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
This records retention schedule governs retention and disposal of records created, used and maintained by the Board of Optometric Examiners. **Government records in Kentucky can only be disposed of with the approval of the State 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 Board of Optometric Examiners personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Board of Optometric Examiners to destroy the records listed, after the appropriate retention periods have passed.

Board of Optometric Examiners 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 the Board of Optometric Examiners.

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.

This retention schedule covers the content of records created by the Board of Optometric Examiners, including records created or stored using computers and computer systems. The General Schedule for Electronic and Related Records applies to records related to computers or a computer system. Examples of these include system documentation and use records, backup files, or website format and control records.

**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 serves as a records officer. The agency records officer represent 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.
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

June 9, 2016
Change Date

June 9, 2016
Date Approved By Commission

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APPROVALS

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

Agency Head

Agency Records Officer

State Archivist and Records Administrator
Director, Public Records Division

5-19-2016
Date of Approval

5-19-2016
Date of Approval

Chairman, State Archives and Records Commission

6/4/16
Date of Approval

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

Records Analyst/Regional Administrator

Appraisal Archivist

State/Local Records Branch Manager

May 17, 2016
Date of Approval

6/1/2016
Date of Approval

6/1/2016
Date of Approval

The determination as set forth meets with my approval.

Auditor of Public Accounts

6/1/16
Date of Approval
### Master File on Optometrists (V) (00928)

**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.

**Access Restrictions**
- KRS 61.878(1)(a)

### Continuing Education Certificates (V) (05532)

**Contents**
- Paper certificates showing Optometrist's name, class completed, and date completed.

**Retention and Disposition**
- Retain in Agency two (2) years and destroy.

### Continuing Education database (V) (05534)

**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.

**Access Restrictions**
- KRS 61.878(1)(a)
### Complaints - Substantiated

**Series:** 06734  
**Description:** Complaints - Substantiated

**Function and Use:** 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.

**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.

### Complaints - Unsubstantiated

**Series:** 06735  
**Description:** Complaints - Unsubstantiated

**Function and Use:** 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.

**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.