

**TITLE 1            GENERAL GOVERNMENT ADMINISTRATION**  
**CHAPTER 18      EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)**  
**PART 449        ERRDS, BOARD OF NURSING**

**1.18.449.1        ISSUING AGENCY:** State Commission of Public Records - State Records Center and Archives  
[1.18.449.1 NMAC - Rp, 1.18.449.1 NMAC, 9/27/2010]

**1.18.449.2        SCOPE:** board of nursing  
[1.18.449.2 NMAC - Rp, 1.18.449.2 NMAC, 9/27/2010]

**1.18.449.3        STATUTORY AUTHORITY:** 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.  
[1.18.449.3 NMAC - Rp, 1.18.449.3 NMAC, 9/27/2010]

**1.18.449.4        DURATION:** permanent  
[1.18.449.4 NMAC - Rp, 1.18.449.4 NMAC, 9/27/2010]

**1.18.449.5        EFFECTIVE DATE:** 9/27/2010, unless a later date is cited at the end of a section.  
[1.18.449.5 NMAC - Rp, 1.18.449.5 NMAC, 9/27/2010]

**1.18.449.6        OBJECTIVE:** To establish a records disposal schedules for the orderly management and retirement of records necessary for carrying out the Public Records Act per Section 14-3-6 NMSA 1978.  
[1.18.449.6 NMAC - Rp, 1.18.449.6 NMAC, 9/27/2010]

**1.18.449.7        DEFINITIONS:**

- A.        "Administrator"** means the state records administrator (Section 14-3-2 NMSA 1978).
- B.        "Advanced practice"** means the practice of professional registered nursing by a registered nurse who has been prepared through additional formal education to function beyond the scope of practice of professional registered nursing, including certified nurse practitioners, certified registered nurse anesthetist and clinical nurse specialists.
- C.        "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).
- D.        "Archives"** means the state archives of the commission of public records.
- E.        "Board"** means the board of nursing
- F.        "Certified hemodialysis technician"** means a person who is certified by the board to assist in the direct care of a patient undergoing hemodialysis, under the supervision and at the direction of a registered nurse of a licensed practical nurse, according to the rules adopted by the board.
- G.        "Certified medication aide"** means a person who is certified by the board to administer medications under the supervision and at the direction of a registered nurse or a licensed practical nurse, according to the rules adopted by the board.
- H.        "Certified nurse practitioner"** means a registered nurse who is licensed by the board for advanced practice as a certified nurse practitioner and whose name and pertinent information are entered on the list of verified nurse practitioners maintained by the board.
- I.        "Certified registered nurse anesthetist"** means a registered nurse who is licensed by the board for advanced practice as a certified registered nurse anesthetist and whose name and pertinent information are entered on the list of verified registered nurse anesthetists maintained by the board.
- J.        "Clinical nurse specialist"** means a registered nurse who is licensed by the board for advanced practice as a clinical nurse specialist and whose name and pertinent information are entered on the list of clinical nurse specialist maintained by the board.
- K.        "Disposition"** means final action that puts into effect the results of an appraisal decision for a series of records (i.e., transfer to archives or destruction).
- L.        "Hemodialysis"** means dialysis of the blood to remove toxic substances or metabolic wastes from the bloodstream.

**M. "Licensed practical nurse"** means a nurse who practices licensed practical nursing and whose name and pertinent information are entered in the register of licensed practical nurses maintained by the board or a nurse who practices licensed practical nursing pursuant to a multi-state licensure privilege as provided in nurse licensure compact.

**N. "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 or other material summarized in final or other form and which have no value once action has been taken; blank forms, transmittal letters or forms that do not add information; sample letters; and reading file or informational files.

**O. "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).

**P. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.

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

**R. "Records retention and disposition schedule"** means rules adopted by the commission pursuant to Section 14-3-6 NMSA 1978 describing records of an agency, establishing a timetable for their life cycle and providing authorization for their disposition.

