

**The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
Scott Anderson, Chairman**



**Department of Health and Human
Services: Aging and
Disability Services Division
August 11, 2010**

This version supersedes all previous versions



**Nevada State Library and Archives
Records Management Program**

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Nevada State Library and Archives

Records Management Program

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The Committee to Approve Records Retention And Disposition Schedules for Official State Records

This Records Retention and Disposition Schedule has been approved by the Committee in accordance with NRS 239.080. The term "RDA" means Records Disposition Authorization, which is the control number given to a formal action by the Committee to approve official state records.

Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: Community Advocate for Elder Rights Files

RDA#: 1994002

Description:

Last Reviewed on: 03/15/2010

These records are used to document the Ombudsman Program for older people not in a long-term care facility (See NRS 427A.300 - 310). The record may include but is not limited to:

- * Complaints with associated documentation
- * Investigation documentation
- * Copies of case reports with associated documentation
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) calendar years from the closure of the case.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Community Based Program Files

RDA#: 2003146

Description:

Last Reviewed on: 05/12/2010

These records are used to document the administration of the Community Based Program (See 42 CFR Parts 431, 440 & 441, NRS 427A.250 to 427A.280, and NAC 427A.350 to 427A.488). The record may include but is not limited to:

- * Application material (including contact information)
- * Provider authorizations
- * Waivers
- * Evaluations
- * Fair Hearing documentation
- * Copies of accounting documents
- * Similar documents
- * Related correspondence

Authorized Retention:

Retain for a period of six (6) federal fiscal years from the end of the fiscal year to which they pertain.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: Disability Services Program Files

RDA#: 2003132

Description:

Last Reviewed on: 04/14/2010

This record series administers and documents the various services of the Disability Services Program including: Personal Assistance Living Program (See NRS 615.173 to 615.176 and NAC 615), the Telecommunications Devices and Relay Systems for the Deaf Program (See NRS 707.360 and NAC Chapter 707), the Assistive Technology for Independent Living Program (See 29 U.S.C. §§ 796 et seq.) and the Program for Persons with Traumatic Brain Injuries (See NRS 426A.070 and 426A.080). The files may consist of but are not limited to:

- * Client and case management records
- * Audits with supportive documentation
- * Programmatic and financial reports with related backup documents
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) state or federal fiscal years (as required) from the end of the fiscal year to which they pertain. Documentation of the origination of the program with backup material should be retained for the active life of the program plus three (3) years.

Authorized Disposition:

Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information. All other documents may be disposed of in a normal manner.

Title: Elder Protective Services Program Files

RDA#: 2008027

Description:

Last Reviewed on: 03/15/2010

These records document reports and investigations of elder abuse, neglect, isolation or exploitation (See NRS 200.5091 et seq.). The record may include but is not limited to:

- * Reports with supportive documentation
- * Investigation documentation
- * Copies of case reports with supportive documentation
- * Representation and counseling documentation
- * Similar documents
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) calendar years from the close of a case.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: IDEA Complaint and Due Process Files

RDA#: 2010008

Description:

Last Reviewed on: 04/14/2010

These records document the hearings held to resolve complaints and other problems by the Individuals with Disabilities Education Act (IDEA) Part 'C' Compliance Program (See 20 U.S.C. § 1439 (a)(1), 34 CFR Part 303.512 and 34 CFR 303.419-303.425). The record may include but is not limited to:

- * Complaint/problem documentation
- * Investigation documentation
- * Hearing documentation
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) calendar years from the date decision or other resolution of the case.

Authorized Disposition:

Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information. All other documents may be disposed of in a normal manner.

Title: IDEA Program Files

RDA#: 2010006

Description:

Last Reviewed on: 04/14/2010

These records document the monitoring of services given to children through the Individuals with Disabilities Education Act (IDEA) Part 'C' Compliance Program (See 20 U.S.C. §§ 1431 et seq. and 34 CFR Part 303). This includes the various databases used to do program functions. The record may include but is not limited to:

- * Client identifying data
- * Rating code for service progress
- * Description of Diagnosis
- * Funding sources
- * Eligibility data
- * Referral data
- * Services data including evaluations and individual service plans

Authorized Retention:

Retain these records for a period of three (3) calendar years from the date service was terminated.

