

*The Committee to Approve Schedules for the
Retention and Disposition of Official State Records
The “State Records Committee”
Minutes for August 8th, 2018*

1: Call to Order, Welcome, Roll Call

- The meeting was called to order at 1:21 pm. The meeting was held at the Nevada State Library and Archives Board Room, at 100 N. Stewart St, Carson City, NV.

Committee Members:

Kimberley Perondi, for Barbara K. Cegavske, Secretary of State - Present

Kathryn Etcheverria, Governors Appointee - Present

Sarah Bradley, for Adam Laxalt, Nevada Attorney General - Present

Jeff Kintop, Administrator, Nevada State Library, Archives and Public Records – excused

Sara Martel, State Records Manager, for Jeff Kintop, Nevada State Library, Archives and Public Records - Present

Maureen Martinez, For Patrick Cates, Director of the Department of Administration – Present

Alisanne Maffei, for David Haws, Administrator, Enterprise Information Technology Services – Present

Staff:

Bobbie Church, Senior Records Analyst, NSLAPR – Present

Adan Aguilera, Administrative Assistant II, NSLAPR – Present

Jerry Lindsay, Senior Records Analyst, NSLAPR - Excused

Tiffani Prentice, Department of Transportation – Absent

Guests Present:

Jasmine Mehta – Nevada State Board of Medical Examiners (NSBME) – Present

Donya Jenkins - Nevada State Board of Medical Examiners (NSBME) – Present

Nancy Mathias – Nevada State Contractors Board (NSCB) – Present

Lynne Foster – Health and Human Services – Healthcare Finance and Policy – Present

Dennis McHugh – Administration – Enterprise IT Services – Present

Elizabeth Moore – Administration – Nevada State Library Archives and Public Records - Present

2: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman.

There was no public comment.

3: Review and Approve the Minutes for July 11, 2018(Attachment A)

Discussion and Vote:

The minutes were approved as presented. The motion was made by Alisanne Maffei and the second was by Kathryn Etcheverria. The vote was unanimous.

4: Attachment B. Proposed New RDA’s for Agency Specific Records Retention Schedules

There were no new RDA’s proposed for attachment B and no action was needed.

5: Attachment C. Proposed Modification RDA’s for Agency Specific Records Retention Schedules

1. Public Safety: Records, Communications & Compliance Division

A. Title: Sexual Offender Registry Records

RDA: 2012026

Description:

These records document the registry of sexual offenders (See NRS Chapter 179D). The records may consist of but are not limited to: personal identifying information including address, phone number, photo, Social Security Number, driver’s license number, vehicle registration information, work and/or student information, biological information including genetic markers, physical description including fingerprints, conviction and criminal history information. ~~Victim information (the name of victims may not be disclosed per NRS 179D.850).~~

Authorized Retention:

Retain these records for a period of *eighty-five (85) calendar years from the end of the calendar year in which the offender enters the registry.* ~~six (6) calendar years from the known death of the individual or one hundred (100) calendar years from the birth date of the individual, whichever occurs first. Note: the retention period may be reduced by the granting of a petition through a court of law in accordance with NRS 179D.490.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Department of Public Safety, Records, Communications & Compliance Division, Records Officer.

Justification for Modification of RDA 2012026:

Victim information is being deleted from the description because it does not pertain to this record series. The retention period is being clarified to cover the life span of the offender from the time that they enter the registry, not from birth. Since the youngest age a person would enter the registry is 14 this would cover to age 99. The agency will not be addressing or handling deceased offender documents in a different manner than what is outlined in this series as modified. There is no legal requirement to dispose of the records once an offender is deceased, so a separate record series is not needed.

2. Health and Human Services, Health Care Financing and Policy

A. Title: Civil Rights *Survey* Review Files

RDA: 1992019

Description:

Division of Health Care Financing and Policy is designated by the Office for Civil Rights and the Centers for Medicare and Medicaid Services to conduct ~~and report the results of~~ tri-annual self-evaluations of provider compliance with various civil rights laws and regulations or undergo an on-site compliance review. These records consist of but are not limited to: Civil Rights/Advance Directive provider ~~certifications~~ *surveys* and associated documentation, ~~on-site survey reports and evaluations, and related correspondence.~~

Authorized Retention:

Retain *the two most recent surveys* ~~certification actions~~ for a period of six (6) calendar years from the end of the calendar year *in which the survey was completed.* ~~to which they pertain. Retain all other records for a period of four (4) calendar years from the end of the calendar year to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1992019:

The current retention has two events and two retention periods. Staff is recommending removal of the second trigger in the authorized retention for “other records”. Upon agency review these are surveys and not certifications, this is now reflected in the title and the description. Removing “these records” and “a period of” also changing “to which they pertain” to “in which the review was completed” in the retention statement makes a more defined and accurate trigger event.

