

Schedule 150-8

DEPARTMENT OF HEALTH AND HUMAN SERVICES

LEGAL DIVISION

March 22, 2012

Nebraska Records Management Division
3242 Salt Creek Circle
Lincoln, NE 68504
(402) 471-2559

**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE	150-8
AGENCY, BOARD OR COMMISSION	DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION, BUREAU OR OTHER UNIT	LEGAL SERVICES DIVISION
Supersedes Schedule 150-3-8, Edition of July 6, 2011	

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

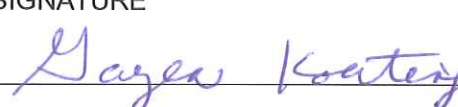
PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE 	
TITLE CEO	DATE 3/14/2012

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE 	DATE 3/15/2012
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PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE 	DATE 3/19/12
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PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE 	DATE 3/22/12
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INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. This retention schedule, which is approved by the State Records Administrator, provides your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods. Unless there is pending or on going, legal action, records request, or audit.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives** (Neb. Rev. Stat. §82-105). The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Neb. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is located on the Secretary of State Records Management website. https://appengine.egov.com/apps/ne/sos_records_disposition_report. This report establishes that the destruction was performed in your normal course of business.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or the Records Management Specialist in Records Management. They will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

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402-471-2559**

SCHEDULE 150-8
DEPARTMENT OF HEALTH AND HUMAN SERVICES
LEGAL SERVICES DIVISION

March 22, 2012

Retention requirements are for all records, regardless of the media on which they reside, unless otherwise noted.

Supersedes 150-3-8 Edition of July 6, 2011

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
150-008-001-000-000-000-000	ADMINISTRATIVE LAW JUDGE CONTRACTS		5 years	Obsolete 2008
150-008-002-000-000-000-000	ADVICE FILES, REGULATION FILES, LEGISLATION FILES	<p>A. Files of opinions or advice by agency attorneys or Attorney General concerning state or federal statutes, regulations, cases, policies and procedures or other matters pertinent to Department programs and operation, and supporting documents and information, including such things as attorney work product, attorney-client communications; notes; letters or copies of letters; records of telephone calls or meetings; written statements of facts; copies of relevant cases, statutes or regulations; interoffice memoranda; and copies of Attorney General official or unofficial opinions or letters. May also include copies of investigative materials or reports or other confidential Department records.</p> <p>B. Files of legal services provided for adoption of regulations. Files may contain copies of opinions of or advice by Department or Attorney General legal staff and other attorney-client communications; correspondence; notes; drafts or regulations; drafts and copies of adoption documents, such as copies of notices of public hearing, transmittal letters to and from the Attorney General, Secretary of State and Governor, impact memoranda to the Governor, certificates of adoption, proofs of publication; copies of exhibits for public hearings; copies of public hearing transcripts; regulation status forms; extra copies of agenda or meeting minutes of boards or advisory bodies; notes of telephone conference or meetings; copies of cases, statutes, regulations or other research or reference materials used in drafting of rules and regulations.</p> <p>C. Files on legal services provided in developing Department legislation and reviewing non-Department proposed legislation, including such things as: concept papers; bill outlines and questionnaires; drafts and copies of bills; bill proposal and review forms; copies of fiscal notes, intra-agency transmittal/routing slips; intra-division and intra-agency memoranda; legal opinions and other attorney-client communications; bill summaries; notes of telephone calls or meetings; copies of cases, statutes, regulations and other research or reference materials; correspondence or copies of correspondence; and copies of administrative directives or policies.</p>	After 10 years on which opinion/advice was given	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
150-008-003-000-000-000-000	CASE FILES	<p>A. CASE FILES BEFORE THE DEPARTMENT: Case files relating to investigations, proposed actions, or actions brought by or filed before the Department such as actions to deny or discipline a license, permit, certificate or other form of approval of individuals or entities or to challenge actions brought, actions relating to contract or grant issues; actions to obtain Department review of a decision by others; actions to obtain a declaratory ruling by the Department or to adopt, amend or repeal Department regulations. Files may contain such things as: attorney work product, legal opinions and other attorney-client communications; copies of Department investigative files; correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents; briefs or memoranda; drafts or copies of settlement document or proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.</p> <p>B. COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL: Case files of court actions, or potential court actions, by or against the agency or its representatives or employees, or actions, or potential actions, brought before another agency such as NEOC, EEOC, actions before State Personnel Board, etc. Files may contain: attorney work product; attorney-client communications between Department counsel and Department staff and/or between Department and Attorney General staff; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters of memoranda; copies or drafts of pleadings and other documents filed in court; copies or drafts of briefs or legal memoranda; copies of depositions or copies or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.</p> <p>C. COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF: Case files of court actions, potential court actions, or actions, or potential actions, before other agencies such as NEOC, EEOC, State Personnel, State Claims Boards, guardianship proceedings, etc., in which representation is handled by Department legal staff. Files may contain: attorney work product; attorney-client communications; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters or memos; copies or drafts of pleadings or other documents filed; copies or drafts of briefs or legal memoranda; copies of depositions or drafts of other discovery documents, copies of Department file materials relevant to the case; copies of cases, statutes; regulations or other research or reference materials.</p>	10 years after time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted (whichever is later)	Confidential records

