

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 630 ERRDS, HUMAN SERVICES DEPARTMENT

1.18.630.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives.
[1.18.630.1 NMAC - Rp, 1.18.630.1 NMAC, 4/19/2010]

1.18.630.2 SCOPE: human services department
[1.18.630.2 NMAC - Rp, 1.18.630.2 NMAC, 4/19/2010]

1.18.630.3 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.
[1.18.630.3 NMAC - Rp, 1.18.630.3 NMAC, 4/19/2010; A, 7/14/2011; A, 7/29/2013]

1.18.630.4 DURATION: Permanent
[1.18.630.4 NMAC - Rp, 1.18.630.4 NMAC, 4/19/2010]

1.18.630.5 EFFECTIVE DATE: April 19, 2010, unless a later date is cited at the end of the section.
[1.18.630.5 NMAC - Rp, 1.18.630.5 NMAC, 4/19/2010]

1.18.630.6 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.
[1.18.630.6 NMAC - Rp, 1.18.630.6 NMAC, 4/19/2010; A, 7/29/2013]

1.18.630.7 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. "Case head"** means person applying for or on behalf of possible eligible client to receive benefits, may also be referred to as debtor by restitution services.
- F. "Commission"** means the state commission of public records (Section 14-3-2 NMSA 1978).
- G. "Commodities"** means United States department of agriculture foods provided to food banks, schools and summer food programs.
- H. "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).
- I. "Managed care organization"** means health care provider or a group of medical service providers contracted with the state of New Mexico to provide a wide variety of managed health care services to eligible and enrolled clients through a network of participating providers.
- J. "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.
- K. "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.

L. "Pending litigation" means a proceeding in a court of law whose activity is in progress but not yet completed.

M. "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).

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

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

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

Q. "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.

R. "Refugee" means a person who is outside their country of origin or habitual residence because they have suffered or fear persecution on account of race, religion, nationality, political opinion, or because they are a member of a persecuted social group.

S. "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.

T. "School-based services" means authorized medical services (i.e., speech-language pathology, physical therapy, audiology screening, etc.) provided at an educational facility by an approved provider. [1.18.630.7 NMAC - Rp, 1.18.630.7 NMAC, 4/19/2010; A, 7/29/2013]

1.18.630.8 ABBREVIATIONS AND ACRONYMS:

- A. "CFR"** stands for code of federal regulations.
- B. "CSED"** stands for child support enforcement division.
- C. "CSES"** stands for child support enforcement system.
- D. "DOB"** stands for date of birth.
- E. "EBT"** stands for electronic benefits transfer.
- F. "EDI"** stands for electronic data interchange system.
- G. "EDRRDS"** stands for education records retention and disposition schedules.
- H. "ERRDS"** stands for executive records retention and disposition schedules.
- I. "FTANF"** stands for federal temporary assistance to needy families.
- J. "GRRDS"** stands for general records retention and disposition schedules.
- K. "HSD"** stands for human services department.
- L. "ISD"** stands for income support division.
- M. "JRRDS"** stands for judicial records retention and disposition schedules.
- N. "LRRDS"** stands for legislative records retention and disposition schedules.
- O. "LGRRDS"** stands local government records retention and disposition schedules.
- P. "MAD"** stands for medical assistance division.
- Q. "MCO"** stands for managed care organization.
- R. "NCIC"** stands for national crime information center.
- S. "NMSA"** stands for New Mexico statutes annotated.
- T. "OIG"** stands for office of the inspector general.
- U. "SRCA"** stands for state records center and archives.
- V. "SSI"** stands for supplemental security income.
- W. "SSN"** stands for social security number.
- X. "TANF"** stands for state temporary assistance to needy families.
- Y. "US"** stands for United States.
- Z. "USC"** stands for United States code.
- AA. "USDA"** stands for United States department of agriculture.

[1.18.630.8 NMAC - Rp, 1.18.630.8 NMAC, 4/19/2010; A, 7/14/2011]

1.18.630.9 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 created by the SRCA 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.