Authorized Disposition:

Some of these documents may contain confidential information, such as the Social Security Number or other personal identifying information (NRS 239B.030), and should be destroyed in a secure manner that will prevent reconstruction of the information. All other documents may be disposed of in a normal manner.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

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Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: Long-Term Care Ombudsman Program files

RDA#: 2008026

Description:

Last Reviewed on: 03/15/2010

These records are used to document the Advocate for Residents of Long-Term Care Facilities program (See NRS 427A.125 et seq. and NAC chapter 427A.). The record may include but is not limited to:

- * Complaints with associated documentation
- * Investigation documentation
- * Copies of legal records
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) calendar years from the close of a case.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Medicare Enrollment Confirmations

RDA#: 2010015

Description:

Last Reviewed on: 05/12/2010

These records are used to confirm enrollment in Medicare for clients of the State Health Insurance Assistance Program (SHIP). The record may include but is not limited to:

- * Medicare enrollment confirmations
- * Related correspondence

Authorized Retention:

Retain these records for a period of one (1) calendar year from the date of enrollment.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Online Affordable Housing Registry

RDA#: 2010030

Description:

Last Reviewed on: 08/11/2010

These records document the web-based online registry of affordable and accessible housing for persons with disabilities (See NRS 319.267, NRS 427A.040 (2)(f) and adopted regulations LCB File # R010-10). The registry may contain, but is not limited to:

- * Data on the property manager/owner
- * Data on the housing facility
- * Data on the rent/subsidy
- * Data on the availability of the housing unit

Authorized Retention:

Retain for as long as administratively useful.

Authorized Disposition:

These records may be disposed of in a normal manner (See NAC 239.722). All paper documents used to enter data may be disposed of after verification of data entry.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

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Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: Prescription Program Files

RDA#: 2004120

Description:

Last Reviewed on: 03/12/2010

These records document the process of subsidizing the cost of prescription drugs by the division for the Senior Rx (See NRS 439.635 to 439.690 and NAC 439.800 to 439.862) and Disability Rx (See NRS 439.705 to 439.795 and NAC 439.750 to 439.790) Programs. The files may contain but are not limited to:

- * Application documentation including income verification
- * Eligibility determination including waivers
- * Supportive documentation
- * Related correspondence

Authorized Retention:

Retain this record series for three (3) fiscal years from the end of the fiscal year to which they pertain.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Prescription Program Hearing Files

RDA#: 2004121

Description:

Last Reviewed on: 03/12/2010

These records document the hearings held on appeals of decisions for the Senior Rx (See NAC 439.842 to 439.858) and Disability Rx (See NAC 439.779 to 439.788) Programs. These files may contain but are not limited to:

- * Request for hearing and supportive documentation
- * Hearing documentation including evidence
- * Related correspondence

Authorized Retention:

Retain the record series for three (3) calendar years from the date of the decision of the hearing officer.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Senior Awards Files

RDA#: 1994006

Description:

Last Reviewed on: 03/10/2010

These records document persons in Nevada who have received awards or the centenarian proclamation from the Division. The record may include but is not limited to:

- * Personal information and contact information
- * Photographs
- * Nominee reports and related records
- * Similar documents

Authorized Retention:

Retain these records for a period of one (1) calendar year from the date of the award or proclamation.

Authorized Disposition:

Transfer these records to the State Archives.

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

Please refer to the General Records Retention and Disposition Schedule for records not found on this records retention schedule (including E-Mail and other common type records).

