purposes or one hundred percent (100%) disabled for compensation purposes by the United States Veterans Administration or the Department of Defense.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN
	Contents	Series may contain: Birth certificate, marriage certificate or tuition waiver affidavit of household membership (for stepchildren) to prove relationship to veteran, DD214 or discharge certificate to prove eligibility of veteran, veteran's driver's license, death certificate (if veteran is deceased), disability award letter (either VA or SSA) to prove veteran is totally disabled, evidence of Kentucky residency (copies of tax form, driver's license, utility bill, etc.).
	Retention and Disposition	Retain for two (2) years after the applicant's twenty-sixth (26) birthday, then destroy.
01720	Unlimited Tuition Claim Case Files	This series documents unlimited tuition waivers pursuant to KRS 164.505. A waiver of tuition is an education benefit provided by the Commonwealth of Kentucky in recognition of military service of Kentucky veterans. The tuition waiver is provided for children, stepchildren, adopted children, spouses, and un-remarried widows & widowers. An approved tuition waiver means a student may attend any two-year, four year or vocational technical school that is operated and funded by the Kentucky Department of Education. An Applicant may be eligible if the veteran was killed in action during a wartime period or died as a result of a service-connected disability incurred while serving during a wartime period, provided the veteran's home of record upon entry into the Armed Forces was the Commonwealth of Kentucky.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN
	Contents	Series may contain: Birth certificate, marriage certificate or tuition waiver affidavit of household membership (for stepchildren) to prove relationship to veteran, DD214 or discharge certificate to prove eligibility of veteran, veteran's driver's license, death certificate (if veteran is deceased), disability award letter (either VA or SSA) to prove veteran is totally disabled, evidence of Kentucky residency (copies of tax form, driver's license, utility bill, etc.).
	Retention and Disposition	Retain certificate for 100 years after applicant's date of birth. Supporting documentation may be destroyed after two (2) years.
06193	Power of Attorney File	This series documents the appointment, by Power of Attorney, of the Kentucky Department of Veterans Affairs (KDVA) to serve as the sole representative of a veteran's claim before the U.S. Department of Veterans Affairs. Once appointed, the Power of Attorney is valid for five (5) years. The Veteran may at anytime revoke KDVA's representation and choose another agency or persons to represent him/her. Conversely, in accordance with 38 CFR 20.608, KDVA may revoke the power of attorney.
	Access Restrictions	KRS 61.878(1)(a) Personal information - SSN
	Contents	Series contains: POA form.
	Retention and Disposition	Retain for five (5) years after date of veteran's death, then destroy.

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Series	Records Title and Description	Function and Use
04603	Medical Record File (V)	This series documents the course of a resident's treatment while at a Kentucky Veterans Center. As required in 902 KAR 20:048, it contains pertinent facts of a resident's life and health history. It includes past and present illnesses and treatments, as prescribed by health care professionals. Records in this series are used to assess and improve techniques and can eventually be transferred to another health care facility, if the resident leaves. This series documents all official actions and can be used for coding diagnoses and for financial reimbursement. Although not typical, this series may provide information about a resident's military service.
	Access Restrictions	KRS 61.878 (1)(a) Personal information - medical and SSN.
	Contents	Series may contain: Resident's name and contact information, insurance, social security number, referral agency information, consent to treatment and admission, medical history, physical examination information, doctor's orders, treatments, progress notes, nurse's notes, evaluations by other health care providers, next of kin contact information, documentation related to uses and disclosures, authorization forms and military records.
	Retention and Disposition	Retain for six (6) years after resident's death or discharge, then destroy.
04604	Incident Report File (V)	This series documents all unusual occurrences involving residents within the facility. As required in 902 KAR 20:048 (3) (d), a written report must be made involving a patient, visitor or staff. Examples of occurrences include a resident falling, residents fighting, and employee injuries. The information collected is used to identify problems and to help in determining whether a special care conference needs to be held to deal with a resident's behavior, so they do not hurt other residents, staff, or visitors. The series is also used to determine the necessity for administrative action on an issue, if adult abuse has taken place, and whether complaints are legitimate and need further follow up.
	Access Restrictions	KRS 61.878 (1)(a) Personal Information
	Contents	Series contains: Resident's name, department, time of occurrence, medical records number, date, location and description of occurrence, signature of person reporting, follow-up or corrective intervention information and related documents.
	Retention and Disposition	Retain for three (3) years, then destroy.
04605	Quality Management Report File	This series documents all assessment activities conducted in the facility, including utilization review. The process is performed internally, and the purpose is to evaluate the care and services provided to residents. The reports are used by Veterans' Administration surveyors and state Licensing and Regulation surveyors to determine whether the centers are addressing important issues and resolving problems within the facilities, which include review of resident care and complaints.
	Access Restrictions	None
	Contents	Series contains: Review of utilization resources and services, evaluations of medical, nursing, and rehabilitative care given to residents, evaluation of the nutritional needs of the residents, various committee minutes, quality management review and other evaluations related to care and services.
	Retention and Disposition	Retain for six (6) years, then destroy.
04606	Schedule II Prescription File (V)	This series documents and provides information on medications (Schedule II) ordered from USDVA and local pharmacies and administered to residents, as prescribed by a physician. Schedule II narcotics provide a particular resident/patient with a medication needed for a specific medical condition. The drugs can have a very high abuse potential. Some examples of Schedule II drugs are: Percocet, Oramorph, Morphine, and Marinol (marijuana). The file contains all pertinent information concerning the dispensing of the drugs. These records track prescriptions from ordering to dispensing.
	Access Restrictions	KRS 61.878 (1) (a); 38 U.S.C. 3301
	Contents	Series contains: Patient's name and address; physician's signature and office address; physician's state license number; physician's DEA number; medication desired; quantity of medication; directions for use of the medication; diagnosis or reason for request of the medication; pharmacist's DEA number and initials; pharmacy DEA number; and pharmacist licensure number.
	Retention and Disposition	Retain for five (5) years, then destroy.