**S. "Registered nurse"** means a nurse who practices professional registered nursing and whose name and pertinent information are entered into the register of licensed register nurses maintained by the board or a nurse who practices professional registered nursing pursuant to a multistate licensure privileges provided in the nursing licensure compact.

**T. "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.

**U. "Training program"** means an educational program approved by the board.  
[1.18.449.7 NMAC - Rp, 1.18.449.7 NMAC, 9/27/2010]

#### **1.18.449.8 ABBREVIATIONS AND ACRONYMS:**

- A. "NMAC"** stands for New Mexico administrative code.
- B. "NMSA"** stands for New Mexico statutes annotated.
- C. "SRCA"** stands for the state records center and archives.

[1.18.449.8 NMAC - N, 9/27/2010]

#### **1.18.449.9 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 two types of records retention and disposition schedules created by the SRCA. General schedules that list records common to all agencies and executive schedules which are 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** - 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 Records Retention and Disposition Schedule, 1.15.2 NMAC.

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

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

**E.** For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 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 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.

**H.** Confidentiality is denoted for each file but all materials in a file may be confidential. Refer to note. Where portions of file may be confidential, refer to legal counsel for agency.

**I.** Access to confidential documents or 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.

**J.** Records, papers or documents may be reformatted thorough microphotography. Such reformatted records 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 and 14-1-6 NMSA 1978).

**K.** 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.

**L.** 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 both general and executive records retention and disposition schedules. [1.18.449.9 NMAC - Rp, 1.18.449.9 NMAC, 9/27/2010]

**1.18.449.10 - 1.18.449.100 [RESERVED]**

**1.18.449.101 REGISTRANT LICENSE FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** numerical by license number

**C. Description:** records concerning the licensing of registered and licensed practical nurses.

Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include, licensure examination; initial application for licensure by endorsement; initial application for licensure by examination; reapplication for licensure by examination; endorsement request form; application for requesting modifications to examination; certification of eligibility for graduation of nursing program; permit to practice as graduate registered nurse, graduate practical nurse, graduate nurse practitioner, graduate nurse anesthetist, or graduate clinical nurse specialist; transcripts; correspondence; legal documentation for name change subsequent to issuance of licensure; previous disciplinary action; felony conviction information; licensing information; correspondence, etc.

**D. Retention:**

(1) **Licensed:** 60 years from date licensed issued

(2) **Not licensed:** two years after date application received (to include all unmatched documents and all documents in the application file)

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.101 NMAC - Rp, 1.18.449.110, 120 - 122 & 133 NMAC, 9/27/2010]

[Actions taken by the board of nursing resulting in no licensed issued are filed in disciplinary file 1.18.449.106 NMAC.]

**1.18.449.102 RE-LICENSURE FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** chronological by date license renewed

**C. Description:** records concerning the re-licensing (e.g., renewal, reactivation, reinstatement) of registered nurses and licensed practical nurses. Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include disciplinary action taken since last re-licensure, refresher

course documentation, continuing education documentation, registered nurse re-licensure application, licensed practical nurse re-licensure application, expanded practice registered nurse re-licensure application, correspondence, etc.

**D. Retention:**

- (1) **Approved:** one year from date of re-licensure
- (2) **Denied:** one year from date of denial

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.102 NMAC - Rp, 1.18.449.123, 104 & 124 NMAC, 9/27/2010]

**1.18.449.103 LICENSING AND CERTIFICATION AUDIT FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** chrono-alphabetical by the month of audit and alphabetical by surname

**C. Description:** records concerning audits of licensing and certification documentation submitted by an advanced practice nurse (e.g., certified registered nurse anesthetist, certified nurse practitioner and clinical nurse specialist) verifying continuing-education requirements have been met. Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include secondary school transcripts, certificates of completed courses, employment verification, course justification, audit findings, correspondence, etc.