[1.18.630.9 NMAC - Rp, 1.18.630.9 NMAC, 4/19/2010; A, 7/14/2011; A, 7/29/2013]

1.18.630.10 - 1.18.630.15 [RESERVED]

1.18.630.16 FAIR HEARINGS CASE FILES:

A. Program: fair hearings

B. Maintenance system: chronological by year, then alphabetical by client surname

C. Description: record of hearings conducted by HSD hearing officers to review HSD actions which may have adversely affected applicants or recipients of food stamp, medical or financial public assistance programs. Portions of the file are input to the *fair hearings database*, 1.18.630.17 NMAC. File may include notice of request for fair hearing, summary of evidence request, late summary of evidence request, acknowledgement letter, history profile, scheduling notice, audio recordings, exhibits, recommendations, fair hearing decision, fair hearing decision notice, fair hearings appeal, investigation reports, correspondence, etc.

D. Retention: 10 years after final decision rendered

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.16 NMAC - Rp, 1.18.630.41 NMAC, 4/19/2010]

1.18.630.17 FAIR HEARINGS DATABASE:

A. Program: fair hearings

B. Maintenance system: numerical by primary key

C. Description: database used to track status of fair hearings cases (i.e., denial, reduction and closure.) of client benefits for food stamp, medical or financial public assistance programs. Data may include case number, brief history profile, request date; scheduling date, recommendations, fair hearing decision and notice, fair hearings appeal, comments, etc.

D. Data retention: 10 years after final decision rendered

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *fair hearings database* are filed in *fair hearings case files*, 1.18.630.16 NMAC.

G. Output: Because the *fair hearings 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.
[1.18.630.17 NMAC - N, 4/19/2010]

1.18.630.18 - 1.18.630.21 [RESERVED]

1.18.630.22 FRAUD INVESTIGATION FILES:

A. Program: investigations

B. Maintenance system: chronological by year, then numerical by case number

C. Description: records concerning investigations conducted by the office of inspector general into alleged fraudulent activities committed by clients, vendors, providers or state employees in connection with the public assistance programs administered by the department. Portions of this record are input to *intake investigations database*, 1.18.630.24 NMAC. File may include investigation referral, financial documents (i.e., paychecks copies, income tax return copies, etc.), ISD printout, audio or visual recordings of activity, NCIC printout, application copy, witness statement, investigation report, district attorney final disposition, correspondence, etc.

D. Retention: 10 years after case closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.22 NMAC - Rp, 1.18.630.31 & 32 NMAC, 4/19/2010]

1.18.630.23 FLEEING FELON FILES:

A. Program: investigations

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

C. Description: records concerning investigations of benefit recipients classified as fleeing felons and who have existing warrants issued by law enforcement agencies. Fleeing felons are subject to benefit disqualification pending investigation. Portions of this record are input to *intake investigations database*, 1.18.630.22 NMAC. File may include ISD printout, NCIC printout, warrant copies, application copy, correspondence, etc.

D. Retention: 10 years after date of final disposition of investigation

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.23 NMAC - N, 4/19/2010]

1.18.630.24 INTAKE INVESTIGATION DATABASE:

A. Program: investigations
B. Maintenance system: numerical by primary key
C. Description: database is used to maintain information on investigations conducted by the office of inspector general into alleged fraudulent activities committed by clients, vendors, providers, or state employees in connection with public assistance programs administered by the department. Data may include investigation referral, name, address, DOB, SSN, history profile data, NCIC information, investigation report data, district attorney final disposition, comments, etc.

D. Data retention: 10 years after case closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *intake investigation database* are filed in the *fraud investigation files*, 1.18.630.22 NMAC and the *fleeing felon files*, 1.18.630.23 NMAC.

G. Output: Because the *intake investigation database* is a data-based system, ad hoc and regularly scheduled reports are produced. When produced these reports are forwarded to the requesting entity. Some of these reports include *investigations aging reports*, *monthly closed investigations report*, *opened case disposition summaries*, etc.

[1.18.630.24 NMAC - N, 4/19/2010]

1.18.630.25 - 1.18.630.27 [RESERVED]

1.18.630.28 CLIENT CLAIM CASE FILES:

A. Program: restitution services

B. Maintenance system: chronological by federal fiscal year, then alphabetical by client surname

C. Description: records maintained on clients who received overpayments of public assistance benefits and HSD efforts to collect the overpayments. Portions of this record are input to the *claims database*, 1.18.630.30 NMAC. File may include overpayment form, debtor or claim record, benefit repayment agreement, court order copy, correspondence, etc.