B. Title: Clearance Process Files

RDA: 2002020

Description:

This record series is used to develop, review and/or amend formal policies and regulations to the Medicaid Services Manual (MSM) by Division staff prior to adoption. The files document the

planning, research of related background information and the formal Clearance Process Review meetings. (called Clearance Meetings for short) done by the Division. The files may consist of but are not limited to: Procedure memos (used to create and amend the MSM); Agendas, minutes of meetings, etc.; Copies of fiscal and budget documents; Decision document, and; Related correspondence.

This record series is used to develop, review, amend or adopt formal policies, regulations, manuals and other operational documents. The files document the review and approval by staff. The files may consist of but are not limited to: Medicaid Services Manual, Medicaid Operations Manual, Medicaid State Plan Amendments, procedure memos, and numbered internal memos.

Authorized Retention:

Retain ~~these records~~ for a period of six (6) calendar years from the *end of the calendar year in which the final decision was made.* adoption of regulations in the MSM. or the decision not to proceed with adoption.

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative, and archival needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2002020:

Changing “or the decision not to proceed with adoption.” to “final approval.” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. The agency has updated the description to better reflect the series. Changes to grammar in the description provide for consistent formatting.

C. Title: Electronic Health Record Technology Incentive Program Records **RDA:** 2013003

Description:

These records document the providers participating in the Electronic Health Record Technology Incentive Program (See 42 CFR 495.300 et seq.). The records may include but are not limited to: Applications with related records, ~~;~~ Annual and periodic reports, ~~;~~ Monitoring and compliance documentation (See 42 CFR 495.316), ~~;~~ Expenditure records, and, ~~;~~ Related correspondence.

Authorized Retention:

Retain ~~these records~~ for a period of six (6) federal fiscal years from the *end of the federal fiscal year in which* from the date the final payment is disbursed to the provider.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2013003:

The addition of “from end of the federal fiscal year in which” while removing “these records”, “a period of”, and “from the date” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

D. Title: Facility Files

RDA: 1991824

Description:

This record series consists of the files maintained by Medicaid on each health care facility. The files may contain, but are not limited to: ~~R~~report of Medical/Independent Professional Review with associated documentation, ~~A~~udit reports with supportive documentation, ~~S~~standard Facility ~~C~~census, narrative report and a list of residents reviewed, ~~F~~facility information such as staffing, sub-contracts and agreements, policies and procedures, training records, ~~and other operational-related documentation~~; Copies of complaints with related documentation, Home and Community Based Waivers (NRS 442.2708 [NRS 422.3962](#) and 42 U.S.C. § 1396n), ~~R~~related **documentation and** correspondence.

Authorized Retention:

Retain ~~these records~~ for a period of six (6) calendar years from the end of the calendar year in which **the file** ~~it~~ was received or created.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1991824:

The addition of “the file” while removing “these records”, and “a period of” in the retention statement makes a more defined and accurate trigger event. NRS 442.2708 was replaced in revision by [NRS 422.3962](#). Changes to grammar in the description provide for consistent formatting.

E. Title: Fair Hearings Files

RDA: 2002019

Description:

This record series documents the hearings held for applicants, recipients and/or providers concerning adverse determinations by the Division. The files may consist of but are not limited to: ~~R~~request for hearing with related supporting documents; ~~H~~hearing preparation meeting documents

and pre-hearing conference reports, ~~;~~ ~~H~~hearing documentation with supportive documentation; settlement agreements and related documents, and; ~~R~~related *supporting documentation and* correspondence.

Authorized Retention:

Retain ~~these records~~ for a period of six (6) calendar years from the *end of the* calendar year in which the final determination of the hearing was made.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2002019:

The addition of “end of the” while removing “these records”, and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

F. Title: Hearings Files: Provider Complaints

RDA: 1991254

Description:

This record series is used to document hearings requested by providers to protest rate schedules established by the Division. If the decision is appealed to the District Court, the case is given to the office of the ~~Deputy~~ Attorney General. The files may consist of but are not limited to: ~~R~~request for hearing with associated documentation,; background information,; ~~H~~hearing records, including exhibits and recordings of the proceedings, and; ~~R~~related correspondence.

Authorized Retention:

Retain ~~these records~~ for a period of six (6) calendar years from the *end of the calendar year in which the* date of decision, ~~or~~ notice of entry, or renewal of judgment *was made*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1991254:

The addition of “end of the calendar year of the” while removing “these records”, and “a period of” “date of” and the extraneous “or” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

G. Title: Hospital Audits

RDA: 2006040

Description:

These records document audit reports submitted by hospitals with 200 beds or less in accordance with NRS439B.440 (3) and NAC 439B.250. The files may consist of but are not limited to: ~~F~~formal audit reports (~~from an independent auditor hired by the hospital~~), and; ~~R~~related correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ five (5) calendar years from the *end of the calendar year of in which* the report *was submitted*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006040:

The addition of “end of the calendar year of the” and “was submitted” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

H. Title: Hospital Audits: Division Appointed Auditor

RDA: 2006041

Description:

These records document audits of hospitals with 200 beds or more conducted by independent auditors appointed by the Division in accordance with NRS 439B.440 (2) and NAC 439B.260. The files may consist of but are not limited to: ~~F~~formal audit reports, ~~S~~scope of audit documentation (See NAC 439B.260 (1)), and; ~~R~~related correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ five (5) ~~calendar~~ *fiscal* years from the *end of the fiscal year in which the report was dated*. ~~from the date of the report. Any audit workpapers may be disposed of 30 days after the production of the formal audit report (See NAC 239.705 (2)(b)).~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006041:

This record series has two retention periods. Change to the retention is per Centers for Medicare & Medicaid Services (CMS) 4802C states destroy after a total retention of 5 budget years after completion of audit and/or settlement process for provider cost report for corresponding fiscal year. Staff recommends removing the second trigger in the authorized retention for audit workpapers as these are working papers (non-records). The addition of “end of the fiscal year in which the report was dated” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

I. Title: Hospital Contracts

RDA: 1989049

Description:

This record series consists ~~of~~ *The Schedule for the Submission of all Contracts and Agreements* contracts of ~~copies of~~ contracts sent to the Division *for review* in accordance *with the schedule established pursuant to* ~~with~~ NRS 439B.420 (10), and NAC 439B.480, ~~& and~~ NAC 439B.490. They are used to determine whether prohibited contracts and agreements have been made and whether a hearing should occur. The files may consist of but are not limited to: ~~Copies of~~ between hospitals (and related entities *as defined in NRS 439B.420(10)*) and health care practitioners with supportive documentation (See NAC 439B.470 (2)), and ~~related~~ correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ three (3) calendar years from the *end of the calendar year in which the date of receipt final determination was made.*

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1989049:

The contracts are from third party and reviewed by the agency. NRS 439B.420(10) allows the Director of DHHS to acquire copies of the referenced contracts. The Division is not a party to the contracts. The addition of “end of the calendar year in which” and “final determination was made”

while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

J. Title: Hospital Contracts: Hearings

RDA: 2006042

Description:

This record series is used to document hearings held in accordance with NRS 439B.430 to determine if a hospital has violated the laws against prohibited contracts (See NRS 439B.420). The files may contain but are not limited to: ~~E~~examination (investigation) reports, ~~N~~notice of reasonable cause, ~~I~~information submitted by hospitals (See NAC 439B.490), ~~C~~omplaint and hearing documentation, ~~D~~documentation on fines and penalties, and ~~R~~related correspondence

Authorized Retention:

Retain ~~these records~~ for a period of three (3) calendar years from the ~~date~~ *end of the calendar year in which the* decision or final action *was made*.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006042:

The addition of “end of the calendar year in which” and “final determination was made” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

K. Title: Hospital Utilization Reports

RDA: 2006046

Description:

This record series consists of reports on the utilization of hospitals, long term health care facilities, etc. required to be sent to the Division in accordance with NRS 439B.440 (1) and NAC 439B.220 (1)(b) (See also 42 CFR 403.304(b)(3)). The files are used to track utilization performance of these organizations. The files may consist of but are not limited to: ~~O~~original and compiled forms and reports from hospitals, and ~~R~~related correspondence.

Authorized Retention:

Retain ~~these records~~ for a period of seven (7) calendar years from the end of the calendar year *in which the report was finalized*. ~~to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006046:

Changing “to which they pertain” to “in which the report was finalized” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

L. Title: Medicaid Claims

RDA: 2011033

Description:

These records document the invoices requesting reimbursement or adjustments for medical services, supplies and/or equipment under the Medicaid program (See NRS chapter 422 and 42 U.S.C. 1396, et seq.). The record may consist of but is not limited to: claims with supportive documentation, adjustment records, Centers for Medicare and Medicaid Services (CMS) forms, and related correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ six (6) federal fiscal years from the end of the *federal* fiscal year ~~to which they pertain.~~ *in which the reimbursement was completed.*

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2011033:

Changing “to which they pertain” to “in which the reimbursement was completed”, adds “federal” to define the fiscal year. Removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

M. Title: Medicaid ~~Computer~~ Reports: Regular Financial

RDA: 2006031

Description:

This record series contains reports ~~printed either on a regular basis or upon request and~~ *that* are used in the financial management of Medicaid programs. The files may include, but are not limited to: ~~C~~laims management, financial status, budgeting, auditing, and similar financial functions.

Authorized Retention:

Retain ~~those records which cannot be reproduced through the electronic database for a period of five (5) federal fiscal years from the end of the~~ *federal* fiscal year ~~to which they pertain~~ *in which the budget closed*. Records that can be reproduced through the electronic database may be discarded when no longer administratively useful.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006031:

Changing “to which they pertain” to “in which the budget closed”, adds “federal” to define the fiscal year. Removing “those records which cannot be reproduced through the electronic database”, and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting. Retention changes per Centers for Medicare and Medicaid Services (CMS) 4802C. State Agency Budget and Financial Report Files (NC1-440-79-1, Item 50, description revised 11/2000)

N. Title: Medicaid ~~Computer~~ Reports: Regular Program

RDA: 2006032

Description:

This record series contains statistical reports ~~printed on a regular basis and~~ used to administer and monitor the Medicaid program. The files may include, but is not limited to, information on: applicants, recipients, vendors, providers,; facilities,; authorization of services (including medical procedures, housing, transportation, etc.), eligibility, caseload (recipient),; claims,; hearings (including appeals),; investigations, and; similar types of information.

