



Board of Pharmacy

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 the Board of Pharmacy. **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 Pharmacy personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for Board of Pharmacy to destroy the records listed, after the appropriate retention periods have passed.

Board of Pharmacy 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 Board of Pharmacy.

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 Board of Pharmacy, 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 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 Pharmacy

The Kentucky Board of Pharmacy serves the Commonwealth to promote, preserve, and protect the public health, safety, and welfare through effective regulation of the practice of Pharmacy. The Board accomplishes this mission through examination, testing and credentialing of prospective pharmacists; regulation and discipline of all licensed pharmacists; and appropriate communication of information and laws pertaining to the practice of Pharmacy in Kentucky. The Kentucky Board of Pharmacy is self-supporting and receives no general fund tax appropriation. It is funded through fees assessed for the licensing and registration of its professionals and the permitting of pharmacies and wholesaler/manufacturing facilities.

The first Board was assembled informally in 1874 and formally formed in 1898 and originally functioned as part of the Department of Health. In 1936 the Board was placed within the Department of Business Regulation, Division of Professional Regulation. In 1938, the responsibility for the enforcement of the prophylactic laws was vested in the Board. By 1960 the Board was back within the Department of Health. Under KRS 315.191(Created 1966 Ky. Acts ch. 260, sec. 1.), the board was authorized to establish qualifications for pharmacists; administer pharmacy license examinations; issue, deny, suspend, and revoke licenses; and place licensees on probation. The board was also authorized to adopt appropriate rules to regulate those matters set forth in KRS 315.050 to 315.210 relating to pharmacists and pharmacies.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Pharmacy
Agency

June 10, 1994
Schedule Date


Unit

September 8, 2005
Change Date

September 8, 2005
Date Approved by Commission

APPROVALS

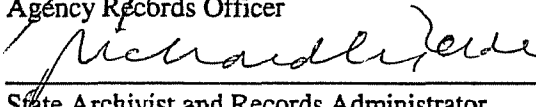
The undersigned approve of the following Records Retention Schedule or Change:


Agency Head

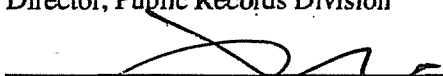
9-8-05
Date of Approval


Agency Records Officer

9-8-05
Date of Approval

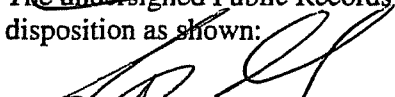

State Archivist and Records Administrator
Director, Public Records Division

9-8-05
Date of Approval


Chairman, State Archives and Records Commission

9/08/05
Date of Approval

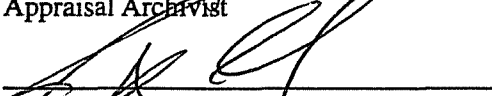
The undersigned Public Records Division staff have examined the record items and recommend the disposition as shown:


Records Analyst/Regional Administrator

9/8/05
Date of Approval

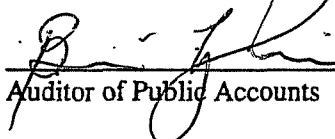

Appraisal Archivist

9/8/05
Date of Approval


State/Local Records Branch Manager

9/8/05
Date of Approval

The determination as set forth meets with my approval.


