

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 18    EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)**  
**PART 440       ERRDS, OFFICE OF SUPERINTENDENT OF INSURANCE**

**1.18.440.1       ISSUING AGENCY:** State Commission of Public Records - State Records Center and Archives.  
[1.18.440.1 NMAC - N, 07/29/2013]

**1.18.440.2       SCOPE:** office of superintendent of insurance  
[1.18.440.2 NMAC - N, 07/29/2013]

**1.18.440.3       STATUTORY AUTHORITY:** Section 14-3-4 NMSA 1978, it shall be the duty of the commission to adopt and publish rules to carry out the purposes of the Public Records Act. Section 14-3-6 NMSA 1978, the administrator shall establish a records management program for the application of efficient and economical management methods for the creation, utilization, maintenance, retention, preservation and disposal of public records.  
[1.18.440.3 NMAC - N, 07/29/2013]

**1.18.440.4       DURATION:** Permanent  
[1.18.440.4 NMAC - N, 07/29/2013]

**1.18.440.5       EFFECTIVE DATE:** July 29, 2013 unless a later date is cited at the end of the section.  
[1.18.440.5 NMAC - N, 07/29/2013]

**1.18.440.6       OBJECTIVE:** To establish a records retention schedule for the orderly management, retention, disposition and preservation of records necessary for carrying out the Public Records Act pursuant to Section 14-3-6 NMSA 1978.  
[1.18.440.6 NMAC - N, 07/29/2013]

**1.18.440.7       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.       "Archives"** means the permanent records of the state of New Mexico, which may include government and private collections of the Spanish, Mexican, territorial and statehood periods, assessed to have significant historical value to warrant their preservation by the state of New Mexico. The term also refers to the organizational unit of the SRCA storing these records.
- D.       "Audit"** means a periodic examination of an organization to determine whether appropriate procedures and practices are followed.
- E.       "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- F.       "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (e.g., transfer to archives or destruction).
- G.       "Microphotography"** means the transfer of images onto film and electronic imaging or other information storage techniques that meet the performance guidelines for legal acceptance of public records produced by information system technologies pursuant to regulations adopted by the commission.
- H.       "Non-record"** means extra copies of documents kept solely for convenience of reference, stocks of publications, records not usually included within the scope of the official records of an agency or government entity and library material intended only for reference or exhibition. The following specific types of materials are non-records: materials neither made nor received in pursuance of statutory requirements nor in connection with the functional responsibility of the officer or agency; extra copies of correspondence; preliminary drafts; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.
- I.       "Pending litigation"** means a proceeding in a court of law whose activity is in progress but not yet completed.
- J.       "Public record"** 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. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.

**L. "Record destruction"** means the process of totally obliterating information on records by any method to make the information unreadable or unusable under any circumstances.

**M. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.

**N. "Records retention and disposition schedule"** means rules adopted by the commission pursuant to Section 14-3-4 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

**O. "Retention"** 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.

[1.18.440.7 NMAC - N, 07/29/2013]

#### 1.18.440.8 ABBREVIATIONS AND ACRONYMS:

**A. "CFR"** stands for code of federal regulations.

**B. "EDRRDS"** stands for education records retention and disposition schedules.

**C. "ERRDS"** stands for executive records retention and disposition schedules.

**D. "GRRDS"** stands for general records retention and disposition schedules.

**E. "JRRDS"** stands for judicial records retention and disposition schedules.

**F. "LRRDS"** stands for legislative records retention and disposition schedules.

**G. "LGRRDS"** stands for local government records retention and disposition schedules.

**H. "NAIC"** stands for national association of insurance commissioners.

**I. "SRCA"** stands for state records center and archives.

**J. "USC"** stands for United States code.

[1.18.440.8 NMAC - N, 07/29/2013]

#### 1.18.440.9 INSTRUCTIONS:

**A.** Records retention and disposition schedules identify the types of records maintained by state agencies and specify a period of time which records must be retained. A retention period may be stated in terms of months or years and is sometimes expressed as contingent upon the occurrence of an event. There are several types of records retention and disposition schedules promulgated by the commission for state agencies. General schedules list records common to all agencies and executive schedules list records specific to an agency. Each record series will be represented in the format listed below.

