

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 18      EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)**  
**PART 343        ERRDS, RETIREE HEALTH CARE AUTHORITY**

**1.18.343.1        ISSUING AGENCY:** [New Mexico Commission of Public Records] - State Records Center and Archives  
[5-25-95; 1.18.343.1 NMAC - Rn, 1 NMAC 3.2.93.1, 7/22/2002]

**1.18.343.2        SCOPE:** Retiree Health Care Authority  
[5-25-95; 1.18.343.2 NMAC - Rn, 1 NMAC 3.2.93.2, 7/22/2002]

**1.18.343.3        STATUTORY AUTHORITY:** Section 14-3-6 NMSA 1978. Administrator: duties. The administrator shall establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records. The administrator shall establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act. Records disposal schedules shall be filed with the librarian of the supreme court library, and shall not become effective until thirty days after the date of filing.  
[5-25-95, 5-19-97; 1.18.343.3 NMAC - Rn, 1 NMAC 3.2.93.3, 7/22/2002]

**1.18.343.4        DURATION:** Permanent  
[5-25-95, 5-19-97; 1.18.343.4 NMAC - Rn, 1 NMAC 3.2.93.4, 7/22/2002]

**1.18.343.5        EFFECTIVE DATE:** January 10, 1997, unless a different date is cited at the end of a section or paragraph.  
[5-25-95, 5-19-97; 1.18.343.5 NMAC - Rn, 1 NMAC 3.2.93.5, 7/22/2002]

**1.18.343.6        OBJECTIVE:**  
**A.** To establish a records management program for the application of efficient and economical management methods to the creation, utilization, maintenance, retention, preservation and disposal of official records (Section 14-3-6 NMSA 1978).  
**B.** To establish records disposal schedules for the orderly retirement of records and adopt regulations necessary for the carrying out of the Public Records Act (Section 14-3-6 NMSA 1978).  
[5-25-95, 5-19-97; 1.18.343.6 NMAC - Rn, 1 NMAC 3.2.93.6, 7/22/2002]

**1.18.343.7        DEFINITIONS:**  
**A.** "Administrator" means the state records administrator (Section 14-3-2, NMSA 1978).  
**B.** "Agency" means any state agency, department, bureau, board, commission, institution or other organization of the state government, the territorial government and the Spanish and Mexican governments in New Mexico (Section 14-3-2 NMSA 1978).  
**C.** "Audit" means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.  
**D.** "Commission" means the state commission of public records (Section 14-3-2 NMSA 1978).  
**E.** "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.  
**F.** "Record destruction" means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.  
**G.** "Records management" means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.  
**H.** "Records retention period" means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.  
**I.** "Records retention schedule" means a document prepared as part of a records retention program that lists the period of time for retaining records.  
**J.** "Public records" means all books, papers, maps, photographs or other documentary materials, regardless of physical form or characteristics, made or received by any agency in pursuance of law or in connection with the transaction of public business and preserved, or appropriate for preservation, by the agency or its legitimate successor as evidence of the organization, functions, policies, decisions, procedures, operations or other activities of

the government, or because of the informational and historical value of data contained therein (Section 14-4-2 NMSA 1978).

**K.** "Non-record" means library or museum material of the state library, state institutions and state museums, extra copies of documents reserved only for convenience of reference and stocks of publications and processed documents are non-records (Section 14-3-2C NMSA 1978). The following specific types of materials are non-records: extra copies of correspondence; documents preserved only for convenience of reference; blank forms and books which are outdated; materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; preliminary and non-final drafts of letters, reports and memoranda which may contain or reflect the working or deliberative process by which a final decision or position of the agency, board, department, or subdivision thereof is reached; shorthand notes, steno tapes, mechanical recordings which have been transcribed, except where noted on agency retention schedules; routing and other interdepartmental forms which are not significant evidence of the activity concerned and do not otherwise have value as described above; stocks of publications already sent to archives and processed documents preserved for supply purposes only; form and guide letters, sample letters, form paragraphs; subject files, including copies of correspondence, memoranda, publications, reports and other information received by agency and filed by subject (also referred to as reading files or information files). See also 1.15.2.101 and 1.15.2.102 NMAC, General Administrative Records Retention and Disposition Schedule for general administrative records. [5-25-95, 5-19-97; 1.18.343.7 NMAC - Rn, 1 NMAC 3.2.93.7, 7/22/2002]

**1.18.343.8 [RESERVED]**

**1.18.343.9 INSTRUCTIONS:**

**A.** For records of a general administrative nature, refer to the General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.

**B.** For records of a financial nature, refer to the General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.

**C.** For records of a personnel nature, refer to the General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.

**D.** For records of medical nature, refer to the General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.

**E.** Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.

**F.** The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.

**G.** Confidentiality is denoted as "-C-". Not all materials in a file may be confidential. Refer to note. Where portions of file may be confidential, refer to legal counsel for agency.