Authorized Retention:

Retain ~~those records which cannot be reproduced through the electronic database for a period of six (6) calendar years from the end of the calendar year~~ *in which the report was finalized*. ~~to which they pertain~~. Records that can be reproduced through the electronic database may be discarded when no longer administratively useful.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006032:

Changing “to which they pertain” to “in which the report was finalized”. Removing “those records which cannot be reproduced through the electronic database” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

O. Title: Medicaid ~~Computer~~ Reports: Statistical

RDA: 2006033

Description:

This record series contains statistical reports ~~printed either on a regular basis or upon request and~~ used to administer and monitor the Medicaid program. The statistical reports may include, but is not limited to, information on: applicants, recipients,; facilities,; services and types of benefits,; vendors,; requests for services,; hearings (including complaints, responses, appeals, etc.),; program activities, and,; similar information.

Authorized Retention:

Retain ~~those records which cannot be reproduced through the electronic database for a period of six~~ (6) calendar years from the end of the calendar year *in which the report was finalized.* ~~to which they pertain. Records that can be reproduced through the electronic database may be discarded when no longer administratively useful.~~

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative, and archival needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006033:

The proposed modifications changes “to which they pertain” to “in which the report was finalized” while removing “those records which cannot be reproduced through the electronic database”, and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

P. Title: Medicaid Estate Recovery Records

RDA: 2003190

Description:

These records document the process of transfer of assets and life estate recovery (See NRS 422.291 to 422.293, NRS 422.310 to 422.350, 42 U.S.C. § 404, 42 U.S.C. §1395gg and 42 U.S.C. §1396p). The records may include, but are not limited to: correspondence to representatives/survivors regarding action against estate, including lien notices and court documents, ~~F~~ financial information including documentation of assets, hardship documentation, recovery amount calculations and supporting documentation, and ~~;~~ related correspondence

Authorized Retention:

Retain ~~these records for a period of~~ three (3) fiscal years from the end of *fiscal year in which the recovery was completed.* ~~the recovery process.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2003190:

The addition of “fiscal year in which the recovery was completed” while removing “these records”, “a period of” and “the recovery process” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

Q. Title: Medicaid Nursing Facility and Waiver Files

RDA: 2002014

Description:

These records document the eligibility determination and payment for Medicaid waiver services. The files may include, but are not limited to: ~~A~~ application/intake forms/enrollment, eligibility determination documents (including notices of decision, denial, disenrollment or other status), placement requests and acknowledgements, authorizations, notification of requirements to apply for Medicare, physician statements and reviews, out of state prior authorizations, ~~etc.~~; signed recipient rights and responsibility forms, statements of understanding, election forms, personal representative agreements, personal care provider authorizations and certifications and other recipient acknowledgements, transition plans, ~~etc.~~; ~~A~~ assessments/screenings/determinations/case narratives and reviews, contact sheets, serious occurrence reports, ~~etc.~~; provider screenings, auditing tools and reports, facility assessment documents, ~~etc.~~, and ~~;~~ ~~R~~ related correspondence

Authorized Retention:

Retain ~~these records for a period of~~ six (6) calendar years from *the end of the calendar year in which the wavier was finalized.* ~~receipt or creation of the records.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2002014:

The addition of “from end of the calendar year in which the waiver was finalized” while removing “these records”, “a period of”, and “receipt” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

R. Title: *Payment Error Rate Measurement (PERM)* ~~PERM and Other Audit Files~~ **RDA:** 2008049

Description:

These records are used to document audits conducted under the Payment Error Rate Measurement (PERM) Project (See 33 U.S.C. § 3321 [PL 107-300], 42 U.S.C. § 1396b (z) and 42 CFR 431.970) ~~and other federal and in-house audits.~~ The record may contain but is not limited to: audit reports, work papers and supportive documentation, and related correspondence.

Authorized Retention:

Retain ~~these records for a period of three (3)~~ *ten (10)* federal fiscal years from the end of the audit.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2008049:

The agency has advised staff that the Centers for Medicare and Medicaid Services (CMS) manual (FY17 PERM Manual- page 18 Disposition Authority: N1-440-09-11) retention for the records is ten (10) years. Staff is recommending the current retention be changed to ten years per the federal mandate. In house audits are covered by the General Schedule RDA 2005095 Audits: Audit Records. Removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event.