(1) **Program** - describes the function of the records

(2) **Maintenance system** - describes how an agency files (organizes) records

(3) **Description** - describes the purpose and content of a record

(4) **Retention** - defines the length of time records must be kept before they are eligible for destruction or archival preservation.

**B.** For records of a general administrative nature, refer to the GRRDS, General Administrative, 1.15.2 NMAC.

**C.** For records of a financial nature, refer to the GRRDS, General Financial, 1.15.4 NMAC.

**D.** For records of a personnel nature, refer to the GRRDS, General Personnel, 1.15.6 NMAC.

**E.** For records of a medical nature, refer to the GRRDS, General Medical, 1.15.8 NMAC.

**F.** 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.

**G.** The descriptions of files are intended to be evocative, not complete. For example, there will always be some documents that are included 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.

**H.** Confidentiality is denoted for files likely to contain confidential materials or information; however files without a confidentiality note may contain confidential or privileged information. Failure to include a confidentiality note in the description of a record series does not waive confidentiality. Refer questions concerning the confidentiality of a file to legal counsel for the agency.

**I.** Records may be photographed, microfilmed, digitized or converted to computer output microfilm provided a microphotography plan has been approved by the state records administrator (Section 14-3-17 NMSA 1978). Such photographs, microfilms, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction as evidence in all courts or administrative agencies (Section 14-1-6 NMSA 1978).

**J.** Public records placed on magnetic tapes, disks or other data processing media shall be retained for the length of time specified in records retention and disposition schedules and are subject to the same confidentiality and access restrictions as paper records. See also 1.13.70 NMAC, Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

**K.** Email is a transmission medium for content that may or may not be a public record. Email messages that contain information sent or received by an agency in connection with the transaction of official state business or in pursuance of law are public records and are subject to retention requirements established in records retention and disposition schedules. Email messages are required to be categorized, filed and retained on the basis of content (1.13.4 NMAC, Records Management Requirements for Electronic Messaging). The content of email messages may vary considerably; therefore, each email shall be evaluated to determine if it meets the definition of a public record as defined in the Public Records Act. Non-records or transitory emails that do not provide evidence of official agency policies or business transactions may be deleted.

**L.** Non-scheduled public records created by an agency in pursuance of law or in connection with the transaction of public business shall have a retention period of permanent until such time the non-scheduled record has been scheduled and a retention period adhering to operational, legal, fiscal, historical or other purposes is established.

[1.18.440.9 NMAC - N, 07/29/2013]

#### **1.18.440.10 - 1.18.440.20 [RESERVED]**

#### **1.18.440.21 INVESTIGATIONS FILES:**

**A. Program:** investigations  
**B. Maintenance system:** chronological by date  
**C. Description:** records concerning investigations conducted by the office of the superintendent of insurance regarding a complaint filed or business entity regulated by the office of superintendent of insurance. File may contain investigation reports, exhibits, audit worksheets, copies of invoices, types of complaints, inspection form, correspondence, etc.

**D. Retention:**

- (1) **Insurance fraud investigations:** 25 years after close of investigation
- (2) **Consumer complaint investigations:** five years after close of investigation
- (3) **Insurance investigations:** five years after close of investigation
- (4) **Workers' compensation investigation:** 10 years from date of final resolution

**E. Confidentiality:** Portions of this record may be confidential.

[1.18.440.21 NMAC - Rp, 1.18.430.21 NMAC, 07/29/2013]

#### **1.18.440.22 - 1.18.440.25 [RESERVED]**

#### **1.18.440.26 QUARTERLY AND ANNUAL INSURANCE FINANCIAL STATEMENT FILES:**

**A. Program:** examinations  
**B. Maintenance system:** chronological by date, then alphabetical by insurance type, then company name

**C. Description:** mandatory quarterly and annual insurance financial statements submitted to the office of superintendent of insurance for examination and analysis. File may include annual statement (e.g., supporting exhibits, schedules, liabilities, assets, etc.), quarterly statement (e.g., supporting exhibits, schedules, liabilities, assets, etc.), analysis report, correspondence, etc.