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
150-008-004-000-000-000-000	CASE FILES - PROTECTION AND SAFETY	Case files relating to child welfare and juvenile services provided by the Department, including but not limited to juvenile court proceedings, foster care, Central Register of Child Abuse and Neglect, Interstate Compact on the Placement of Children, Interstate Compact for Juveniles, Adoptions of Minor Children, Guardianships for Minor Children. Files may contain such things as: attorney work product, legal opinions and other attorney-client communications, copies of Department investigative files, correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents, briefs or memoranda; drafts or copies of settlement document or proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.	20 years after time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted (whichever is later)	Confidential records
150-008-005-000-000-000-000	DISASTER RECOVERY BACK-UPS FOR ELECTRONIC RECORDS	Back-up tapes or other storage media are only to be used for system restoration in the event of a disaster. Disaster recovery back-ups are stored at a secure off-site location and are never to be used or considered for records access, archiving or management purposes. Tapes will be maintained and then overwritten or destroyed.	ALL OTHER ELECTRONIC RECORDS: DAILY (M-F): 1 week WEEKLY (SUNDAY): 3 weeks MONTHLY: 1 year	
150-008-006-000-000-000-000	LOGBOOK - SCHEDULE OF BOARD OF HEALTH HEARINGS		5 years	Obsolete 2008

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
150-008-007-000-000-000-000	REGULATORY FILES - CLOSED REGULATION DEVELOPMENT WORKING FILES	<p>These are the official regulation and rulemaking records for DHHS under the APA (Administrative Procedure Act, Neb. Rev. Stat. §§ 84-901 to 84-920), which requires these records to be kept for at least four years after the effective date of the regulation. Working files are considered closed when the final docket is filed with the Secretary of State. Each closed working file contains:</p> <ol style="list-style-type: none"> 1. Regulation Development Request with the division director's signed approval attached; 2. Pre-hearing policy review checklist and all attachments; 3. Governor's Policy Research Office approval of the checklist; 4. Filed and Secretary of State-stamped copies of the notice, initial docket, and hearing draft; 5. Draft fiscal impact statement; 6. Copies of letters to the Secretary of State and Legislative Council; 7. Original affidavit/proof of publication of notice of public hearing; 8. Public hearing sign-in sheet and attendance sheet (if applicable); 9. Hearing officer introductory statement; 10. Copies of all written, faxed, or e-mailed comments, with any 2007 and later recorded public hearing comments filed electronically and the file location noted (pre-2007 tapes filed separately); 11. Final fiscal impact statement; 12. Explanatory statement; 13. Copy of the Attorney General's approval and/or correspondence; 14. Final agency checklist; 15. Filed and stamped copies of the final regulation, including certificate(s) of adoption; 16. Coordinator's notes and relevant substantive correspondence; and 17. Final docket; 18. Notice of termination if applicable. 	<p>ORIGINAL RECORD: Scan to network and CD; 30 days</p> <p>ELECTRONIC RECORD: 5 years</p> <p>CD COPY: Transfer to off-site location; 5 years</p>	

ITEM NUMBER	RECORD TITLE	DESCRIPTION/EXAMPLES	RETENTION	REFERENCE/ COMMENTS
150-008-008-000-000-000-00	REGULATORY FILES- MANUAL UPDATE LETTERS	Manual Letters provide notice that regulations in the Program Manuals System have been revised. The Manuals System originated in the former Department of Public Welfare. It now includes manual regulations for programs housed in the DHHS Divisions of Children and Family Services and Medicaid & Long-Term Care. Each Manual Update Letter file contains: 1. Manual Cover Letter, signed by the agency director, listing the highlights of the revisions and the pages that are being added or replaced; 2. New pages; and 3. Old (replaced) pages.	ORIGINAL RECORD: Scan to network and CD; 30 days ELECTRONIC RECORD: 15 years after effective date of Manual Letter CD COPY: Transfer to off-site location; 15 years after effective date of Manual Letter	NAC Titles 390-406 and 463-482
150-008-009-000-000-000-000	REGULATORY FILES - PROGRAM POLICY MEMOS AND MANUAL BULLETINS	Transmittals to staff on policy interpretations and emergency changes to regulations in the Program Manuals System.	ORIGINAL RECORD: Scan to network and CD; 30 days ELECTRONIC RECORD: 15 years after effective date of transmittal CD COPY: Transfer to off-site location; 15 years after effective date of transmittal	