S. Title: Prescription Drug Rebate Program Files **RDA:** 2012028

Description:

These records document rebates between the Division of Health Care Financing and Policy and manufacturers of drugs (See 45 CFR Part 423 and 42 U.S.C. §§ 1302, 1306, 1395 w-101 through 1395w-152 and 1395hh). The record may consist of but is not limited to: State of Nevada rebate

agreements, addendums and associated documentation ; ~~F~~ financial transaction documents including cash receipts, receipts, reports, ledgers, journal entries, reconciliation documentation, spreadsheets, etc., and; ~~R~~ related correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ ten (10) fiscal years from the end of the fiscal year *in which the rebate was completed.* ~~to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2012028:

Changing “to which they pertain” to “in which the rebate was completed.” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

T. Title: Program Manuals and Plans

RDA: 2012011

Description:

These records document manuals and plans produced to administer programs under the jurisdiction of the Centers for Medicare and Medicaid Services (CMS) (See 42 U.S.C. § 622, 42 U.S.C. § 602, 42 U.S.C. § 1397aa, *42 CFR § 447.205* etc.) (*NRS 422.2369*). The record may consist of, but is not limited to: Nevada Medicaid Services Manual,; Nevada Medicaid Operations Manual,; Nevada Check-Up Manual,; Nevada Title 21 State Plan (Nevada Check-Up) ,; State Plan including amendments, and; ~~R~~ related correspondence.

Authorized Retention:

Retain ~~these records for a period of~~ five (5) calendar years from the *end of the calendar year in which* ~~date~~ the manual or plan is superseded. ~~by a newer one.~~

Recommended Disposition:

Permanent: Transfer to State Archives

NSLAPR staff recommendation:

The retention period meets administrative, archival, and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2012011:

The addition of “end of the calendar year in which” while removing “these records”, “a period of”, “date”, and “by a newer one” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

U. Title: Provider Tax

RDA: 1991772

Description:

This record series consists of the documentation of assessment and collection of a tax on in-patient skilled nursing facility services and supplies.

Authorized Retention:

Retain ~~these records for a period of three (3) federal fiscal years from the end of the *federal* fiscal year *in which the tax was paid.* to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and fiscal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1991772:

Changing “to which they pertain” to “in which the tax was paid” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event.

V. Title: Rate Development Records

RDA: 2006048

Description:

These records document the development of the rate schedules for services, procedures, supplies, etc. for hospitals, long term care facilities and other health care providers developed by the Division in accordance with the State Medicaid Plan and federal law (See NRS chapters 439A & 439B and 42 CFR 403.304 (b)(3)). The most current rate schedules are available on the Division's webpage. The records include but are not limited to: ~~Q~~quarterly and annual financial reports (See NRS 439B.440 (1) and NAC 439B.220 to 439B.240), ~~S~~statement of substantial changes, ~~M~~Medicare ~~C~~cost ~~R~~reports, ~~R~~rate ~~S~~schedules, and ~~H~~hospital financial data.

Authorized Retention:

Retain ~~these records for a period of five (5) calendar years from the end of the calendar year *in which the rate schedule was finalized.* to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006048:

Changing “to which they pertain” to “in which the report was finalized.” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

W. Title: ~~SURS (Surveillance and Utilization Review)~~ (*SUR*) Case Files **RDA:** 2006037

Description:

This record series is used in the investigation of providers of Medicaid services and/or supplies as required by 42 U.S.C. § 1396a (30) & (64), 42 CFR 455.1 to 455.22 and 42 CFR 456.2 & 456.3 as well as the State Medicaid Plan and NRS 422.2366. The files may consist of but are not limited to: ~~(a) letters of complaint, referrals, investigator reports, determination memorandum, and related correspondence. and; (b) copies of claims, copies of computer print outs, copies of medical records, copies of provider files, copies of administrative hearing documents, etc.~~

Authorized Retention:

Retain ~~the records described under (a) in the description~~ for seven (7) calendar years from the end of the calendar year in which the case was closed. ~~Records described under (b) in the description may be purged from the file upon completion of the review.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2006037:

The current retention has two events and two retention periods. Staff recommends removing “the records described under (a) in the description” and the second trigger “(b)” in the authorized retention as these files are non-records and should be removed to make a more defined and accurate trigger event.

The title and description changes to grammar are to provide for consistent formatting.

X. Title: *Surveillance and Utilization Review* (SUR) Conflicting Procedures Edit (CPE)
RDA: 2002159

Description:

This record series consists of an online weekly generated edit process designed to assist ***Surveillance and Utilization Review*** (SUR) (~~Surveillance and Utilization Review~~) in detecting incompatible claims that may indicate fraud, overpayment or other types of mistakes. The report is audited by SUR as a post-payment review. The report includes all areas of Medicaid assistance. A claim will bump if a conflict exists. The records may include but are not limited to: Conflicting Procedure Edits reports and related fiscal documents.

Authorized Retention:

Retain ~~these records for a period of~~ four (4) calendar years from the end of the calendar year ***in which the report was finalized.*** ~~to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal and legal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 2002159:

The title change to the full title and the acronym is to avoid confusion for when searching the schedule.

Changing “to which they pertain” to “in which the report was finalized.” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. The title and changes to grammar in the description provide for consistent formatting. Retention is based on NRS 422.590 Limitation and accrual of actions.

