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TITLE 100 – DEPARTMENT OF STATE

CHAPTER 50 – PUBLIC RECORDS ADMINISTRATION

SUBCHAPTER 20 – STATE AGENCY RECORDS RETENTION SCHEDULES

PART 21 – DEPARTMENT OF HUMAN SERVICES RECORDS (DHS)

21.1 Purpose, Authority, Severability, and Destruction

21.1.1 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.

21.1.2 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.

21.1.3 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.

21.1.4 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)

DHS Department of Human Services Records

DHS1 Program Development and Review Records

Records that document the framework of the agency from the Office of the Director and from the Policy Office on the agency's programs and policies that provide a substantive historical record of the agency/programs background, policies, development, and initiatives. May also include but is not limited to correspondence, annual and special reports and other supporting documentation. (R.I. Gen. Laws § 42-8.1-17)

Retention: Permanent.

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

DHS2 Legal Office Records

Legal files, including but not limited to court filings, discovery, correspondence, work product, internal memorandum, closed lawsuits, legal inquiries, and other legal matters with the exception of those records deemed permanent. Permanent records shall consist of lawsuits resulting in court orders which change DHS policy and/or procedures.

DHS2A Cases

Retention: Ten (10) years or seven (7) years after the disposition of litigation, whichever is longer.

DHS2B Landmark Cases

Retention: Permanent.

DHS3 Administrative Hearing Office Records

Administrative hearing records, including, but not limited to the notice under appeal, the hearing notices, the hearing officer's notes during the hearing, the evidence submitted at the hearing, the hearing decisions on all of the programs administered by DHS from the Appeals Office.

Retention: Retain ten (10) years. 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.

DHS4 Client Files and Associated Documentation

Records that Document individual client's receipt or denial of program services. Records include documentation of medical assistance, hospital care, food stamps, welfare, work training, veteran support, and fiscal support in accordance with RIGL Title 40. Includes applications for services, eligibility review documentation, medical information, case activity notes and plans, and related correspondence. May include, but is not limited to, files from the following programs: Adult Services and Long Term Care Program (LTC) (previously DHS4.1), Aid to Family with Dependent Children (AFDC) Case Records and Family Independence Program (FIP) (previously DHS4.2), Food Stamp Program (FS) (previously DHS4.3), General Public Assistance (GPA) (previously DHS4.4), Medical Assistance (MA) (previously DHS4.5), Office of Rehabilitative Services (ORS) and Services for the Blind and Visually Impaired (SBVI) (previously DHS4.6), Low Income Child Care Program (CC) (previously DHS4.7), and any other client files and programs that fit the functions of this series. (R.I. Gen. Laws §§ 9-1-13(a) and 40-8.2-4)

Note: If 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.

DHS4A Denied Applications

Retention: Retain three (3) years.

DHS4B Client Case Files and Associated Documentation

Retention: Retain ten (10) years.

DHS5 Claims and Disbursements Records

Documents claims made by the agency to the Federal Government relating to contracted and purchased services on behalf of the State. The series also documents any service provider or client payment claims made or received and subsequent payments made or received. Includes health service provider invoices, monthly billing detail statements, state bills to Medicaid, direct vendor payment plans, purchase orders, vendor census reports and related accountability documentation, A12T invoices, vouchers to Accounts and Control, payment support materials, account reconciliation documentation, and related correspondence. Documents the monitoring of contracted service providers for contract compliance purposes. Includes incident reports, inspections; demographic, census, and performance reports; and related correspondence. (R.I. Gen. Laws §§ 9-1-13(a) and 35-6-19)

Note: While payments for contracted vendor payrolls may be paid with federal funds, the contracts are state contracts warranting a ten (10) year retention period based on the

statute of limitations from 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. If 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.

DHS5A Claims and Disbursement Documentation Involving Contracted Funds

Retention: Retain ten (10) years after contract close and after final payment and resolution of all pending issues.

DHS5B All Other Claims and Disbursement Documentation

Retention: Retain ten (10) years from date of disbursement.

DHS5C Service Provider and Monitoring Review Records

Retention: Retain ten (10) years after performance of the contract and any actions upon the contract have been finalized.

DHS6 Claim Investigation and Control Records

Documents the monitoring, control, and investigation of program claims and services to protect against the inadvertent or purposeful overpayment of claims or other fiscal misuse of service programs. Includes incident reports, audit reports, background investigatory documentation, and related correspondence for the Collections, Claims and Recoveries Unit, the Fraud Unit, and the Front End Detection (FRED) Unit. (R.I. Gen. Laws §§ 9-1-13(a) and 40-8.2-4)

Note: If 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.

DHS6A Documentation Resulting in a Change of Policy or Procedures

Retention: Permanent.

DHS6B Case Investigation Summaries or Logs

Retention: Permanent.

DHS6C Case Investigation Files

Retention: Retain ten (10) years after final case resolution.

DHS7 Cemetery and Burial Records

All records associated with programs to trace Veterans or other graves in Rhode Island, including any plat maps, plot locations, registers, lists, and correspondence relevant to providing support for the same. May include death documentation and burial arrangements.

Retention: Permanent.

DHS8 Veteran's Home Patient Records

Documents the care of individuals who have been admitted to the state veteran's home. Includes admission forms, insurance or payment coverage documentation, medical charts, x-rays, and related correspondence. (R.I. Gen. Laws §§ 9-1-14.3(b), 9-1-14.1(a), and 40-8.2-4)

Note: If 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.

DHS8A Admission Logs

Retention: Permanent.

DHS8B Patient Case Files

Retention: Retain ten (10) years after release from care or three (3) years after the date of death of resident, whichever is sooner.

DHS9 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).

DHS10 Child Support Enforcement

DHS10.1 Legal Records

These records document Child Support Enforcement's efforts to establish paternity for children born out of wedlock, establishing child support orders, establishing medical orders, and enforcing those orders until the child reaches adulthood. This program, which also handles cases for custodial parents receiving benefits from the Family Independence Program or the Rite Care program, is federally funded. Enforcement is handled by administrative and judicial means. Pursuant to R.I. Gen. Laws § 15-22-1, the child support records are confidential in nature. Information is only released within the perimeters of both federal and state law and procedures. The files may include, but are not limited to, non-welfare applications, birth certificates for children involved, divorce decrees, pleas filed with the court, returns of summons, copies of court judgments, correspondence, and computer printouts showing payments made.

DHS10.1A Family Court Files

Retention: Retain six (6) years after case closed.

DHS10.1B Closed Supreme Court Files

Retention: Retain six (6) years after case closed.

DHS10.1C Administrative Decisions

Retention: Retain six (6) years after case closed.

DHS10.2 Financial Records

These records document payment of child support. They contain child support payroll records and quarterly and monthly federal reports of these payments.

Retention: Retain six (6) years.