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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 14 – DEPARTMENT OF ELDERLY AFFAIRS RECORDS (DEA)

14.1 Purpose, Authority, Severability, and Destruction

14.1.1 Purpose

To establish the official retention, maintenance, and disposal requirements for a public record based upon any administrative, legal, fiscal, and/or historical value related to that record created or received by an agency, department, division, board, commission, office, or quasi-public corporation under any branch of State or local government which performs functions relating to government, or acts on behalf of a governmental agency, pursuant to law or relating to the transaction of public business.

14.1.2 Authority

This Regulation is promulgated pursuant to the authority granted in R.I. Gen. Laws Title 38 (“Public Records”), including expressly but without limitation R.I. Gen. Laws §§ 38-3-1 et seq.

14.1.3 Severability

If any provision of these Regulations or the application thereof to any Person or circumstances is held invalid by a court of competent jurisdiction, the validity of the remainder of the regulations shall not be affected thereby.

14.1.4 Destruction Review Procedure

Government employees should also consult with their administration to determine if any records eligible for destruction may be involved in current, pending, or anticipated litigation, any government investigation or regulatory proceeding, or request under the Access to Public Records Act. (Part 10-2 of this Chapter (Legal Records) and R.I. Gen. Laws Chapter 38-2)

DEA Department of Elderly Affairs Records

DEA1 Program Establishment and Development

Records that document the framework of the agency and its programs and that provide a substantive historical record of the agency/programs background, development, and initiatives, including supporting documentation. (R.I. Gen. Laws § 42-8.1-17)

Retention: Permanent.

Note: Records may partially duplicate those held in other record series.

DEA2 Fund Development Records

Documents the Agency's efforts to obtain funding from federal, state, local, or private sources. Includes grant and program proposals, background source materials, final accepted proposals and contracts, award announcement letters, and related correspondence. (R.I. Gen. Laws § 9-1-13(a))

DEA2A Non-Awarded Documents and Materials

Substantive proposals, plans, and correspondence.

Retention: Permanent.

DEA2B Non-Substantive Materials

Retention: Retain until administrative use ceases.

DEA2C Final Proposals, Grants, Contracts, and Agreements

Retention: Permanent.

DEA3 Service Provider Contracts Records

Documents the review, acceptance, and monitoring of contracted service providers. Includes bid documentation, background support materials, contract negotiation records, final contracts, field reports, fiscal reports, and related correspondence. (R.I. Gen. Laws §§ 9-1-13(a) and 40-8.2-4)

Retention: Retain ten (10) years after close of contract.

Note: If contract is in litigation, then retain during litigation and for a period of seven (7) years after the disposition of litigation.

DEA4 Grant and Contract Claims and Disbursements Records

Documents the accounting for claims made by DEA to the Federal Government or against other contract or grant accounts for payroll payments to contracted and purchase of service vendors on the behalf of vendors who qualify for funding under the U.S. Department of Health and Human Services programs such as Title 18 and 19 (Medicaid) and Title 4E of the Social Security Act, or other. The series also documents payments from grant, trust or other funding sources for services for the elderly. Includes provider invoices, state claims to Medicaid and Title 1v- e purchase orders, vendor census reports, and related accountability documentation, payment support materials, account reconciliation documentation, and related correspondence.

Note: While accounts may be from federal sources using federal funds, the state enters into state contracts warranting a ten (10) year retention period based on the statute of limitations for breach of contract R.I. Gen. Laws § 9-1-13(a). This would also be in keeping with the ten (10) year statute of limitations for medical assistance fraud from R.I. Gen. Laws §§ 40-8.2-4, 9-1-13(a), and 40-8.2-4. If any records are related to a case in litigation, then these records should be retained during litigation and for a period of seven (7) years after the disposition of litigation.

DEA4A Contract Account Materials Tracked Separately by Grant or Account

Retention: Retain ten (10) years after final payment and all pending issues are closed.

DEA4B All Other Records

Retention: Retain ten (10) years.

DEA5 Service Program Administration Records

Documents the daily routine administration of programs provided by the Department of Elderly Affairs to respond to the growing need of Rhode Island's older and disabled population. Programs and services include RIPAE (Pharmaceutical Assistance for the Elderly, Agencies for the Blind, Assisted Living/Residential Care, Food Stamps, Property Tax Relief, and others. Includes background source materials, contract implementation correspondence, notes, issues, reports, and related correspondence. (R.I. Gen. Laws §§ 9-1-13(a) and 40-8.2-4)

DEA5A Substantive Correspondence, Reports and Materials

Retention: Permanent.

DEA5B Records and Correspondence Related to Contracts

Retention: Retain ten (10) years after close of contract.

Note: If contract is in litigation, then retain records and correspondence during litigation and for a period of seven (7) years after the disposition of litigation.

DEA5C All Other Records

Retention: Retain five (5) years or until administrative use ceases, whichever period is longer.

DEA6 Service Program Client Case Files

Documents the case history of individual clients accepted into service care programs. Includes application, qualification support materials such as proof of age, residency, and income, and related correspondence. (R.I. Gen. Laws § 38-2-1)

Note: If any records are related to a case in litigation, then these records should be retained during litigation and for a period of seven (7) years after the disposition of litigation.

DEA6A Unsuccessful or Denied Applicant Records

Retention: Retain three (3) years.

DEA6B All Other Records

Retention: Retain ten (10) years after final separation from programs.

DEA7 Elderly and Disabled Abuse and Neglect Complaint/Investigation Records

Documents complaints and investigations received or initiated by the department regarding the abuse and/or neglect of Rhode Island's elderly or disabled residents. Includes intake notes and correspondence, complaint forms, background support materials, interview notes, field assessments and risk profiles, medical reports, incident reports, and final investigation reports. (R.I. Gen. Laws §§ 42-66-8.2, 40.1-5-26, 23-6-17, and 42-66-10)

Note: If matter is in litigation, then retain records during litigation and for a period of seven (7) years after the disposition of litigation.

DEA7A **Matters that Were Abandoned, Dismissed, Addressed Informally or Found to Be Non-Jurisdictional**

Retention: Retain three (3) years.

DEA7B **Matters that Resulted in a Formal Decision/Appeal/Investigation**

Retention: Retain ten (10) years from final disposition.

DEA8 **Certificates of Records Destruction [LEGACY – DUPLICATE]**

Certification of Records Destruction forms signed by the authorized agency official and submitted to, and signed by, the State Archivist/Public Records Administrator. Certificates authorize the disposal of records listed in this and other applicable schedules. (R.I. Gen. Laws §§ 38-1-10, 38-3-6, and 42-8.1-10)

Retention: Permanent.

See Also: This record series is for information only, see GRS6.8B (Certificates of Records Destruction).