**D. Retention:** 10 years from date analysis report issued by the office of superintendent of insurance  
[1.18.440.26 NMAC - Rp, 1.18.430.45 NMAC, 07/29/2013]

#### **1.18.440.27 AUDIT FILES:**

- A. Program:** examinations  
**B. Maintenance system:** chronological by calendar year, then alphabetical by company name

**C. Description:** records concerning domestic insurer examinations which determine financial condition, contractual compliance, statute and regulations compliance, etc. File may contain annual statement, examination of accounts, transactions, affairs, assets, etc.

**D. Retention:** seven years after superintendent accepts audit report

**E. Confidentiality:** Portions of this record may be confidential.

[1.18.440.27 NMAC - Rp, 1.18.430.46 NMAC, 07/29/2013]

#### **1.18.440.28 - 1.18.440.34 [RESERVED]**

#### **1.18.440.35 INDIVIDUAL AND BUSINESS ENTITY ACTIVITY FILES:**

**A. Program:** agent licensing

**B. Maintenance system:** chronological by date, then alphabetical by company name

**C. Description:** records concerning all transactions regarding broker, agent, or solicitor activities.

Portions of this file are input to the 1.18.440.45 NMAC, *ideal data system*. File may include nonresident broker license application; home-state certification; broker renewal application; non-resident broker application for property and casualty; request for license examination; request for resident license; non-resident life and health agent application; renewal of agent appointment; notice of agent appointment; adjusters application; home-state certification; adjusters renewal application; corporation, partnership, proprietorship, and agency applications; to transact business if insurance; application for insurance administrator business license; application to add agents or solicitors to an agency license; application to add administrators to business license; letters of certification; letters of clearance verifying agents appointment status; request for resident license; bond information, etc.

**D. Retention:** 10 years after close of calendar year in which license expired or terminated]

[1.18.440.35 NMAC - Rp, 1.18.430.51 NMAC, 07/29/2013]

#### **1.18.440.36 INDIVIDUAL AND BUSINESS ENTITY BOND FILES:**

**A. Program:** agent licensing

**B. Maintenance system:** chronological by date, then alphabetical by individual or business entity name

**C. Description:** records documenting bond coverage for an individual or business entity for adjusting insurance for New Mexico insurance companies. Bond may show applicant's name, social security number, address, company name, bond amount, surety signature, attorney-in-fact signature, request for release, correspondence, etc.

**D. Retention:** 30 days after surety is released

**E. Confidentiality:** Portions of this record may be confidential.

[1.18.440.36 NMAC - Rp, 1.18.430.52 NMAC, 07/29/2013]

#### **1.18.440.37 CONTINUING EDUCATION COURSE FILES:**

**A. Program:** agent licensing

**B. Maintenance system:** chronological by date of course, then numerical by course number

**C. Description:** records concerning approved office of superintendent of insurance continuing education courses for insurance agents, solicitors, brokers and nonresident agents. File may contain request for approval of continuing education credit in New Mexico, course curriculum, study material, approval course confirmation, etc.

**D. Retention:** eight years after close of calendar year in which course discontinued

[1.18.440.37 NMAC - Rp, 1.18.430.53 NMAC, 07/29/2013]

#### **1.18.440.38 - 1.18.440.44 [RESERVED]**

#### **1.18.440.45 IDEAL DATA SYSTEM:**

**A. Program:** company licensing

**B. Maintenance system:** numeric by primary key

**C. Description:** system tracks all current and past transactions of insurance companies and purchasing groups licensed in New Mexico. Data may include company name, address, home address, contact person, telephone number, state of domicile, incorporation date, license date, NAIC individual number, NAIC group number, company type, securities information, mergers, acquisitions, re-domestications, etc.

**D. Data retention:**

- (1) **Foreign companies:** 10 years after close of calendar year in which application accepted
- (2) **Domestic companies:** 20 years after close of calendar year in which application accepted

**E. Input:** All documents used as input for the *ideal data system* are filed in 1.18.440.35 NMAC, *individual and business entity activity files*, 1.18.440.46 NMAC, *company or business entity application files*, 1.18.440.47 NMAC, *company or business entity deposit files*, 1.18.440.48 NMAC, *insurance company document files*, 1.18.440.49 NMAC, *sale of securities files* and 1.18.440.85 NMAC, *company and bail bond tax and fee files*.