D. Retention: 10 federal fiscal years after date claim closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.28 NMAC - Rp, 1.18.630.301 NMAC, 4/19/2010]

1.18.630.29 RESTITUTION SERVICES REPORTS:

A. Program: restitution services

B. Maintenance system: chronological by date

C. Description: reports generated from HSD databases which provide information to the restitution bureau and are used to track and collect overpayments due to HSD by clients, contractors and vendors. Reports contain information on claim status, eligibility status, billing, collections, benefits, etc. Reports are output from *claims database system*, 1.18.630.30 NMAC, *public assistance client eligibility system*, 1.18.630.83 NMAC and an outsourced *EBT banking system*. Reports include *claims collections system delinquencies report*, *claims for collection report*, *additions to claims database printout*, *recoupments and offsets recorded on the claim system*, *claim reestablishments control report*, *new fraud (S33) claims added to database*, *possible new fraud (S34) claims added to database*, *list of claim debtors that have at least one suspended claim*, *food and nutrition service 209 report*, *payments on claims with cause 58 for month ending*, *monthly exception program change report*, *monthly exception accounts receivable register*, *status of claims against households report*, *aging report of accounts receivable*, *code 29 payment for fiscal year sorted by payment date*, *debtors without claims by county report*, *food stamp disqualified recipient report*, *food and nutrition service 524 disqualified recipients*, *overpaid (over collected) balances*, *claim status report a1 for the month*, *claim status report b1 for the month*, *exception accounts receivable*

register, summary of accounts receivable register, claims collection printout by first letter of client's last name, debtors without claims, transfer detail report of transfers out, claims system transfer analysis report, interim issuance register EBT, EBT daily purged pending accounts, daily aging report summary, state tax intercept collections, weekly update records to taxation and revenue exceptions, etc.

D. Retention: 10 federal fiscal years after date report created

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.29 NMAC - Rp, 1.18.630.304-308 & 310-330 NMAC, 4/19/2010]

1.18.630.30 CLAIMS DATABASE:

A. Program: restitution services

B. Maintenance system: numerical by primary key

C. Description: database maintains information on the collection of overpayments of public assistance benefit claims and court ordered restitution collections. Data may include debtor name, debtor SSN, client name, client SSN, address, telephone number, county identifier, program identifier, HSD staff identifier, claim amount, payment amount, claim balance, payment due, date notices sent, number of notices sent, status of claim, etc.

D. Data retention: 10 federal fiscal years after claim case closed

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *claims database* are filed in *client claim case files*, 1.18.630.28 NMAC and electronically transmitted from the *public assistance eligibility system*, 1.18.630.83 NMAC.

G. Output: Because the *claims database* is a data-based system, ad hoc and regularly scheduled reports are produced. When produced these reports are forwarded to the requesting entity. Some of these reports include *claims with transactions of code 29, overpayment claims, monthly fns 209 report, debtors with at least one active claim by SSN, debtors with at least one active claim by name, expungement adjustments, active debtors with suspended claim, active claims with last action 77*, etc.

[1.18.630.30 NMAC - Rp, 1.18.630.300 NMAC, 4/19/2010]

1.18.630.31 FOOD STAMP DISQUALIFICATION HEARING FILES:

A. Program: restitution services

B. Maintenance system: chronological by federal fiscal year, then alphabetical by client surname

C. Description: records of administrative hearings concerning the denial or reduction of a client's food stamp benefits. Portions of this record are input to *administrative hearing database*, 1.18.630.32 NMAC. File may include administrative disqualification hearing form, hearing request form, hearing decision form, debtor claim record, client identification copy, client application and supporting documentation copies, fraud investigation referral, EBT system printout, correspondence, etc.

D. Retention: 10 federal fiscal years after final decision rendered

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs).

[1.18.630.31 NMAC - Rp, 1.18.630.42 NMAC, 4/19/2010]

1.18.630.32 ADMINISTRATIVE HEARING DATABASE:

A. Program: restitution services

B. Maintenance system: numerical by primary key

C. Description: database maintains information regarding disqualification hearings held to determine eligibility of clients receiving food stamps. Data may include hearing request data, hearing date, client information (i.e., name, DOB, SSN, address, financial and medical status, etc.), hearing decision, hearing appeals data, disqualification period, notice of waiver, comments, etc.

D. Data retention: 10 federal fiscal years after final decision rendered

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *food stamp disqualification hearing database* are filed in *food stamp disqualification hearing files*, 1.18.630.31 NMAC.

