



Kentucky Physicians Health Foundation

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 Kentucky Physicians Health Foundation (KPHF). **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 KPHF personnel and Archives and Records Management Division staff, and reviewed and approved by the Commission. This schedule provides the legal authority for KPHF to destroy the records listed, after the appropriate retention periods have passed.

KPHF 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 KPHF.

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 KPHF, 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.

General Government
Kentucky Physicians Health Foundation

The Kentucky Physicians Health Foundation is governed under KRS 311.616, .617, .619, and .6191. The mission of the Kentucky Physicians Health Foundation is to assist professionals licensed by the Kentucky Board of Medical Licensure in their recovery from substance use disorder, mental or emotional issues and distress. It is the vision of the Kentucky Physicians Health Foundation to accomplish the following:

- To intervene, assess, refer and/or monitor professionals licensed by the Kentucky Board of Medical Licensure who are in need
- To provide assistance and support to our targeted clients and their families as related to illness
- To advocate for professionals licensed by the Kentucky Board of Medical Licensure
- To increase awareness to the public and health professionals regarding substance use disorder and recovery

The Board of the Kentucky Physicians Health Foundation is made up of three Doctors of Medicine, the President of the Healing Place, the Executive Director of the Kentucky Board of Medical Licensure, and a citizen-at-large.

The Kentucky Physicians Health Foundation is an agency of the Commonwealth of Kentucky in that it receives more than 25% of its funding from a contract with the Kentucky Board of Medical Licensure. The Board of Medical Licensure is self-supporting and receives no general fund tax appropriations. It is funded solely through fees collected from its licensees. The Kentucky Physicians Health Foundation also receives funding from charitable contributions from hospitals, medical offices, and individuals.

RECORDS RETENTION SCHEDULE

Signature Page

Kentucky Physicians Health Foundation

February 4, 2020

Agency

Schedule Date

February 4, 2020

Unit

Change Date

February 4, 2020

Date Approved By Commission

APPROVALS

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

Kristen Mack

Agency Head

2/3/2020

Date of Approval

Kristen Mack

Agency Records Officer

2/3/2020

Date of Approval

State Archivist and Records Administrator
Director, Archives and Records Management Division

Date of Approval

[Signature]
Chairman, State Libraries, Archives, and
Records Commission

FEB - 4 2020

Date of Approval

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

Joseph Isaac

Records Analyst/Regional Administrator

February 4, 2020

Date of Approval

[Signature]
Appraisal Archivist

2/4/2020

Date of Approval

[Signature]
State/Local Records Branch Manager

2-5-20

Date of Approval

The determination as set forth meets with my approval.

Amal Potter

Auditor of Public Accounts

2/4/2020

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
Kentucky Physicians Health Foundation

**Record Group
Number**

Series	Records Title and Description	Function and Use
06965	Master Folder for Participants (V)	This series documents when a healthcare professional licensed by the Kentucky Board of Medical Licensure (KBML) begins a relationship with the Kentucky Physicians Health Foundation (KPHF). Individuals may be referred by the KBML, patient hospitals, employers, staff members, colleagues, family members, or self referral. These records contain all information that is collected throughout an individual's relationship with KHPF from initial evaluation or appointment through termination of their contract or KBML order.
	Access Restrictions	KRS311.619 - Privileged and confidential; 42 CFR Part 2 - Confidential records.
	Contents	Series may contain: Healthcare professional's information including name, license number, specialty, address, date of birth, employer's name and address, referral source, medical history, treatment history, contract with KPHF, authorization for release of information, copy of KBML order, summary notes, copy of medical malpractice insurance policy, work site compliance reports, correspondence with participant's employers, evaluation summary reports, advocacy letters to employers and insurance companies from KPHF, correspondence to other states PHP, urine screens and testing results, KASPER reports, AA reports, related correspondence, and completion letter.
	Retention and Disposition	Retain in agency for 15 years after completion of contract or termination of last contract date, then destroy.