



Board of Respiratory Care

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

Board of Respiratory Care 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 Respiratory Care.

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 Respiratory Care, 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 Respiratory Care

Most occupations and professions that require a state license are licensed and regulated by one of 36 boards and commissions. Kentucky is an autonomous board state, which means that these 36 agencies are not organized under an umbrella agency, but rather function as independent, autonomous units of state government. The basic organizational structure and functions of the boards and commissions are quite similar. Licensure boards are comprised of board members appointed by the Governor, generally for four years, with staggered terms.

The Kentucky Board of Respiratory Care (KBRC) regulates respiratory care practitioners and their services. KBRC was established in 1990 to protect the citizens of the Commonwealth of Kentucky from unsafe practitioners and practices.

RECORDS RETENTION SCHEDULE

Signature Page

Board of Respiratory Care
Agency

September 13, 2012
Schedule Date

Unit

December 13, 2012
Change Date

December 13, 2012
Date Approved By Commission

APPROVALS

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

Jawet R. Vogt, Chair by PLM
Agency Head

Dec. 21, 2012
Date of Approval

Laggy Jay Moore
Agency Records Officer

Dec. 21, 2012
Date of Approval

Barbara Tojwi
State Archivist and Records Administrator
Director, Public Records Division

12/13/12
Date of Approval

Wlyne Oubit
Chairman, State Archives and Records Commission

12/13/2012
Date of Approval

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

Records Analyst/Regional Administrator

12/13/12
Date of Approval

Appraisal Archivist

6/25/13
Date of Approval

State/Local Records Branch Manager

12/13/12
Date of Approval

The determination as set forth meets with my approval.

Brian Lykins
Auditor of Public Accounts

12-13-12
Date of Approval

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

STATE AGENCY RECORDS
RETENTION SCHEDULE

General Government
 Respiratory Care, Board of

Record Group
Number
2545

Series	Records Title and Description	Function and Use
06376	License Folder - Respiratory Care	This series documents activities related to issuing and regulating licenses for respiratory care practitioners pursuant to KRS 314A.00. As defined by KRS 314A.010, the practice of respiratory care means the procedures employed in the therapy, management, rehabilitation, gathering of assessment information, or other procedures administered to patients with deficiencies or abnormalities which affect their cardiopulmonary system and associated aspects of cardiopulmonary and other system functions.
	Access Restrictions	KRS 61.878(1)(a) - Personal information.
	Contents	Series may contain: Original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, letters of good standing, renewals and related documentation.
	Retention and Disposition	Retain licensee's initial application, a copy of the licensee's National Board for Respiratory Care certificate and/or test scores, and the two most recent years of her/his renewal records for fifty (50) years from the date of license termination, then destroy.
06377	Incomplete Applications File	This series documents incomplete applications for license to practice respiratory care as defined by KRS 314A.010.
	Access Restrictions	KRS 61.878(1)(a) - Personal information.
	Contents	Series may contain: Original application, photographs, test scores, college transcript and/or copies of diplomas, letters of verifications from other states, resumes, renewal notices, letters of good standing and related documentation.
	Retention and Disposition	Retain three (3) years after received, then destroy.
06378	Complaints File	This series documents complaints against licensees and any subsequent investigations and actions taken by the board pursuant to KRS 314A.00.
	Access Restrictions	KRS 61.878(1)(a)(h) Personal information / Investigations.
	Contents	Series may contain: Complaint forms, responses, investigative reports, correspondence, legal actions, disciplinary actions, hearing notices, hearing transcripts, exhibits and related documentation.
	Retention and Disposition	Retain for fifty (50) years from the date of complaint closure and/or final action by board, then destroy.
06379	Continuing Education Providers Approval File	This series documents approval by the board for providers of continuing education training. These approved classes/workshops are taken by licensees to fulfill continuing education requirements.
	Access Restrictions	None
	Contents	Series may contain: Application, agenda, curriculum vitae, course outline, certificates and related documentation.
	Retention and Disposition	Retain for five (5) years from the date of approval, then destroy. Supplemental materials submitted in support of an approved application, such as brochures, course catalogs and school publications, can be purged after approval.