G. Output: Because the *administrative disqualification hearing database* is a data-based system, ad hoc reports are produced upon demand. When produced these reports are forwarded to the requesting entity. [1.18.630.32 NMAC - N, 4/19/2010]

1.18.630.33 INTERIM ASSISTANCE REIMBURSEMENT FILES:

A. Program: restitution services

B. Maintenance system: chronological by federal fiscal year, then alphabetical by client surname, then numerical by social security number

C. Description: records concerning reimbursement to HSD from eligible recipients granted interim assistance for supplemental security income. Portions of file are input to *interim assistance reimbursement database*, 1.18.630.33 NMAC. File may include IAR application (i.e., client's name, address, SSN, program identifier number, etc.), IAR authorization for reimbursement form, notice of receipt of payment from SSI, copy of SSI check, IAR reimbursement calculations, correspondence, etc.

D. Retention: 10 years after reimbursement made

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.33 NMAC - Rp, 1.18.630.299 NMAC, 4/19/2010]

1.18.630.34 INTERIM ASSISTANCE REIMBURSEMENT DATABASE:

A. Program: restitution services

B. Maintenance system: numerical by primary key

C. Description: database maintains information regarding reimbursements to HSD from eligible recipients granted interim assistance for supplemental security income. Data may include client's name, address, SSN, program identifier number, payment from SSI data, IAR reimbursement calculations, etc.

D. Data retention: 10 years after reimbursement made

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *interim assistance reimbursement database* are filed in the *interim assistance reimbursement files*, 1.18.630.33 NMAC.

G. Output: Because the *interim assistance reimbursement database* is a data-based system, ad hoc are produced upon demand. When produced these reports are forwarded to the requesting entity. [1.18.630.34 NMAC - N, 4/19/2010]

1.18.630.35 - 1.18.630.40 [RESERVED]

1.18.630.41 PROVIDER PARTICIPATION AGREEMENT FILES:

A. Program: medical assistance

B. Maintenance system: chronological by federal fiscal year, then alphabetical by provider name

C. Description: records concerning provider applications and agreements for medical assistance services (i.e., nursing facilities, intermediate care facilities, independent laboratories, diagnostic and treatment centers, etc.). Portions of the file are input to the *medicaid management information system*, 1.18.630.43 NMAC and the *utilization review system*, 1.18.630.67 NMAC. Files may include provider participation application and agreement, facility license copy, verifications and contract agreement specifications, rates for reimbursement, action taken against provider (i.e., termination of the provider's medicaid provider participation agreement, information on temporary management of facility, denial of payment for new admissions, civil money penalties, closure or transfer of residents, state monitoring, directed plan of correction, etc.) provider tracking reports (i.e., provider rankings, early periodic screening quarterly report, drug usage frequency analysis report, drug rebate reports, compliance reports, etc.), correspondence, etc.

D. Retention: seven federal fiscal years after termination of provider agreement

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.41 NMAC - Rp, 1.18.630.124, 125, 420-423, 430, 432, 433, 450, 451, 490, 500 & 503 NMAC, 4/19/2010]

1.18.630.42 MEDICAID CLAIMS FILES:

- A. Program:** medical assistance
- B. Maintenance system:** chronological by federal fiscal year, then alphabetical by provider, MCO or client surname name
- C. Description:** records concerning claims submitted by provider, MCO or client for reimbursement from the state medicaid program. Portions of the file are input to the *medicaid management system*, 1.18.630.43 NMAC and the *utilization review system*, 1.18.630.67 NMAC. File may include documentation submitted for reimbursement on medical services and supplies, invoices, provider's billed charge, MAD fee schedule for the specific service or procedure, receipts copies, billing statements, disposition of claims report, etc.
- D. Retention:** seven federal fiscal years after date of claim reimbursement or denial
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.42 NMAC - Rp, 1.18.630.394 NMAC, 4/19/2010]