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Series	Records Title and Description	Function and Use
04607	Narcotic Disposition Record File (V)	This series documents narcotic drugs which are destroyed. The drugs may have been returned unused or expired, in which case they would not be eligible for dispensing. The original list must accompany the drugs to be destroyed. Destructions are supervised by contracted pharmacy consultants and licensed nurses. Information contained in this series aids in accountability procedures, as defined by the Drug Enforcement Agency.
	Access Restrictions	KRS 61.878 (1)(a) Personal information.
	Contents	Series contains: Drugs to be disposed of; quantity; strength; date drug was discontinued; patient's name, if applicable; prescription number; and Schedule for each drug (I,II,III, or IV).
	Retention and Disposition	Retain for five (5) years, then destroy.
04608	In-Service Education Record File	This series documents training that staff receive while employed in the nursing unit in the centers. Nurses are required to complete a set number of hours of in-service instruction each year. Licensed Practical Nurses and Registered Nurses have to complete the state required contact hours every two years. As required in 902 KAR 20:048, continuing education records are maintained by respective centers and are used for the purpose of regular agency review, and state licensing and certification.
	Access Restrictions	None
	Contents	Series contains: Employee training record forms; individual meeting attendance record; courses completed; dates of classes; hours earned; comments; position; unit; name; and hire date.
	Retention and Disposition	Retain for six (6) years after termination of employment, then destroy.
04609	Staff Schedules	This series documents staffing patterns in the centers. It shows whether or not sufficient numbers of nursing personnel are assigned, and that the staffing consists of the proper ratio of registered nurses, licensed practical nurses and nursing assistants. The information is submitted to the US Veterans Affairs (VA) as part of a pre-survey and is then verified by the VA at a later date.
	Access Restrictions	None
	Contents	Series contains: Name of person; job title; days of week to work/to be off; shift to work.
	Retention and Disposition	Retain for two (2) years, then destroy.
04610	Material Safety Data Sheets	This series documents and informs employees of hazardous chemicals that are used by the agency. The Occupational Safety and Health Administration sends the data sheets to each respective agency, which is then responsible for making them available to staff. Every employee has the right to know what chemicals he or she is being exposed to, and the possible side effects. In addition, personnel need to know what procedures to take if an accident occurs, to safely dispose of the chemicals or to transport them. It also provides other pertinent information about the chemicals, including flammability rating, boiling point, melting point, solubility in water, appearance and odor, and emergency telephone numbers.
	Access Restrictions	None
	Contents	Series may contain: Chemical control program policies procedures; name of chemical; chemical properties; hazards; first aid; control methods; special precautions; supplier's name; issue date of sheet.
	Retention and Disposition	Retain for thirty (30) years after issuance of data sheet, then destroy.

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Records Title	Function and Use
Series and Description	
04612 Day Care Facility File	CLOSED: This series documented day care facilities operated by the Veterans Centers, but ceased operations in 2008. A file is set up when the child applies and is consistently updated. The day care facility is open to children of the employees of the respective center. It is open seven days a week, including holidays, from 6:30 am to 11:40 p.m.. The purpose is to provide the employees with reasonably priced day care, as a benefit for working at the center. It also benefits the residents by providing intergenerational activities. The records allow the facility to track complaints and investigations, and to provide information to parents for income tax purposes. The facility is licensed for sixty-three children per shift.
Access Restrictions	KRS 61.878 (1) (a)
Contents	Series contains: Child's name; application; social security number; immunization record; copy of birth certificate; medical releases; policy agreements; medical forms; accident forms; picture of child
Retention and Disposition	Retain for five (5) years after child leaves the facility, then destroy.
05326 Residents' Financial/Veterans Affairs File (V)	This series contains documents relating to charges for residents while residing at the Center. It also contains information relating to the amount of pensions, social security and other income, as well as additional assets the resident had upon entering the Center. It also documents date of death or discharge and amounts of refunds, if applicable.
Access Restrictions	KRS 61.878 (1) (a) Personal Information.
Contents	Series contains: Calculation sheet; Veteran's Affairs forms; copies of banking statements and other financial papers relating to resident's financial position; forms filed on resident's behalf; and related correspondence.
Retention and Disposition	Retain for five (5) years after resident's discharge or death, then destroy.