



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

Board of Physical Therapy 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 Physical Therapy.

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 Physical Therapy, 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 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 physical therapists and one is a public member. Kentucky statute defined physical therapy as the treatment of any bodily or mental condition by the use of physical, chemical, or mechanical agents; or by heat, light, water, electricity, massage, sound, or therapeutic exercises. All treatments were to be performed under the prescription of a licensed medical doctor or dentist. (ACTS of 1958, ch 27)

RECORDS RETENTION SCHEDULE

Signature Page

Board of Physical Therapy
Agency

March 13, 2008
Schedule Date

Unit

Change Date

March 13, 2008
Date Approved By Commission

APPROVALS

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

Rebecca E Klusch
Agency Head

3/19/08
Date of Approval

Rebecca E Klusch
Agency Records Officer

3/19/08
Date of Approval

Sarahana Pegen
State Archivist and Records Administrator
Director, Public Records Division

13 March 08
Date of Approval

Wayne Onhit
Chairman, State Archives and Records Commission

13 March 2008
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

13 MAR 08
Date of Approval

[Signature]
Appraisal Archivist

March 13, 2008
Date of Approval

[Signature]
State/Local Records Branch Manager

13 Mar 08
Date of Approval

The determination as set forth meets with my approval.

Michael Brian Lykins
Auditor of Public Accounts

March 13, 2008
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
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 to 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 that physical therapists and physical therapist assistants are properly licensed and have met the requirements of the Board prior to the granting of a license. NOTE: This series incorporates series 04126.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info
	Contents	This 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 those individuals submitting an application for licensing to the Board of Physical Therapy, but never completing the licensing process to practice physical therapy in the state of Kentucky.
	Access Restrictions	KRS 61.878 (1)(a) Personal/Medical Info
	Contents	This series may contain: Application, Correspondence, Exam results, verification of license
	Retention and Disposition	Destroy one (1) year after date of application.
04127	Complaint File (V)	This series documents 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). Complaints resulting in disciplinary action will be documented in the Complaint File Resulting in Disciplinary Action (04128). 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
	Contents	This series may contain: Summary of Complaint (Complaint #, Date; Complaint Against (Name, address, phone #), Employer's Name, Address, phone #; Method of complaint; Nature of Complaint; Duration of possible violation; Informant; Disposition of case; Date of Initial Board Action; Name of Investigator; Hearing (Yes/No); Final Disposition); Correspondence to individual advising response; Closing letter; Investigative Report; Correspondence to individual filing complaint; Court documentation (if applicable)
	Retention and Disposition	Destroy five (5) years after closure of case.

STATE 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 that disciplinary action was 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
	Contents	This series may contain: Investigative information; Complaint Summary (Complaint #, Nature of complaint, disposition of case, Name and address of licensee or organization, informant); Correspondence; Notice of Hearing; Transcript of Hearing; Agreed Order (if applicable); Monitoring reports (Probation)
	Retention and Disposition	Destroy fifty (50) years after closure of case.
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
	Contents	This series may contain: Copies of documents found in the complaint file. Related correspondence, investigative information, monitoring reports, Transcript of Hearing, disposition of case and court pleadings.
	Retention and Disposition	Destroy five (5) years after closure of case.
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
	Contents	This series may contain: Renewal application, applicants name, address, affidavit and applicants work location.
	Retention and Disposition	Retain for five (5) years. Destroy after audit.
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
	Contents	This series may contain: Applications, diploma, proof of completion from an accredited school, exam score, out of state verification (license or status for endorsement) and related correspondence.
	Retention and Disposition	Retain Permanently.

Electronic System With Included Records Series

Cabinet Name: General Government Cabinet

Department Name: Kentucky Board of Physical Therapy

System Title: Kentucky Board of Physical Therapy - Licensing System **Alternate Title:** KBPT-Licensing System

System Description: This is a database used to license and regulate physical therapists and physical therapist assistants.

System Contents: Database includes all pertinent information on licensees including complaint files on licensees, applicant demographics, license data and statuses on new/renewed/reinstated licenses.

<i>Series #:</i>	<i>Series Title:</i>	<i>Disposition Instructions:</i>	<i>Total Retention:</i>
00940	Physical Therapist and Physical Therapist Assistant Master Folder	Retain in Agency	P
04127	Complaint File	Destroy 5 years after closure of case.	5
04128	Complaint File Resulting in Disciplinary Action	Destroy 50 years after closure of case	1
04129	Litigation File	Destroy 5 years after closure of case	1
05757	Renewal Applications File	Destroy after internal audit	5
05758	Inactive License File	Retain in Agency	P