Y. Title: *Patient* Travel Authorization and Invoice

RDA: 1991778

Description:

This record series consists of travel authorization and invoice. Transportation services include non-emergency travel, both in and out-of-state. Authorization may include but is not limited to: ~~P~~patient information, ~~;~~Transportation details, ~~;~~Referring physician information, ~~;~~Travel ~~R~~reimbursement documentation, and~~;~~Remarks.

Authorized Retention:

Retain ~~these records for a period of~~ three (3) federal fiscal years from end of the ***federal fiscal year in which invoice was paid.*** ~~year to which they pertain.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and fiscal needs.

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Modification of RDA 1991778:

The addition of “Patient” in the title allows clarity between employee travel and patient travel. Changing “year to which they pertain” to “federal fiscal year in which invoice was paid.” while removing “these records” and “a period of” in the retention statement makes a more defined and accurate trigger event. Changes to grammar in the description provide for consistent formatting.

Discussion and Vote:
The proposals in Attachment C were approved in part as amended. Item I RDA 1989049 “Hospital Contracts” was tabled. The amendments are as follows: item B RDA 2002020 “Clearance Process Files” was determined by the Committee to be “internal working papers” which are non-records and can be deleted. Item F RDA 1991254 “Hearing Files: Provider Complaints” had the word “deputy” removed from the third line in the description to read “Office of the Attorney General”. After a lengthy discussion, the Chair proposed that item I RDA 1989049 “Hospital Contracts” be tabled to allow staff and the agency to rework the description to bring back to the next meeting. The Committee felt that the language in the description of item I RDA 1989049 “Hospital Contracts” needed more clarification to define what the actual record is that’s being covered in the schedule. The motion was made by Sara Martel and the second was by Kathryn Etcheverria. The vote was unanimous.

6: Attachment D. Proposed Deletion RDA’s for Agency Specific Records Retention Schedules

1. Health and Human Services, Health Care Financing and Policy

A. Title: ~~Medicaid Claims: Clinical Information~~ **RDA:** 2012027

Description:

~~These records document clinical detail provided in support of prior authorization requests. The record may consist of, but is not limited to: physician reports, clinical notes, progress notes, lab and radiology reports, and; case narratives~~

Authorized Retention:

~~Retain these records for as long as administratively useful~~

Recommended Disposition:

~~Destroy Securely~~

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Deletion of RDA 2012027:

The previous appraisal of these records indicates the Division is not the office of record, the records are from private practitioners. Information can be requested from the practitioners if needed. The records are convenience copies and are not subject to retention.

B. Title: ~~Medicaid Computer Reports: Current Lists~~

RDA: 2006030

Description:

~~This record series consists of a computer reports containing information on the most current: (A) authorized vendors, authorized facilities, authorized medical procedures, authorized drugs, authorized supplies and similar information, and (B) terminology, policies & procedures, forms, products and similar information.~~

Authorized Retention:

~~Retain until superseded. with an updated report.~~

Recommended Disposition:

Destroy

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy, Records Officer.

Justification for Deletion of RDA 2006030:

The previous appraisal of these records indicates the Division is not the office of record, the records are from private practitioners. Information can be requested from the practitioners if needed. The records are convenience copies and are not subject to retention.

C. Title: ~~Medicaid Computer Reports: Temporary~~

RDA: 2006034

Description:

~~This record series consists of periodic computer-generated reports prepared for, or distributed to Nevada Medicaid Program. These reports, however, do not document the eligibility for or receipt of benefits or services, but are used to provide information that leads to the creation of official records, or are used to check, verify and correct data. The reports contain, but are not limited to, information on: applicants, recipients; vendors, providers; facilities; medical procedures, housing, transportation; claims, hearings (including appeals); investigations, and; similar types of information.~~

Authorized Retention:

~~Retain for a period of thirty (30) days from the accomplishment of the action for which they were generated or from the running of a subsequent report.~~

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

Delete this RDA

Agency review:

The appraisal is supported by the Health and Human Services, Health Care Financing and Policy Records Officer.

Justification for Deletion of RDA 2006034:

The appraisal of these records indicates the Division is not the office of records. These records are convenience copies or ad hoc reports and are not subject to retention.

Discussion and Vote:

The proposals in Attachment D were approved as presented. The motion was made by Sarah Bradley and the second was by Alisanne Maffei. The vote was unanimous.

7: Attachment E. Proposed New, Modification, and Deletion RDA’s for General Records Retention Schedules

1. Proposed New: General Records Retention Schedule

A. Title: *Payment Card Transaction Information* ~~Cardholder Data (CHD)~~ RDA: 2017037

Description:

This record series consists of information ~~Cardholder Data (CHD)~~ obtained during payment card financial transactions. The record includes and is limited to: purchaser name, date of transaction, amount of the transaction, and the authorization code, and any other non-sensitive authentication data. Any other cardholder data must be deleted per RDA 2018019 Payment Card - Sensitive Authentication Data.

Authorized Retention:

Retain for 90 days from the authorization of the transaction.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, federal, fiscal, and legal needs.