Department Name: HHS: Aging and Disability Services Division

Schedule Number: 550101

Title: Senior Citizen's Tax Assistance Program Files

RDA#: 2001070

Description:

Last Reviewed on: 09/10/2008

These records administer and document the benefits and assistance by way of refund, for property tax paid by a qualified senior citizen (see NRS 427A.450 to 427A.600 and NAC 427A.500 et seq). The record may include but is not limited to:

- * Application material (claims)
- * Copies of tax returns
- * Ownership & rental documentation
- * Program determination (including work papers)
- * Similar documents
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) fiscal years from the close of the fiscal year in which the reimbursement was paid.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Title: Subsidized Transportation Program Files

RDA#: 1996003

Description:

Last Reviewed on: 09/10/2008

These records are used to document the Subsidized Transportation Program (See NRS 427A.070 (1)(a)(2) and NRS 706.8825). The record may include but is not limited to:

- * Program administrative documentation
- * Coupons, invoices and related accounting documentation
- * Registrant documentation
- * Similar documents
- * Related correspondence

Authorized Retention:

Retain these records for a period of three (3) fiscal years from the end of the fiscal year to which they pertain.

Authorized Disposition:

Destroy these confidential records in a secure manner that will prevent reconstruction of the information, such as by shredding, degaussing, overwriting, etc. (See NAC 239.722).

Notice: When an agency is notified or reasonably anticipates litigation, it must suspend the destruction or disposition of all records and comply with Federal Rule of Civil Procedure 26 and put in place a litigation hold to ensure the preservation of relevant documents. See the Retention Guidelines at the end of this records retention schedule.

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The Committee to Approve Schedules for the Retention and Disposition of Official State Records

NRS 239.073 et seq.

Scott Anderson, Chairman

Retention Guidelines

A Records Retention and Disposition Schedule identifies the minimum time period the listed records must be retained in accordance with NRS 239.080, meaning records disposition must not occur before this retention time period expires. When the minimum retention period has been met, the recommended disposition of the records, such as destruction or transfer to the State Archives, may be initiated. You are advised to implement regular, routine disposition procedures and not to "selectively retain" some records longer than others. Certain events called "disposition holds" may occur that will require a stop to the regular destruction or dumping of records.

Disposition Holds include:

Audits.

When an audit of your agency is begun, all destruction of records in your legal custody must cease. During the audit process, records should be made available to the auditors subject to confidentiality laws. Upon the completion and resolution of the audit, the agency may begin to dispose of records in accordance with the approved records retention and disposition schedule.

Investigations.

When you are notified by a regulatory authority, a law enforcement agency, a court of record, the governor, the Legislature or other similar oversight entities that an investigation is being conducted, all records must be preserved until the investigation is over. You should consult with your legal counsel and/or the Attorney General's Office for specific advice.

Litigation.

When an agency receives notification or reasonably anticipates that a lawsuit has been filed against (or in behalf of) them, they should immediately stop the destruction or dumping of records and consult their legal counsel and/or the Attorney General's Office. The agency must comply with Federal Rule of Civil Procedure 26. All records pertaining to the litigation should be identified, separated from other files and protected. All destruction of records pertaining to the lawsuit must be stopped until the legal action has been resolved. When the litigation has been concluded (your legal counsel can advise you of this), all of the records pertaining to the lawsuit must be retained as required by an Agency Specific Records Retention Schedule or one of the General Records Retention and Disposition Schedules. Your legal counsel may advise you not to destroy any records in the legal custody of the agency until after the disposition of the litigation. You should seek the advice of your legal counsel. Records Management staff are also available for consultation on these issues.

Disposition Guidelines

Most records may be disposed of by normal means, such as recycling or deleting. Some record types are identified on retention schedules as "confidential" (See NRS 239.010) or "restricted" (See NRS 239C.090). These records must be destroyed in a secure manner that will prevent reconstruction or retrieval of the information (See NAC 239.722 for details). However, many other records may contain "sensitive" information that has not been declared by law or regulation to be confidential. Some types of "sensitive" information are described in NRS 205.4617 "Unlawful Acts Regarding Personal Identifying Information." Since serious consequences may result if these records fell into the wrong hands you are advised to destroy these records in accordance with the guidelines identified in NAC 239.722. If you are in doubt about the sensitivity of certain documents or about an appropriate disposal method, you should contact your legal counsel, the Attorney General's Office, or a records management officer.