

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 446 ERRDS, NEW MEXICO MEDICAL BOARD

1.18.446.1 ISSUING AGENCY: New Mexico Commission of Public Records - State Records Center and Archives
[1.18.446.1 NMAC - Rp 1 NMAC 3.2.93.1, 1/6/2002]

1.18.446.2 SCOPE: New Mexico medical board
[1.18.446.2 NMAC - Rp 1 NMAC 3.2.93.2, 1/6/2002; A, 07/21/2008]

1.18.446.3 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 for 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.
[1.18.446.3 NMAC - Rp 1 NMAC 3.2.93.3, 1/6/2002]

1.18.446.4 DURATION: Permanent
[1.18.446.4 NMAC - Rp 1 NMAC 3.2.93.4, 1/6/2002]

1.18.446.5 EFFECTIVE DATE: January 6, 2002, unless a different date is cited at the end of a section.
[1.18.446.5 NMAC - Rp 1 NMAC 3.2.93.5, 1/6/2002]

1.18.446.6 OBJECTIVE: To establish a records disposal schedule for the orderly retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.
[1.18.446.6 NMAC - Rp 1 NMAC 3.2.93.6, 1/6/2002]

1.18.446.7 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 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.** "Non-record" means all 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 14-3-2, Sub-Section C 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 (General Administrative Records Retention and Disposition Schedule, 1.15.2.101 and 1.15.2.102 NMAC for non-record and subject files).

[1.18.446.7 NMAC - Rp 1 NMAC 3.2.93.7, 1/6/2002]

1.18.446.8 ABREVIATIONS AND ACRONYMS:

- A.** "DEA" stands for drug enforcement administration
- B.** "DOB" stands for date of birth
- C.** "ECFMG" stands for educational commission for foreign medical graduates
- D.** "FCVS" stands for federation credentials verification service
- E.** "NBME" stands for national board of medical examiners
- F.** "NMMB" stands for New Mexico medical board.
- G.** "NCCPA" stands for national commission on certification of physician assistants
- H.** "SSN" stands for social security number

[1.18.446.8 NMAC - N, 1/6/2002; A, 07/21/2008]

1.18.446.9 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 a 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 file 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 for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerns the confidentiality of a file or portions of a file to legal counsel for the agency.
- H.** Access to confidential documents and confidential files shall be only by authorization of agency, 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, micro-photographed or reproduced on film. Such photographs, microfilm, 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. (Section 14-1-5 and 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 records 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, Performance Guidelines for the Legal Acceptance of Public Records produced by Information Technology Systems. [1.18.446.9 NMAC - Rp 1 NMAC 3.2.93.8, 1/6/2002]

1.18.446.10 - 1.18.446.100 NMAC [RESERVED]

1.18.446.101 PHYSICIANS LICENSING FILE:

- A. Program:** licensing and regulation of medical practitioners
- B. Maintenance system:** chronological by calendar year, then alphabetical by physician surname
- C. Description:** record concerns the licensing of physicians with the board of medical examiners. File may contain application for license to practice medicine for physicians, renewal application for licensure of physicians, authorization for release of information form, consent to release medical records concerning mental health or developmental disability form, certification of county medical society form, hospital affiliations form, verification of licensure form, request for physician profile data from the American medical association physician master file, FCVS application for credentials verification, FCVS affidavit and release form, FCVS authorization for release of information, documents and records form, NBME examination history release form, FCVS explanation of alternate name form, authorization for disclosure of medical record information form, FCVS explanation of alternate name form, social security number information, date of birth information, figure print card, picture of applicant, certificate verification of license in other states, verification of employment with hospitals, medical transcripts, letters of recommendation, copy of medical diploma, state board license verifications, exam scores, etc.
- D. Retention:**
 - (1) **License issued:** 80 years from original issuance of license then transfer to archives for review and final
 - (2) **No license issued:** one year after closing of calendar year in which file closed
- E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information). [1.18.446.101 NMAC - Rp 1 NMAC 3.2.93.446.101, 1/6/2002; A, 07/21/2008]