**H.** Access to confidential documents and confidential files shall be only by authorization of agency or attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.

**I.** All records, papers or documents may be photographed, microfilmed, microphotographed or reproduced on film. Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).

**J.** Data processing and other machine readable records. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media. In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1 NMAC 3.2.70.1 (1.13.70 NMAC): Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[5-25-95, 5-19-97; 1.18.343.9 NMAC - Rn, 1 NMAC 3.2.93.8, 7/22/2002]

**1.18.343.10 - 100 [RESERVED]**

**1.18.343.101 ENTITY'S OPTION NOT TO PARTICIPATE FILE:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** alphabetical
- C. Description:** contains ordinances or resolutions, etc.
- D. Retention:** permanent

[1-13-91, 5-11-94, 1-10-97; 1.18.343.101 NMAC - Rn, 1 NMAC 3.2.93.343.101, 7/22/2002]

[Note: file may contain non-required responses to participate.]

**1.18.343.102 PARTICIPATION COMPLAINT FILE:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** alphabetical
- C. Description:** contain complaint, status, memoranda, correspondence, referrals, responses, resolutions, etc.

**D. Retention:** three years after close of calendar year in which resolved

**E. Confidentiality:** confidential (may lead to fraud investigation).

[1-13-91, 5-11-94, 1-10-97; 1.18.343.102 NMAC - Rn, 1 NMAC 3.2.93.343.102, 7/22/2002]

**1.18.343.103 DELINQUENT EMPLOYER AND LATE FEE PENALTY REPORT, MONTHLY:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** chronological
- C. Description:** shows today's date, delinquency month, third party administrator, account number, delinquent entity name, month, period, days late, total contribution late fee, assessed late fee, totals, etc.

**D. Retention:** two years after close of fiscal year in which created

[1-13-91, 5-11-94, 1-10-97; 1.18.343.103 NMAC - Rn, 1 NMAC 3.2.93.343.103, 7/22/2002]

**1.18.343.104 DELINQUENT EMPLOYER AND LATE FEE PENALTY REPORT, FOLLOW UP/ACTION FILE: FILE:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** chronological and alphabetical
- C. Description:** contains correspondence, memoranda, etc.

**D. Retention:** two years after close of fiscal year in which created

[1-13-91, 5-11-94, 1-10-97; 1.18.343.104 NMAC - Rn, 1 NMAC 3.2.93.343.104, 7/22/2002]

**1.18.343.105 EMPLOYER LATE FEE NOTICE, COPY:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** chronological and alphabetical
- C. Description:** shows date, employer name and address, late fee assessed, month assessed, instructions, etc.

**D. Retention:** two years after close of fiscal year in which created

[1-13-91, 5-11-94, 1-10-97; 1.18.343.105 NMAC - Rn, 1 NMAC 3.2.93.343.105, 7/22/2002]

[Note: original mailed out to delinquent employer.]

**1.18.343.106 ISSUE/RESPONSE FILE:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** alphabetical
- C. Description:** contains issue in question, answer and or resolution, etc.
- D. Retention:** until response revised, superseded or rescinded

[1-13-91, 5-11-94, 1-10-97; 1.18.343.106 NMAC - Rn, 1 NMAC 3.2.93.343.106, 7/22/2002]

**1.18.343.107 INSURANCE CARRIER/PROVIDER REPORTS:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** chronological
- C. Description:** show report date, carrier or provider name, claimant name, membership identification number, payee, employee or dependent, check number, drug name, drug days or quantities, actual costs, dispense fee, co-payment, subsidized amounts, etc.

**D. Retention:** six years after close of calendar year in which created

[1-13-91, 5-11-94, 1-10-97; 1.18.343.107 NMAC - Rn, 1 NMAC 3.2.93.343.107, 7/22/2002]

**1.18.343.108 THIRD PARTY ADMINISTRATOR FILE:**

- A. Program:** New Mexico retiree health care authority
- B. Maintenance system:** chronological
- C. Description:** contain retiree enrollment form, employer or employee batching, financial documentation, etc.
- D. Retention:** three years after close of fiscal year in which created

[1-13-91, 5-11-94, 1-10-97; 1.18.343.108 NMAC - Rn, 1 NMAC 3.2.93.343.108, 7/22/2002]

**HISTORY OF 1.18.343 NMAC:**

**Pre-NMAC History:** The material in this part was derived from that previously filed with the State Records Center under:

SRC Rule No. 91-04, Records Retention and Disposition Schedule for New Mexico Retiree Health Care Authority, 12-13-91.

SRC Rule No. 93-12, Records Retention and Disposition Schedule for New Mexico Retiree Health Care Authority, 4-11-94.

**History of Repealed Material:** [RESERVED]