

State of New York OFFICE OF MENTAL HEALTH OMH OFFICIAL POLICY MANUAL	Date Issued 8/28/06	T. L. 06-09	Section # OM-740
	Section Operational Management-Records Management		
	Directive Record Retention Periods		

A. Policy Statement

1) Purpose:

It is the policy of the Office of Mental Health (OMH) that all records made, acquired or received by OMH facilities and administrative offices shall be retained pursuant to the retention schedule delineated by this policy directive. The retention of agency records is essential for a number of reasons. Accurate and available records are necessary for patient treatment and support; business activities; personnel issues; activities related to legal actions or litigation; and many other administrative functions.

The retention schedules contained in Appendix 2 of this directive have been approved by the Commissioner of the State Education Department and have been assigned Records Disposition Authorization (RDA) numbers. No record shall be destroyed until the expiration of its assigned retention period. When disposing of obsolete records, patient confidentiality must be preserved at all times.

2) Applicability:

This policy is applicable to all State-operated psychiatric facilities and administrative offices.

B. Relevant Statutes and Standards

Section 57.05 of the Arts and Cultural Affairs Law
Title 8 NYCRR Part 188 State Government Archives and Records Management

C. Definitions

- 1) **Retention Period** means the minimum time that records must be saved.
- 2) **State Records** means all papers, books, maps, photographs, or other documentary materials, regardless of physical form or characteristics, made or received by the Office of Mental Health in pursuance of law or in connection with the transaction of public business and preserved or appropriate for preservation as evidence of the organization, functions,

policies, decisions, procedures, operations, or other activities, or because of the information they contain.

- 3) **Record Series** means a series of all the individual records used in a function or activity unless an exception is specified. Records series are listed alphabetically in Appendix I and described in Appendix II.

D. Body of the Policy

This policy directive consists of the following components:

- 1) OMH Records Management Officer
- 2) Facility Responsibility
- 3) Establishing a Retention Period
- 4) Use of Retention Periods
- 5) Disposition of Records
- 6) Patient Confidentiality
- 7) Employee Confidentiality
- 8) Transfer to State Archives

Appendix 1 - Listing of Record Series

Appendix 2 - Record Retention Schedule

- 1) Office of Mental Health (OMH) Records Management Officer.
 - (a) The Records Management Officer of the Office of Mental Health is a designated staff member from the Administrative Support Services Group (ASSG).
Records Management Officer
Bureau of Capital Operations
CDPC - Unit Q
75 New Scotland Avenue
Albany, NY 12208 (518) 473-5815
 - (b) The OMH records management officer is responsible for:
 - (i) Managing the OMH records management program;
 - (ii) Developing and revising retention periods for all OMH records; and

- (iii) Supervising the destruction of obsolete OMH records and the transfer of inactive records to the State Records Center or the State Archives.

2) Facility Responsibility.

Each facility shall establish a records management program which is in compliance with this directive. The executive director shall appoint a staff member to act as a liaison to the OMH Records Management Officer.

3) Establishing a Retention Period.

Record Retention schedules for most OMH records series are listed in Appendix 2 of this directive. Certain limited use or facility specific retention schedules are not listed. Please contact the OMH Records Management Officer at 518-473-5815 for additional information. **Note: The Appendices are not distributed with this policy but are available on the OMH intranet website. The Appendices will be updated to reflect changes as they occur.** Appendix 2 contains information from Records Disposition Authorizations (RDA) that have been approved and issued an R.D.A. number. If a record series is not listed in Appendix 1, a retention period may need to be established for the specific series pursuant to the following process:

- (a) Facility Records Officer/Unit Head.
 - (i) Identify and define the record series, giving examples of all of the records which may be found in the record series;
 - (ii) Recommend retention period, giving reasons;
 - (iii) Complete Record Disposition Request (Form REC-5); and
 - (iv) Send Form REC-5 to OMH Records Management Officer.
- (b) OMH Records Management Officer.
 - (i) Review and approve Form REC-5, complete REC-3 and REC-4 forms, and
 - (ii) Send the complete set of 3 forms to Archives at the State Education Department.

- (c) State Education Department.
 - (i) Review and approve submitted forms;
 - (ii) Assign authorization number, which shows approval; and
 - (iii) Return forms to OMH Records Management Officer.
- (d) OMH Records Management Officer.
 - (i) Notify agency of approved retention period by updating Appendix 2; and
 - (ii) Notify Bureau of Policy and Regulation that the new retention period must be included in Appendix 2.
- (e) General Retention and Disposition Schedule for New York State Government Records.

As an alternative to establishing an agency specific OMH RDA for a record series, an RDA from the General Retention and Disposition Schedule for New York State Government Records, published by the NYS Archives may be used after approval by the OMH Records Management Officer. Copies of the General Schedule are available from the Records Officer. Once approved, the General Schedule RDA will be added to Appendix 2, in place of the OMH RDA.

4. Use of Retention Periods.

Records must be kept for the retention period shown in Appendix 2. At the end of the established retention period, records should be disposed of, destroyed, or transferred to the State Archives, as indicated in Appendix 2.

5. Disposition of Records.

Effective management requires a regular purging of files to save space and to avoid the unnecessary purchase of new filing equipment. At the end of a retention period, records may be destroyed, provided there are no restrictions (e.g. transfer to Archives) shown in Appendix 2. Records may be kept beyond the time for as long as they are determined to be necessary. Care must be taken to ensure that records which may be useful in litigation against the facility or agency are not destroyed. No further approvals are required to destroy records after the expiration of an authorized retention period. Resale of materials should always be

considered at this time (e.g., selling x-rays for their silver content or paper for recycling). The Archives, through the State Records Center, administers a contract under which agencies can recycle records or obtain confidential destruction services.

6. Patient Confidentiality.

When records which identify patients are destroyed, steps must be taken to ensure that patient confidentiality is protected. Such records shall be shredded or incinerated to protect the patient's confidentiality.

7. Employee Confidentiality.

When records which contain personal information on employees or former employees are destroyed, steps must be taken to ensure that the employee confidentiality is protected. Such records shall be shredded or incinerated. Further, steps must be taken to ensure that if such records contain information which may be useful in litigation against the facility or the agency that the records are not destroyed.

8. Transfer to State Archives.

The State Archives has reviewed those OMH record series which have approvals for disposition and determined that some are of historical value. These records series are identified in Appendix 2. Records transferred to the State Archives are subject to an agreement which protects the confidentiality of patient records.

To transfer records to State Archives contact the OMH Records Management Officer to inform her/him that records are ready to be transferred and request instructions.

Note: The transfer of records to State Archives should not be confused with the process of storage of records at the State Records Center. For information regarding storage of records at the State Records Center, contact the OMH Records Management Officer.

Appendix 1 - Listing of Record Series

Appendix 2 - Record Retention Schedule

NOTICE

In order to provide the most current information, paper copies of appendices 1 & 2 are not distributed with Policy Directive OM-740. The most

recent update of these appendices are posted with Policy Directive OM-740 on the OMH Intranet Home Page.

The information in the Appendices is subject to change as new Records Disposition Authorizations are approved, amended or superseded or as decisions are made to select authorizations from the General Schedule. Always check the date of the appendix you are referring to prior to disposing of any records. For additional information, please contact the OMH Records Management Officer at 518-473-5815 or by email at RecordsOfficer@omh.ny.gov