Justification for New RDA 2017037:

Since there is no RDA currently to cover these transactions, state agencies are either in violation of law for holding this information per NRS 603A.215 and 603A.030. (Security measures for data collector that accepts payment card; use of encryption; liability for damages; applicability) or, if they are not holding the information, they are in violation of law NRS 239.080 (State records: Schedules for retention and disposition) for destroying the information without a scheduled RDA.

Any agency that processes, stores, or transmits payment card data is required by the card provider (Visa, MasterCard, American Express, etc.) and NRS 603A.215 to comply with certain security standards to prevent cardholder data theft. This data is very valuable to malicious individuals as it allows them to generate counterfeit payment cards and create fraudulent transactions. In accordance with Payment Card Industry (PCI) Data Security Standard (DSS) 3.2: storage of sensitive authentication data after authorization is prohibited. This series contains confidential information and must be destroyed securely.

B. Title: *Payment Card - Sensitive Authentication Data*

RDA: 2018019

Description:

This record series consists of sensitive information obtained during financial transactions when executed with a payment card (NRS 205.602). The record includes but is not limited to security related information used to authenticate, authorize, and process payment card transactions. This sensitive cardholder data is security-related information (primary account number (PAN), expiration date, cardholder name, and service code) used to authorize and process payment card transactions. Any state agency that processes, stores, or transmits payment card data is required by the card provider (Visa, MasterCard, American Express, etc.) and NRS 603A.215 and 603A.030 to comply with certain security standards to prevent cardholder data theft (Payment Card Industry (PCI) Data Security Standards).

Authorized Retention:

Retain until authorization of transaction.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, federal, fiscal, and legal needs.

Justification for New RDA 2018019:

Since there is no RDA currently to cover these transactions state agencies are either in violation of law for holding this information per NRS 603A.215 and 603A.030. (Security measures for data collector that accepts payment card; use of encryption; liability for damages; applicability) or if they are not holding the information they are in violation of law NRS 239.080 (State records: Schedules for retention and disposition) for destroying the information without a scheduled RDA.

Any agency that processes, stores, or transmits payment card data is required by the card provider (Visa, MasterCard, American Express, etc.) and NRS 603A.215 to comply with certain security standards to prevent cardholder data theft. This data is very valuable to malicious individuals as it allows them to generate counterfeit payment cards and create fraudulent transactions. In accordance with Payment Card Industry (PCI) Data Security Standard (DSS) 3.2: storage of sensitive authentication data after authorization is prohibited. This series contains confidential information and must be destroyed securely.

C. Title: *Administrative: Public Records Requests - Personal Identifying Information (PII)*

RDA: 2018024

Description:

Records document requests for public records and provide a record of agency responses that contain Personal Identifying Information (PII) per (NRS 603A.040). Records may include but are not limited to request logs and/or request forms and response letters; legal citations for redaction or denial; orders to grant or deny request; and related correspondence. Excludes copies of the records which are the subject of the public records request.

Authorized Retention:

Retain for three (3) calendar years from the end of the calendar year in which the response was completed.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, and legal needs.

Justification for New RDA 2018024:

Staff has polled the records officers about whether they receive Personal Identifiable Information (PII) on public records requests. The results of 167 emails sent out to the Records Officers are 11 of the 44 respondents do receive PII on their requests. Based on this information, the committee has asked for the creation of this series specific to records requests containing PII to align with requirements of NRS 239.010. The agencies can store the requests with the Records Center if there is at least one year remaining on the retention and they will be shredded by the Records Center at the time of disposition.

**D. Title: *Licensing: Professional and Occupational Licensing – Disciplinary*
RDA: 2018025**

Description:

These records are for individuals receiving professional and occupational licenses that have been brought for disciplinary action from a licensing agency or board. The record may consist of but is not limited to: original application, formal actions on complaints, the order initiating discipline, other information considered by the agency or board in dispensing discipline, and related documentation.

Authorized Retention:

Retain for thirty (30) calendar years from the end of the calendar year in which the last license expired.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Justification for New RDA 2018025:

Per the Committee discussion in the July 11, 2018 meeting, this series will cover the licensees that have had disciplinary action. The retention is to cover the career lifetime of the licensee, and to track and monitor licensees. This will enable the agency or board to monitor for repeat offenders and respond to requests from other states.

2. Proposed Modification: General Records Retention Schedule

A. **Title:** Licensing: Professional and Occupational Licensing – *Application*
RDA: 2006059

Description:

These records document the process and monitoring of individuals receiving professional and occupational licenses, certification, registration and similar functions from a licensing agency. The record may consist of but is not limited to: original application with supportive documentation, examination results, informational documentation on the licensee, ~~continuing education and training verification documents, formal actions on complaints, the order initiating discipline and other information considered by the board in dispensing discipline~~ and related documentation.

Authorized Retention:

Retain ~~these records for a period of~~ ten (10) calendar years from the *end of the calendar year of the last* expiration, termination, suspension or revocation of the license.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, and legal needs.