**F. Output:** Because the *ideal data system* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include company directories, securities reports, surety bond reports, surplus line broker's reports, etc.

[1.18.440.45 NMAC - Rp, 1.18.430.59 NMAC, 07/29/2013]

#### **1.18.440.46 COMPANY OR BUSINESS ENTITY APPLICATION FILES:**

**A. Program:** company licensing

**B. Maintenance system:** chronological by date, then alphabetical by company name

**C. Description:** applications for a certificate of authority or certificate of registration to engage in the business of insurance. Portions of this file are input into the 1.18.440.45 NMAC, *ideal data system*. File may include articles of incorporation, by-laws, report of examination, re-insurance contracts, board of directors' resolution, purchasing group contract processing form, insurance group contract processing form, correspondence, etc.

**D. Retention:**

- (1) **Foreign companies:** 10 calendar years after application approved
- (2) **Domestic companies:** 20 calendar years after application approved
- (3) **Denied or withdrawn application:** two calendar years after application denied or withdrawn

[1.18.440.46 NMAC - Rp, 1.18.430.60 NMAC, 07/29/2013]

#### **1.18.440.47 COMPANY OR BUSINESS ENTITY DEPOSIT FILES:**

**A. Program:** company licensing

**B. Maintenance system:** chronological by date, then alphabetical by company name

**C. Description:** records concerning deposits made and maintained with office of superintendent of insurance by a company or business entity as a condition of licensure or registration in New Mexico. File may include application for deposit of securities held as special, general deposit or trust deposit, description of security deposit, deposit or withdrawals of securities form, surety bond deposit form, surety bond withdrawal form, copy of surety bond, correspondence, etc.

**D. Retention:** three calendar years after deposit withdrawn

[1.18.440.47 NMAC - Rp, 1.18.430.61 NMAC, 07/29/2013]

#### **1.18.440.48 INSURANCE COMPANY DOCUMENT FILES:**

**A. Program:** company licensing

**B. Maintenance system:** chronological by date, then alphabetical by company name

**C. Description:** records concerning insurance company license renewals and the submittal of all insurance company changes to its organizational structure. File may include renewal of certificate of authority, certificate of compliance, certificate of deposit, certificate of valuation, insurance company contact processing form, copy of amended articles, copy of amended by-laws, biographical affidavits, withdrawal letter, reinstatement letter, acquisition of control or merger with an insurer, etc.

**D. Retention:**

- (1) **Foreign companies:** 10 years after close of calendar year in which submitted
- (2) **Domestic companies:** 20 years after close of calendar year in which submitted]

[1.18.440.48 NMAC -Rp, 1.18.430.62 NMAC, 07/29/2013]

#### **1.18.440.49 SALE OF SECURITIES FILES:**

**A. Program:** company licensing

**B. Maintenance system:** chronological by date, then alphabetical by company name

**C. Description:** records concerning authorization for insurance company entities to sell securities, common stocks or notes to the public. File may include registration of securities application, prospectus, federal forms, correspondence, etc.

**D. Retention:** six years after expiration date  
[1.18.440.49 NMAC - Rp, 1.18.430.63 NMAC, 07/29/2013]

**1.18.440.50 SURPLUS LINES BROKER DATABASE:**

**A. Program:** company licensing  
**B. Maintenance system:** numerical by primary key  
**C. Description:** database tracks information on insurance companies using surplus line brokers. Data may include policy information on surplus line broker (e.g., license number, broker name, social security number, surety bond name, bond number, etc.) and corresponding insurance policies references, etc.

**D. Data retention:** 10 calendar years after policy is superseded or repealed  
**E. Confidentiality:** Portions of this record may be confidential.  
**F. Input:** All documents used as input for the *surplus lines database* are filed in 1.18.440.51 NMAC, *surplus lines broker policy files*.  
**G. Output:** Because the *surplus lines database* is a data-based system, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include surplus line broker reports, surplus line broker master list, etc.  
[1.18.440.50 NMAC - Rp, 1.18.430.64 NMAC, 07/29/2013]

**1.18.440.51 SURPLUS LINES BROKER POLICY FILES:**

**A. Program:** company licensing  
**B. Maintenance system:** chronological by date, then alphabetical by surplus lines broker name  
**C. Description:** records concerning policies issued for insurance companies using surplus line brokers. Portions of file are input to the 1.18.440.50 NMAC, *surplus lines broker database*. File may include form surplus line broker information (e.g., license number, broker name, social security number, surety bond name, bond number, etc.) and corresponding insurance policies, etc.