1.18.630.43 MEDICAID MANAGEMENT INFORMATION SYSTEM (MMIS):

- A. Program:** medical assistance
- B. Maintenance system:** numerical by primary key
- C. Description:** database maintains medicaid client, vendor and provider information used by HSD to track all types of assistance (i.e., provided by the medical assistance division. Data may include drug and pricing data; claims processing edit and audit criteria; audit trail; provider type, and provider identification number; invoice type; aid category; procedure codes; date of service; date of payment; geographic area identifier; applicant date; applicant and recipient social security number; applicant and recipient address; applicant and recipient telephone number; applicant and recipient date of birth; applicant and recipient ethnicity; applicant and recipient gender; applicant and recipient gross income; applicant and recipient household size; determination of eligibility code; provisions of medical assistance; eligibility start and end dates; insurance third party liability codes; source of payment code; insurance company name and address; insurance policy holder name and policy number; buy-in status code; basis of discontinuing assistance, etc.
- D. Data retention:** 110 years after clients date of birth
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
- F. Input:** records used as input for the *medicaid management system* are filed in *provider participation agreement files*, 1.18.630.41 NMAC, *medicaid claims files*, 1.18.630.42 NMAC, and *medicaid school-based service files*, 1.18.630.62 NMAC.
- G. Output:** Because the *medicaid management 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 *front end consolidator report; issued warrant report; accounts receivable detail by labeler; case management services report; monthly services paid to schools report; claims section control report; unmatched activity report; medical quality control universal report; daily adjudication balance sheet report; deceased recipients list; disposition of claims report; monthly county report; monthly state report; annual county report; annual state report; pregnancy outcome detail report; provider rankings; early periodic screening quarterly report; drug usage frequency analysis report; drug rebate reports; compliance reports; nursing home payment summary; deceased recipients with open eligibility segments report; etc.*
[1.18.630.43 NMAC - Rp, 1.18.630.600 & 1.18.630.601 NMAC, 4/19/2010]

1.18.630.44 - 1.18.630.47 [RESERVED]

1.18.630.48 MEDICAID ESTATE RECOVERY PROJECT FILES:

- A. Program:** medical assistance
- B. Maintenance system:** chronological by federal fiscal year, then alphabetical by recipient surname

C. Description: records concerning the recovery of funds by the department from the estate of certain medicaid recipients in accordance with Title XIX of the Social Security Act. File may include applicant information (i.e., name, SSN, DOB, pending claims, type of estate or subject for recovery, full names of any surviving children under 21, etc.), recovery notice (i.e., statement describing actions of MAD, reasons and statutory authority for action, amount to be recovered, deceased date of recipient and recipient's spouse, etc.), correspondence, etc..

D. Retention: three federal fiscal years after date in which recovery is resolved

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.48 NMAC - Rp, 1.18.630.400 NMAC, 4/19/2010]

1.18.630.49 - 1.18.630.51 [RESERVED]

1.18.630.52 STATE DATA EXCHANGE SYSTEM:

A. Program: client services

B. Maintenance system: numerical by primary key

C. Description: database maintains information collected by the social security office on the eligibility status of medicaid recipients. Data may include client name, SSN, address, application date, SSN benefit amount, living arrangement codes, state grant amount, supplemental amount, effective date, client tax information, etc.

D. Data retention: 10 federal fiscal years after termination of benefits

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input for the *state exchange system* is provided by tape from the social security office.

G. Output: Because the *state data exchange system* is a data based system, ad hoc and regularly scheduled may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity. Some of these reports include *eligibility status reports, residential verification reports, etc.*

[1.18.630.52 NMAC - N, 4/19/2010]

1.18.630.53 MANAGED CARE ORGANIZATION FILES:

A. Program: medical assistance, contract administration

B. Maintenance system: chronological by federal fiscal year, then alphabetical by MCO name

C. Description: records concerning organizations licensed to manage and coordinate the delivery of specified services to enrolled medicaid members. File may include MCO contract, policies and procedures; reports from MCO; listing of available providers and sub-contractors; MCO provider and sub-contractor contracts; financial performance report; funding incurred for administrative expenditures and profit report; determination of proper classification of health care service reports; administrative expenditure reports; level of funding expended on behavioral health care-related service reports; activity reports; audit reports; evaluation forms; correspondence; etc.

D. Retention: 10 federal fiscal years after final payment of MCO contract

[1.18.630.53 NMAC - Rp, 1.18.630.500 & 503 NMAC, 4/19/2010]

1.18.630.54 MANAGED CARE MARKETING REQUIREMENTS FILE:

A. Program: medical assistance, contract administration

B. Maintenance system: chronological by federal fiscal year, then alphabetical by MCO name

C. Description: required marketing guidelines MCO's must follow to promote the medicaid program and the submitted marketing materials. File may include minimum marketing and outreach requirements, quality standards for marketing, marketing materials distributed by MCO (i.e., brochures, flyers, leaflets, newspaper clippings, etc.), HSD approval of marketing materials, accuracy of marketing materials content, etc.