Justification for Modification RDA 2006059:

Per the committee's request in the July 11, 2018 meeting, the continuing education and disciplinary actions are being removed from this series. Continuing education is now in RDA 2014205 Licensing: Professional and Occupational Licensing – Renewals. The disciplinary actions will now be under RDA 2018025 Licensing: Professional and Occupational Licensing – Disciplinary.

B. **Title:** Licensing: Professional and Occupational Licensing – Renewals
RDA: 2014205

Description:

These records document the renewal of licenses/certifications/etc. The record may include but is not limited to: renewal notices, renewal applications, fee documentation, *continuing education and training verification documents*, and supporting documentation.

Authorized Retention:

~~These fiscal records must be retained for three (3) calendar years from end of the licensing renewal cycle.~~ *Retain the three most recent renewals for two (2)* ~~ten (10) calendar years end of years from the end of the last renewal period~~ calendar year of the end of licensure.

Recommended Disposition:

Destroy Securely

NSLAPR staff recommendation:

The retention period meets administrative, fiscal, and legal needs.

Justification for Modification of RDA 2014205:

Per the committee’s request in the July 11, 2018 meeting, the continuing education and training documentation will now be included in this series, previously in RDA 2006059 Licensing: Professional and Occupational Licensing – Application. The addition of the “three most recent renewals” would allow for the retention period to be based on the renewal cycle since some renewals can be biennial, triennial etc.

C. Title: Administrative: Public Records Requests

RDA: 2015013

Description:

These records document requests for public records and provide a record of agency responses. Records may include but are not limited to request logs and/or request forms and response letters; legal citations for redaction or denial; orders to grant or deny request; and related correspondence (*for requests containing personal identifying information see RDA 2018024 Administrative: Public Records Requests - Personal Identifying Information (PII)*). Excludes copies of the records which are the subject of the public records request.

Authorized Retention:

Retain for three (3) calendar years from the end of the calendar year in which the response was completed.

Recommended Disposition:

Destroy

NSLAPR staff recommendation:

The retention period meets administrative and legal needs.

Justification for Modification of RDA 2015013:

Per the committee’s request, staff has included the change to the description to show the reference to the new series RDA 2018024 Administrative: Public Records Requests - Personal Identifying Information (PII).

Discussion and Vote:

The proposals in Attachment E were approved as amended. Jasmine Mehta, a representative from the Nevada State Medical Examiners Board, informed the Committee that in the Payment Card Industry (PCI) Data Security Standards (DSS) manual it defines Cardholder Data “(CHD)” and that it differs from what is written in RDA 2017037. The amendments are as follows: item 1A RDA 2017037 “Payment Card Transaction Information Cardholder Data (CHD)” had “Cardholder Data (CHD)” removed from the title and the description also “any other non-sensitive authentication data” was added into the description on the fourth line. The Committee also requested that Staff rewrite the justification to reflect a reasoning around accounting needs and disputes. Staff has added to the justification “This series is intended to enable agencies to retain non-sensitive information to respond to audits, chargebacks, disputes, and to separate

this from the sensitive authentication data in covered in RDA 2018019 “Payment Card - Sensitive Authentication Data”.” RDA 2014205 “Licensing: Professional and Occupational Licensing – Renewals” had its authorized retention modified from 10 calendar years to 2 calendar years and the language was modified to clearly state retention begins from the end of the last renewal period. The Committee felt this was an appropriate amount of time that would cover the various renewal periods for the Boards and Commissions of the State. The motion was made by Kathryn Etcheverria and the second was by Alisanne Maffei. The vote was unanimous.

8: Discussion on a creation of new series for the offload of employee email (Discussion Only):

Dennis McHugh from Enterprise IT Services (EITS) shared some information regarding a new software program SharePoint and it’s affect records management. He informed the committee that EITS is implementing SharePoint a web-based collaborative platform that integrates with Microsoft Office. SharePoint is primarily sold as a document management and storage system. His concern is how records like emails will be retained in accordance with retention policies and or schedules during and after the transition to SharePoint. Dennis let the committee know he has spoken with Jeff Kintop the Administrator for the Nevada State Library Archives and Public Records about having someone from NSLA as a consultant for records retention issues.

9: Transportation Report (Discussion Only):

No update was given by the Department of Transportation.

10: Discuss future agenda items:

Bobbie Church informed the Committee that she has many RDAs that need to come to the State Records Committee meeting, but she is waiting on final approval from the various agencies. She informed the Committee that the agency representatives have been busy and have not been responding to her. She let the Committee know that she may not have enough agenda items to have a meeting in September. She stated that she will apprise the Committee of situation as it develops.

11: Public Comment

Comment may be limited to 5 minutes at the discretion of the Chairman

- No public comment was given.

12: Determine time of next meeting

- The next meeting will be held September 12th, 2018 at 1:15 pm in the Nevada State Library and Archives Board room.

13: Adjourn

- The meeting was adjourned at 4:11 pm with the motion made by Sara Martel. The vote was unanimous.