Auditor of Public Accounts

9/8/05
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Pharmacy, Board of

Record Group
Number
2080

Series	Records Title and Description	Function and Use
00935	Master Folder (Includes Pharmacists, Pharmacies, Wholesalers, and Manufacturers) (May include: application, internship record, correspondence, test results, disciplinary activity) (V)	This series documents the professional status and history of a permit holder or licensee. This series documents manufacturing, distribution, or dispensation of all legend medications either by pharmacists (dispensing) or facilities issued permits by the Board. It reflects annual renewals and investigations of complaints and disciplinary actions. Essentially, every required activity relevant to the continuance of professional practice or business will be documented in the Master Folder. A new folder will be created when a permit holder sells the business/store. The name of the business may stay the same, however, a new owner is identified. Until a license or permit expires, the files may be accessed daily. *Pharmacists-1887; In-State Pharmacies-1966, Out-of State Pharmacies-1990; Wholesalers-1982; Manufacturers-1982. **All four types of files, active and in-active.
	Access Restrictions	KRS 61.878 (1) (f)-Disciplinary activities
	Contents	Initial applications; Renewals; Correspondence; Inspection Reports; Complaints; Investigatory reports; Test Results; Disciplinary activities.
	Retention and Disposition	Retain Master Folder of pharmacists permanently. Destroy file of pharmacies, wholesalers and manufacturers five (5) years after expiration of license.
00937	Master List of Registered Pharmacists and Pharmacies	This series documents those who are licensed or hold a permit to conduct business in Kentucky. KRS 315.180 requires that the executive director maintain such a register of persons issued licenses or permits. Wholesalers and manufacturers have not been included until this year. The register reflects the name of the licensee, permit number and address. The register is generated by the Department for Information Systems because the Board currently does not have the technological capability of producing it.
	Access Restrictions	None
	Contents	Name of licensee or permit holder; Date of list; License or Permit number; Address
	Retention and Disposition	Retain current copy of register and transfer one (1) copy to the State Archives Center for Permanent retention. Outdated register may be destroyed after updated.
00938	License Renewal Card File (V)	This series documents the license renewals of pharmacists. Renewal of the license is to be done by March 31 of each year. Failure to comply results in automatic revocation of a license, unless the pharmacist is able to show at a hearing before the board that the failure to renew was not willful. The card also reflects any disciplinary activity and that continuing education requirements have or have not been satisfied.
	Access Restrictions	KRS 61.878 (1) (a) (f)-Disciplinary action
	Contents	Name, address, phone #, SS#; License #; Place of business practice, phone #; Disciplinary activity, if any, and Continuing Education Units for the renewal cycle.
	Retention and Disposition	Retain for five (5) years. Destroy after audit.
04392	Master Log of Pharmacists	This series documents the name of each pharmacist upon licensure and full board examination scores. Reciprocal candidates and the state from which they reciprocate are identified. The names in the master log will be entered only once, even if, for example, they move from Kentucky, then return.
	Access Restrictions	None
	Contents	Name of Licensee, Date of Licensure, Exam Score; Reciprocating State, License No.
	Retention and Disposition	Retain Permanently.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
 Pharmacy, Board of

Record Group
Number
2080

Series	Records Title and Description	Function and Use
04393	Licensure/Score Transfer and Examination Candidate File	This series documents the application of candidates awaiting approval for licensure in Kentucky. A licensure transfer candidate is waiting for the transfer to Kentucky's Board of Pharmacy the licensing documents from a reciprocating state, indicating that all licensing requirements in another state have been completed. A score transfer candidate has previously successfully completed the national examination in another state and has submitted an application to take the state exam. A licensure transfer candidate has 180 days from date of application to provide the necessary documents for licensure in Kentucky. An examination candidate is a graduate of an accredited school or college of pharmacy who has met, or attempting to meet, the qualifications prerequisite to sitting for the national and state examination. He has no specific time frame, but generally, a new application is requested for a new examination date, especially if more than a year has passed.
	Access Restrictions	None
	Contents	Application; Correspondence; Supporting documents
	Retention and Disposition	Retain for three (3) years.
04394	Register of Permits Issued Card File	This series documents the permits issued to pharmacies, wholesalers and manufacturers that conduct business in Kentucky. Pursuant to KRS 315.035, .0351, and .036 requires in- and out-of-state pharmacies, wholesalers, and manufacturers to register with and obtain a permit from the Board of Pharmacy before manufacturing or distributing legend medication in the state. If the business is sold, it is cross-referenced, reflecting the new owner(s), and a new card is created for the new owner(s). *Permits for wholesalers and manufacturers began in 1986.
	Access Restrictions	None
	Contents	Name of permittee; Permit number; Address; Date of Permit
	Retention and Disposition	Retain Permanently.
04395	Internship File (V)	This series documents a student's progress in fulfilling intern requirements necessary for licensure candidacy. Pursuant to KRS 315.050 (4), the Board of Pharmacy establishes standards for qualifying internship and determines appropriate qualifications for pharmacists supervising approved internship programs. Certificates of internship are valid for four years from date of issuance. An intern must complete 1500 work hours to be eligible to sit for the pharmacist licensure examination. The internship is completed under the supervision of a preceptor, one that has been licensed by the Board for at least one year and actively engaged in the practice of pharmacy full-time.
	Access Restrictions	None
	Contents	Correspondence, Application, Affidavits of employment
	Retention and Disposition	Upon completion of the internship requirements, transfer to the Master Folder (00935). If the requirements are not completed, destroy five (5) years after date of last activity.