**D. Retention:**

- (1) **Audits without findings:** three months from date audit released
- (2) **Audits with findings:** forwarded to the board of nursing for action and then filed in the disciplinary file

[1.18.449.103 NMAC - Rp, 1.18.449.103 NMAC, 9/27/2010]

**1.18.449.104 NURSING SCHOOL FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** alphabetical by school

**C. Description:** records concerning approved or accredited nursing schools whose nursing programs meet the standards of the NM board of nursing and are legally able to conduct nursing programs in the state of New Mexico. File may include NM board of nursing surveys, copy of national league for nursing accrediting commission reports, nursing school annual reports, copies of certificates of program approval, proposals, feasibility studies, school closures, information on custody of student records, correspondence, etc.

**D. Retention:**

- (1) **Accredited schools:** 60 years from date of school closure
- (2) **Nursing school annual reports:** until superseded by new annual report
- (3) **All other documentation:** five years after date created

[1.18.449.104 NMAC - Rp, 1.18.449.105 NMAC, 9/27/2010]

**1.18.449.105 DISCIPLINARY FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** alphabetical by surname

**C. Description:** records concerning complaints lodged against registered nurses, licensed practical nurses, medication aids, or hemodialysis technicians, investigations, and disciplinary actions taken by the board. Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include complaint, investigation report, documentary evidence, notice or contemplated action, serious letter of concern, notice of hearing, resolution, correspondence, licensing and certification audits of findings, etc.

**D. Retention:**

- (1) **Disciplinary action taken:** 60 years from date of board action
- (2) **Dismissed:** one year from date of dismissal
- (3) **Serious letter of concern:** six months from date of issuance

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.105 NMAC - Rp, 1.18.449.106 NMAC, 9/27/2010]

**1.18.449.106 ADVANCED PRACTICE LICENSE FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** numerical by license number

**C. Description:** records concerning licensure and certification of registered nurses for advanced practice (e.g., certified nurse practitioner, clinical nurse specialist, certified registered nurse anesthetist). Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include applications forms; verification of nurse practitioner education form; verification of clinical nurse specialist education form, permit to practice as graduate nurse practitioner, graduate nurse anesthetist; graduate clinical nurse specialist; diploma copies; official transcripts; affidavit validating prescription writing; preceptor plan; formulary of drugs prescribed; verification of certification from national certifying organization; copy of limited license; verification of exam date; registered nurse license information; correspondence; etc.

**D. Retention:**

(1) **License issued:** 60 years from date license issued

(2) **No license issued or incomplete application:** one year from date of last activity

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.106 NMAC - Rp, 1.18.449.107, 125 - 127, 129 - 130 NMAC, 9/27/2010]

#### **1.18.449.107 DIVERSION PROGRAM FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** chronological by date, then alphabetical by nurse surname

**C. Description:** records concerning nursing professionals that are substance dependent and have enrolled in an assistance program. File may include monitoring contract, counselor evaluation, monitoring report, counsel or recommendation, closeout report, copy of board of nursing action, correspondence, etc.

**D. Retention:**

(1) **Program completed:** five years from date of program completion and discharge action of the board of nursing

(2) **Program not completed:** five years from date of final board action

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.107 NMAC - Rp, 1.18.449.108 NMAC, 9/27/2010]

#### **1.18.449.108 MEDICATION AIDE AND HEMODIALYSIS TECHNICIAN CERTIFICATION FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** chronological by certification number

**C. Description:** records concerning the certification of medication aides and hemodialysis technicians. Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include application for certification, verification of completion of training program, application for requesting modifications for disabled candidate, felony conviction information, national certification information, correspondence, etc.

**D. Retention:**

(1) **Certified:** 60 years from date certification issued

(2) **Not certified:** one year from date of application

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5 USC 552a (i.e., social security number).

[1.18.449.108 NMAC - Rp, 1.18.449.111 & 112 NMAC, 9/27/2010]

#### **1.18.449.109 RE-CERTIFICATION OF MEDICATION AIDES AND HEMODIALYSIS TECHNICIANS FILES:**

**A. Program:** board of nursing

**B. Maintenance system:** chronological by month recertified

**C. Description:** records concerning the re-certification of medication aides and hemodialysis technicians. Portions of this record may be input to the *board of nursing licensing system*, 1.18.449.112 NMAC. File may include renewal application, correspondence, memoranda, etc.