D. Retention: three years after close of federal fiscal year in which approved or denied

[1.18.630.54 NMAC - Rp, 1.18.630.504 NMAC, 4/19/2010]

1.18.630.55 FEE FOR SERVICE AUDIT FILES:

A. Program: medical assistance, contract administration

B. Maintenance system: chronological by federal fiscal year, then alphabetical by MCO or provider
C. Description: records documenting periodic audit examinations of the physical and behavioral health programs to confirm compliance with the federal government auditing standards. File may include audit work papers with recommendations, internal audit reports, external audit reports from provider or MCO, audit responses, correspondence, etc.

D. Retention: 10 federal fiscal years after compliant audit findings
[1.18.630.55 NMAC - Rp, 1.18.630.501 & 502 NMAC, 4/19/2010]

1.18.630.56 PROVIDER, MCO AND CLIENT COMPLAINT FILES:

A. Program: medical assistance, contract administration
B. Maintenance system: chronological by calendar year, then alphabetical by name
C. Description: records concerning complaints received by HSD regarding care services. Portions of this record are input to the *complaint system*, 1.18.630.57 NMAC. File may include complaint, investigative reports, complaint resolution, correspondence, etc.

D. Retention: 10 years after date of final resolution
E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.56 NMAC - Rp, 1.18.630.506 NMAC, 4/19/2010]

1.18.630.57 COMPLAINT SYSTEM:

A. Program: medical assistance, contract administration
B. Maintenance system: numerical by primary key
C. Description: database maintains information concerning complaints received by HSD regarding care services. Data may include complaint date, complaint type, concern, resolution date, investigative comments, fair hearing request date, decisions rendered, etc.

D. Data retention: 10 calendar years after date of final resolution
E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input to the *complaint system* are filed in the *provider, MCO and client complaint files*, 1.18.630.56 NMAC.

G. Output: Because the *complaint and grievance system* is a data based system, reports may be generated upon request or demand.

[1.18.630.57 NMAC - Rp, 1.18.630.505 NMAC, 4/19/2010]

1.18.630.58 - 1.18.630.61 [RESERVED]

1.18.630.62 MEDICAID SCHOOL-BASED SERVICE FILES:

A. Program: medical assistance, school health office
B. Maintenance system: chronological by federal fiscal year, then numerical by school district
C. Description: records concerning authorized medical services (i.e., speech-language pathology, physical therapy, audiology screening, etc.) provided at educational facilities by an approved provider. Portions of this record are input to the *medicaid management information system*, 1.18.630.43 NMAC. File may include copy of medicaid school-based services resource guide, components of program (i.e., health, behavioral health, nursing, nutrition, etc.), medicaid school based services expenditure plan and budget, educational plan for student success, needs assessment for program, etc.

D. Retention: six years after close of federal fiscal year in which audit is approved
E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.62 NMAC - Rp, 1.18.630.431 NMAC, 4/19/2010]

1.18.630.63 - 1.18.630.66 [RESERVED]

1.18.630.67 UTILIZATION REVIEW SYSTEM:

- A. **Program:** medical assistance, programs oversight and support
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database maintains information regarding utilization review process instituted by HSD to regulate provider compliance with medicaid quality control and cost containment objectives. Data may include client medical information, authorization of medical services, development notes, etc.
- D. **Data retention:** 10 years after close of federal fiscal year in which claim is reviewed
- E. **Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
- F. **Input:** records used as input for the *utilization review system* may include *provider participation agreement files*, 1.18.630.41 NMAC, *medicaid claims files*, 1.18.630.42 NMAC and *public assistance client case file*, 1.18.630.81 NMAC.
- G. **Output:** Because the *utilization review system* 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. [1.18.630.67 NMAC - N, 4/19/2010]

1.18.630.68 - 1.18.630.71 [RESERVED]