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
Pharmacy, Board of

Record Group
Number
2080

Series	Records Title and Description	Function and Use
04396	Examination File (V)	This series documents the examination process and results for pharmacist licensure candidates. Part of each examination is produced and provided by the National Association of Boards of Pharmacy, which then provides the Board with a printout listing the results. The state portion of the exam is produced and provided by the Board of Pharmacy. Each part is administered concomitantly, twice yearly, by the Board. Copies of the results are retained in the file. The results of the exams are transcribed to the individual's Master Folder (00935). The file also contains audio tapes, for the oral portion of the examination, and examination sheets. The examinee has thirty days in which to contest a test score. There is no further recourse after the thirty-day period.
	Access Restrictions	KRS 61.878 (1) (e) - Copy of examination
	Contents	Series contains: State examination; composite list of examinees for national test/national score; state list, scores; roster of candidates; master list of names with code numbers; student exam results .
	Retention and Disposition	Destroy after audit. NOTE: Audio tapes and examination sheets may be destroyed forty-five (45) days after notification to candidate of scores.
04969	Complaint File - Unfounded (V)	This series documents consumer complaints against licensees where the investigations do not result in disciplinary action by the Board. If disciplinary action is warranted, information about the investigation and resulting action(s) will be found in the Master Folder - 00935, which is a permanent record.
	Access Restrictions	KRS 61.878 (1) (h)
	Contents	Series contains: All evidence developed and summary report of the investigator
	Retention and Disposition	Retain for three (3) years.
05430	Complaint File -- Substantiated (Case File) (V)	It is the responsibility of Board to investigate formal complaints filed by citizens and/or other public agencies against pharmacists. Most common complaints include: medication error, pharmacist impairment, diversion of drugs; failure to renew permit or license; and failure to complete continuing education requirements. The Board handles an average of approximately one hundred twenty (120) cases per year. Approximately ninety-five (95) percent of these cases are founded. A Board of Pharmacy Inspector follows up on a complaint with a set of Facts and Findings. The case then proceeds to the Case Board Review Committee and after review makes a recommendation to the Board. The Board then decides to accept the recommendation or proceed with another action. If the Board issues an Agreed Order, it is then sent to the Licensee or Permit Holder. If the Pharmacist does not accept the Agreed Order, consultation with the Executive Director, mediation or a hearing may result. The most common penalties are administrative fines and/or continuing education requirements, however suspension or revocation of a license may be possible. A list of Founded Complaints and Agreed Orders or any disciplinary action taken against an individual licensee is kept in that licensee's file.
	Access Restrictions	KRS 61.878(1)(a) (g) (h)
	Contents	May contain: Original Complaint; Investigation Report; Agreed Order; Continuing Education Requirements; Correspondence; Drug Screening Results; Work Site Locations; Meeting Requirements; Evaluations; Open Records Requests.
	Retention and Disposition	Retain Permanently.