**D. Retention:**

(1) **Re-certified:** six months from date of re-certification

(2) **Not re-certified:** one year from close of fiscal year in which application reviewed

**E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5

USC 552a (i.e., social security number).  
[1.18.449.109 NMAC - Rp, 1.18.449.113 NMAC, 9/27/2010]

**1.18.449.110 MEDICATION AIDE AND HEMODIALYSIS TECHNICIAN PROGRAM FILES:**

- A. Program:** board of nursing
- B. Maintenance system:** alphabetical by program name
- C. Description:** records concerning agreements made with institutions or organizations to provide training programs for medication aides and hemodialysis technicians. File may include approval of training program, annual agreement between the NM board of nursing and entity providing training program, initial and bi-annual application, curriculum, annual program reports, survey visits reports, correspondence, memoranda, etc.
- D. Retention:** six years from date agreement terminated.
- E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5

USC 552a (i.e., social security number).  
[1.18.449.110 NMAC - Rp, 1.18.449.114 NMAC, 9/27/2010]

**1.18.449.111 LOCAL MONITORING FILES:**

- A. Program:** board of nursing
- B. Maintenance system:** chronological by calendar year, then alphabetical by name of local monitoring entity
- C. Description:** records concerning local monitoring systems approved by the board of nursing that approve continuing education programs for registered nurses and licensed practical nurses. File may include application for board approval of local monitoring system, copies of board approval or rejection of system, system annual report, system monitoring documentation, correspondence, etc.
- D. Retention:**
  - (1) **Approved application:** one year from date program closed
  - (2) **All other documentation:** one year from close of calendar year in which created

[1.18.449.111 NMAC - Rp, 1.18.449.115 NMAC, 9/27/2010]

**1.18.449.112 BOARD OF NURSING LICENSING SYSTEM:**

- A. Program:** board of nursing
- B. Maintenance system:** numerical by primary key
- C. Description:** system used to track and maintain licensure information on registered and practical nurses, and verification information on medication aides and hemodialysis technicians. Data may include social security number, date of birth, address, residency, disciplinary action, certification information, licensure information, felony information, education, nursing license number, etc
- D. Retention:**
  - (1) **Approved license and certification data:** 60 years from date license or certificate issued
  - (2) **Denied license and certification data:** one year from date license or certification denied
- E. Confidentiality:** Portions of record may be confidential pursuant, but not limited to Section 5

USC 552a (i.e., social security number).  
**F. Input:** All records used as input for the nursing license system are filed in *registrant license files*, 1.18.449.101 NMAC; *re-licensure files*, 1.18.449.102 NMAC; *licensing and certification audit files*, 1.18.449.103 NMAC; *disciplinary files*, 1.18.449.105 NMAC, *advanced practice license files*, 1.18.449.106 NMAC, *medication aide and hemodialysis technician certification files*, 1.18.449.108 NMAC, *re-certification of medication aides and hemodialysis technicians files*, 1.18.449.109, NMAC.

**G. Output:** Because the nursing license system is a data-based system, regularly scheduled and ad hoc reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity.

[1.18.449.112 NMAC - Rp, 1.18.449.119, 139, 140, 141 & 142 NMAC, 9/27/2010]

**HISTORY OF 1.18.449 NMAC:**

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

SRC Rule 70-6, Records Retention and Disposal Schedule for Board of Nursing, filed 3/16/70.

SRC Rule 75-15, Records Retention and Disposal Schedule for Nursing Board, filed 5/19/75.

SRC Rule No. 85-09, Records Retention and Disposition Schedule for Regulation and Licensing Department, Board of Nursing, filed 4/19/85.

SRC Rule No. 90-07, Records Retention and Disposal Schedule for New Mexico Board of Nursing, filed 8/31/90.

**History of Repealed Material:**

1.18.449 NMAC, ERRDS, Board of Nursing, filed 3/12/2002 - Repealed, effective 9/27/2010.

REPEALED