**D. Retention:** 10 calendar years after policy superseded or repealed  
**E. Confidentiality:** Portions of this record may be confidential.  
[1.18.440.51 NMAC - Rp, 1.18.430.65 NMAC, 07/29/2013]

**1.18.440.52 - 1.18.440.54 [RESERVED]**

**1.18.440.55 TITLE INSURANCE AGENCY FILES:**

**A. Program:** title insurance  
**B. Maintenance system:** chronological by date of agreement, then alphabetical by agency name  
**C. Description:** records concerning contracts or agreements made between underwriters and agents. File may include agreements, amendments, status sheet, title plant inspection reports, agency audit reports, disciplinary actions, correspondence, etc.

**D. Retention:** six years after termination of contract or agreement  
[1.18.440.55 NMAC -Rp, 1.18.430.71 NMAC, 07/29/2013]

**1.18.440.56 TITLE INSURANCE MAINTENANCE ASSESSMENT FUND FILES:**

**A. Program:** title insurance  
**B. Maintenance system:** chronological by date, then alphabetical by underwriter name  
**C. Description:** records concerning office of the superintendent of insurance fee assessments on insurance underwriters. File may include assessment notice, check copy, transmittal form copy, correspondence, etc.

**D. Retention:** three fiscal years after fee paid  
[1.18.440.56 NMAC - Rp, 1.18.430.72 NMAC, 07/29/2013]

**1.18.440.57 AGENT ANNUAL STATISTICAL REPORTS:**

**A. Program:** title insurance  
**B. Maintenance system:** chronological by calendar year, then alphabetical by agent name  
**C. Description:** annual financial status summary report submitted by title insurance agents used to determine title insurance rates. Report may show agent name, address, phone number, money received, money expended, net profit, balance sheets, income statement, expenses breakdowns, financial profit and loss information, certified public accountants name, etc.

**D. Retention:** four calendar years after report submitted  
[1.18.440.57 NMAC - Rp, 1.18.430.73 NMAC, 07/29/2013]

**1.18.440.58 NEW MEXICO UNDERWRITERS ANNUAL STATISTICAL REPORTS:**

**A. Program:** title insurance  
**B. Maintenance system:** chronological by calendar year, then alphabetical by underwriter name  
**C. Description:** annual financial status summary report submitted by title insurance underwriters used to determine title insurance rates. Report may show underwriter name, address, phone number, money received, money expended, net profit, balance sheets, income statement, expense breakdowns, financial profit and loss information, certified public accountant name, etc.

**D. Retention:** four calendar years after report submitted  
[1.18.440.58 NMAC - Rp, 1.18.430.74 NMAC, 07/29/2013]

**1.18.440.59 - 1.18.440.64 [RESERVED]**

**1.18.440.65 SAFETY BONUS PROGRAM FILES:**

**A. Program:** workers' compensation  
**B. Maintenance system:** chronological by calendar year, then alphabetical by company name  
**C. Description:** records documenting safety bonus programs approved by superintendent. Approved safety bonus programs allow companies to reward employees for complying with programs and allow companies to receive premium discounts on their workers compensation insurance. Files may include safety program, certificate of approval, correspondence, etc.

**D. Retention:** five years from the close of the calendar year in which certificate of approval issued  
[1.18.440.65 NMAC - Rp, 1.18.430.77 NMAC, 07/29/2013]

**1.18.440.66 - 1.18.440.74 [RESERVED]**

**1.18.440.75 SKI RESORT CERTIFICATE OF INSURANCE COVERAGE FILES:**

**A. Program:** property and casualty  
**B. Maintenance system:** chronological by date, then alphabetical by ski resort name  
**C. Description:** records concerning proof of insurance coverage and inspections for all ski resorts operating in New Mexico. Files may include copy of certificate of insurance, inspection report, correspondence, etc.