1.18.446.102 LICENSED PHYSICIAN ASSISTANTS FILE:

- A. Program:** licensing and regulation of medical practitioners
- B. Maintenance system:** chronological by calendar year, then alphabetical by physician assistant surname
- C. Description:** record concerns the licensing of physicians assistants with the NMMB. File may contain application for license, renewal application for licensure of physicians copy of diploma, certificates, verification of license in other states, exam scores, letters of recommendation, photograph of physician assistant, renewal forms, verification of employment, NBME examination history release, NCCPA certification, etc.
- D. Retention:**
 - (1) **Licensed:** 80 years from original issuance of license then transfer to archives for review and final disposition
 - (2) **Not licensed:** one year after closing of calendar year in which file closed
- E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information). [1.18.446.102 NMAC - N, 1/6/2002; A, 07/21/2008]

1.18.446.103 POST GRADUATE TRAINING LICENSE FILE:

- A. Program:** licensing and regulation of medical practitioners
- B. Maintenance system:** chronological by calendar year licensed, then-alphabetical by surname of medical intern or resident
- C. Description:** record concerns the status of interns and residents who have attended medical school. File may contain application for internship or residency at a medical facility, approval for internship or residency, correspondence, etc.
- D. Retention:**
 - (1) **Physician's license issued:** filed in licensed physician file, 1.18.446.101 NMAC (80 years from original issuance of license then transfer to archives for review and final disposition)

(2) **No further license issued:** three years from expiration date of postgraduate training license

E. Confidentiality: portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information).
[1.18.446.103 NMAC - N, 1/6/2002; A, 07/21/2008]

1.18.446.104 COMPLAINT FILE:

A. Program: licensing and regulation of medical practitioners
B. Maintenance system: chronological by calendar year, then by sequential complaint number
C. Description: record concerns complaints received by NMMB on medical practitioners and physicians assistants. File may contain NMMB complaint form (i.e., complaint number, nature of complaint, name of complainant, medical practitioner name, address, SSN, DOB, etc.), malpractice reports, medical records, correspondence, etc.

D. Retention:

(1) **Action taken:** 25 years from final action

(2) **No action taken:** 10 years from date case closed by NMMB

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information).
[1.18.446.104 NMAC - N, 1/6/2002; A, 07/21/2008]

1.18.446.105 MALPRACTICE REPORT FILE:

A. Program: licensing and regulation of medical practitioners

B. Maintenance system: chronological by calendar year, then-numerical by date received and internal control number

C. Description: record of malpractice cases, settlements and payments. File may contain malpractice reports received by NMMB from national practitioner databank (i.e., SSN, full name, address, employer information), health care integrity and protection databank, insurance companies, New Mexico medical society, self-reporting practitioners, local and national medical boards, civil judgments or settlements, cases of negligence, correspondence, etc.

D. Retention: 10 years after close of year in which report received

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information).
[1.18.446.105 NMAC - N, 1/6/2002; A, 07/21/2008]

1.18.446.106 RENEWAL APPLICATION FOR LICENSURE OF PHYSICIANS AND PHYSICIAN ASSISTANTS FILE:

A. Program: licensing and regulation of medical practitioners

B. Maintenance system: chronological by calendar year, then-alphabetical by physician or physician assistant surname

C. Description: record of licensure renewal by physician or physician assistant. File may contain full name, renewal application (i.e., social security number, date of birth, license expiration date, renewal date, address, telephone number, etc.), copy of certificate of medical continuing education (i.e., completion dates, names and address of former employers and dates of employment, etc.), NCCPA certification, etc.

D. Retention: 10 years from renewal date of application

E. Confidentiality: Portions of record may be confidential pursuant, but not limited to, Section 61-6-34 NMSA 1978 (i.e., actual and potential disciplinary action records), the Privacy Act, 5 USC 552 (i.e., social security number) and 42 USC 1320d (4) and 42 USC 1320d-6 (i.e., health information).
[1.18.446.106 NMAC - N, 1/6/2002; A, 07/21/2008]

HISTORY OF 1.18.446 NMAC:

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

SRC Rule 72-16, Records Retention and Disposal Schedule for Board of Medical Examiners, filed 7/19/72 and SRC Rule 85-23, Records Retention and Disposition Schedule for Board of Medical Examiners, filed 10/28/85.

History of Repealed Material:

1 NMAC 3.2.93.446, Records Retention and Disposition Schedule for the Board of Medical Examiners - Repealed, 1/6/2002

REPEALED