**D. Retention:** three years after policy expiration date  
[1.18.440.75 NMAC - Rp, 1.18.430.80 NMAC, 07/29/2013]

**1.18.440.76 INSURANCE COMPANY POLICY FORMS AND RATE FILINGS:**

**A. Program:** property and casualty  
**B. Maintenance system:** chronological by calendar year, then numerical by group code number  
**C. Description:** Records concerning the approved or rejected policies and rate filings submitted by insurance companies and motor clubs in New Mexico. File may include line of insurance, life and credit life policies, property and casualty filing summary, medicare supplemental policies, long-term care policies, accident and health policies, health maintenance organization plans, vision plans, dental policies, non-profit organization rates, rate group and individual advertisements, certificates of assumptions, correspondence, etc.

**D. Retention:** 10 years after close of calendar year in which filed  
[1.18.440.76 NMAC - Rp, 1.18.430.22 NMAC, 07/29/2013]

**1.18.440.77 - 1.18.440.79 [RESERVED]**

**1.18.440.80 MEDICARE SUPPLEMENTAL AND LONG TERM ANNUAL REPORTS:**

**A. Program:** life and health  
**B. Maintenance system:** chronological by date, then alphabetical by company name  
**C. Description:** annual reports of all current medicare supplemental and long-term care companies. Report may include company name, date received, form number, approval status, contact person, action date, policy type, check number, filing fee, authority number, etc.

**D. Retention:** three calendar years after report submitted  
[1.18.440.80 NMAC - Rp, 1.18.430.84 NMAC, 07/29/2013]

**1.18.440.81 - 1.18.440.84 [RESERVED]**

**1.18.440.85 COMPANY AND BAIL BOND TAX AND FEE FILES:**

- A. Program:** revenue processing
- B. Maintenance system:** chronological by date, then alphabetical by company name
- C. Description:** records concerning premium tax and fee payments made by insurance companies and bail bondsmen. Portions of this file are input to the 1.18.440.45 NMAC, *ideal data system*. File may include annual and quarterly estimated premium tax forms (e.g., company name, tax identification number, tax information, etc.), amended reports, annual statements, filing fee notices, correspondence, etc.
- D. Retention:** six years after close of calendar year in which created
- E. Confidentiality:** Portions of this record may be confidential.

[1.18.440.85 NMAC - Rp, 1.18.430.88 NMAC, 07/29/2013]

**1.18.440.86 RECEIVERSHIP ACCOUNT DATABASE:**

- A. Program:** revenue processing
- B. Maintenance system:** numerical by primary key
- C. Description:** database tracks and maintains receivership account information for insurance companies that have gone out of business. Data may include attorney name, adjuster name, fee amount, deposit balance, interest accrued, check number, payee name, narrative, payment amount, etc.
- D. Data retention:** 10 calendar years after account closed
- E. Input:** All documents used as input for the *receivership account database* are filed in 1.18.440.87 NMAC, *receivership file* and 1.18.440.88 NMAC, *receivership financial files*.
- F. Output:** Because the *receivership account database* is a data-based system, ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.440.86 NMAC - Rp, 1.18.430.89 NMAC, 07/29/2013]

**1.18.440.87 RECEIVERSHIP FILES:**

- A. Program:** revenue processing
- B. Maintenance system:** chronological by date, then alphabetical by insurance company name
- C. Description:** records concerning litigation pertaining to insurance companies that have gone out of business and whose funds are being held for policy holders claims. Portions of this file are input to the 1.18.440.86 NMAC, *receivership account database*. File may include court proceedings, court order, order to close account, motions, pleadings, claim records, correspondence, etc.
- D. Retention:** 10 years after file closed

[1.18.440.87 NMAC - Rp, 1.18.430.90 NMAC, 07/29/2013]

**1.18.440.88 RECEIVERSHIP FINANCIAL FILES:**

- A. Program:** revenue processing
- B. Maintenance system:** chronological by date, then alphabetical by insurance company name
- C. Description:** records concerning insurance companies that have gone out of business and funds were held for pending policy holder claims. Portions of this file are input to the 1.18.440.86 NMAC, *receivership account database*. Files may include court proceedings, court order, securities withdrawal form, bank statements, order to close account, correspondence, etc.
- D. Retention:** 10 calendar years after file closed

[1.18.440.88 NMAC - Rp, 1.18.430.91 NMAC, 07/29/2013]

**1.18.440.89 PATIENT COMPENSATION FUND DATABASE:**

- A. Program:** revenue processing
- B. Maintenance system:** numerical by primary key
- C. Description:** database tracks and maintains information on health care providers covered under the patient compensation fund. Data may include client name, date payment received, coverage begin and end date, payment amount, etc.
- D. Data retention:** 25 calendar years after account closed



**E. Input:** All documents used as input for the *patient compensation fund database* are filed in 1.18.440.90 NMAC, *patient compensation trust fund claims payment files* and 1.18.440.91 NMAC, *patient compensation fund health care provider file*.

**F. Output:** Because the *patient compensation fund database* is a data-based system, ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. [1.18.440.89 NMAC - Rp, 1.18.430 92 NMAC, 07/29/2013]

#### **1.18.440.90 PATIENT COMPENSATION TRUST FUND CLAIM PAYMENT FILES:**

**A. Program:** revenue processing  
**B. Maintenance system:** chronological by date, then alphabetical by patient's surname  
**C. Description:** records concerning patient malpractice claims against providers covered under the patient's compensation trust fund. Portions of record are input to the 1.18.440.89 NMAC, *patient compensation fund database*. Files may include request for settlement copy, payment records, lawsuit copy, court order copy, memorandum, correspondence, etc.

**D. Retention:** 10 calendar years after case closed  
[1.18.440.90 NMAC - Rp, 1.18.430.93 NMAC, 07/29/2013]

#### **1.18.440.91 PATIENT COMPENSATION FUND HEALTH CARE PROVIDER FILES:**

**A. Program:** revenue processing  
**B. Maintenance system:** chronological by date, then alphabetical by provider's name  
**C. Description:** records concerning surcharge payments for health provider's coverage under the medical malpractice act's patient compensation fund. Portions of record are input to the 1.18.440.89 NMAC, *patient compensation fund database*. Files may include general purpose endorsement, declaration, policy period, coverage, classification, name of insured, insurance certificate, payment date, doctor inquiries, attorney inquiries, correspondence, etc.

**D. Retention:** 25 calendar years after file closed  
[1.18.440.91 NMAC - Rp, 1.18.430.94 NMAC, 07/29/2013]

#### **HISTORY OF 1.18.440 NMAC:**

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

SRC Rule 65-11, Public Service Commission Records Disposition Schedule Guide, filed 6/18/65.  
SRC Rule 68-6, Records Retention and Disposal Schedule for State Corporation Commission, filed 12/18/68.  
SRC Rule 73-4 Records Retention and Disposal Schedule for Public Service Commission, filed 2/5/73.  
SRC Rule No. 74-24, Records Retention and Disposal Schedule for Corporation Commission, filed 9/9/74.  
SRC Rule 78-3, Records Retention and Disposal Schedule for State Corporation Commission, filed 5/2/78.  
SRC Rule No. 85-18, Records Retention and Disposition Schedule for Public Service Commission, filed 8/27/85.  
SRC Rule No. 88-01, Records Retention and Disposition Schedule for Public Service Commission, filed 4/8/88.  
SRC Rule No. 89-19, Records Retention and Disposition Schedule for Corporation Commission, Corporation Department, filed 12/18/89.  
SRC Rule No. 89-23, Records Retention and Disposition Schedule for Corporation Commission, Transportation Department, filed 12/18/89.  
SRC Rule No. 90-03, Records Retention and Disposition Schedule for Corporation Commission, Insurance Department, filed 4/23/90.

#### **History of Repealed Material:**

1 NMAC 3.2.93.424, Executive Records Retention and Disposition Schedule, State Corporation Commission, filed 6/30/97 - Repealed effective 12/31/99.  
1 NMAC 3.2.93.567 Executive Records Retention and Disposition Schedule, Public Utility Commission, filed 11/30/98 - Repealed effective 12/31/99.  
1 NMAC 3.2.93.430 ERRDS, Public Regulation Commission, filed 12/1/99 - Repealed effective 12/15/2000.  
1.18.430 NMAC, ERRDS, Public Regulation Commission, filed 11/15/2000 - Repealed effective 01/07/2008