1.18.630.72 PREMIUM ASSISTANCE FOR KIDS AND MATERNITY FILES:

- A. **Program:** medical assistance, insure New Mexico
- B. **Maintenance system:** chronological by month, then alphabetical by client surname
- C. **Description:** records concerning program administered by HSD which provides health insurance premium assistance for children and pregnant women who meet program requirements. Portions of this record are input to *premium assistance for kids and maternity database* 1.18.630.73 NMAC. File may include premium assistance eligibility application, proof of citizenship and identification (i.e., birth certificate copy, social security copy, passport copy, certificate of U.S. citizenship copy, hospital birth record copy, etc.) proof of household income (i.e., copies of paychecks, income tax return copies, etc.), physician office verification of pregnancy and due date, midwife confirmation and release statement (i.e., midwife name, address, telephone number, client name, etc), letter of childcare validation, child care receipt copies, presumptive eligibility worksheet, missing documents notice copy, denial notice copy, approval notice copy, one-time premium deposit check or money order copy correspondence, etc.
- D. **Retention:** five years after close of the fiscal year in which file closed
- E. **Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs. [1.18.630.72 NMAC - N, 4/19/2010]

1.18.630.73 PREMIUM ASSISTANCE FOR KIDS AND MATERNITY DATABASE:

- A. **Program:** medical assistance, insure New Mexico
- B. **Maintenance system:** numerical by primary key
- C. **Description:** database maintains information regarding program administered by HSD which provides health insurance premium assistance for children and pregnant women who meet program requirements. Data may include client information (i.e., name, address, SSN, DOB, income, etc), name of MCO selected, date of application, program type, eligibility dates, dates of correspondence issued (i.e., approval, enrollment, denial, etc.), limited client medical information (i.e., maternity due date, number of weeks pregnant, etc.), one-time premium deposit amount, premium deposit date, eligibility closure date, closure reason, annual recertification date, etc.
- D. **Data retention:** five years after close of the fiscal year in which file closed
- E. **Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
- F. **Input:** records used as input for the *premium assistance for kids and maternity database* are filed in the *premium assistance for kids and maternity files*, 1.18.630.72 NMAC.
- G. **Output:** Because the *premium assistance for kids and premium assistance for maternity 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. [1.18.630.73 NMAC - N, 4/19/2010]

1.18.630.74 STATE COVERAGE INSURANCE EMPLOYER GROUP FILES:

A. Program: medical assistance, insure New Mexico
B. Maintenance system: chronological by calendar year, then alphabetical by entity name
C. Description: records documenting employer group entities providing basic coverage health insurance benefits for employees through the state coverage insurance program. Files may include program application, proof of business documentation (e.g., state unemployment tax assessment, business taxes, business license, etc.), employee documentation (e.g., state coverage insurance application, proof of income, proof of citizenship, recertification information, etc.), correspondence, etc.

D. Retention: six years from the close of the calendar year in which case closed

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

[1.18.630.74 NMAC - N, 7/29/2013]

1.18.630.75 STATE COVERAGE INSURANCE CERTIFICATION BROKER AND AGENT OF THE STATE FILE:

A. Program: medical assistance, insure New Mexico
B. Maintenance system: chronological by calendar year
C. Description: records documenting the certification of qualified individuals to facilitate client enrollment in the state coverage insurance program. Files may include agent of the state client certification and broker certification.

D. Retention: six years from the close of the calendar year in which certification terminated

[1.18.630.75 NMAC - N, 7/29/2013]

1.18.630.76 EMPLOYER GROUP STATE COVERAGE INSURANCE DATABASE:

A. Program: medical assistance, insure New Mexico
B. Maintenance system: numerical by primary key
C. Description: database maintains information regarding employer group entities providing basic coverage health insurance benefits for employees through the state coverage insurance program. Data may include employer data (e.g., name, address, eligibility dates, etc.), employee data (e.g., name, address, eligibility dates, category of eligibility, etc.), broker and agent of the state certification data, etc.

D. Data retention:

(1) **Employer group data:** six years from the close of the calendar year in which case closed

(2) **Certification broker and agent of the state data:** six years from the close of the calendar year in which certification terminated

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

F. Input: records used as input for the state coverage insurance employer group files, 1.18.630.74 NMAC and state coverage insurance broker and agent of the state file, 1.18.630.75 NMAC.

G. Output: Because the *state coverage insurance employer group 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.

[1.18.630.76 NMAC - N, 7/29/2013]

1.18.630.77 - 1.18.630.80 [RESERVED]

1.18.630.81 PUBLIC ASSISTANCE CLIENT CASE FILES:

A. Program: income support
B. Maintenance system: alphabetical by case head name, then numerical by identification number
C. Description: records concerning client applications for public assistance and documentation of eligibility for public assistance (i.e., food stamps, cash assistance, medicaid, low income home energy assistance, etc.). Portions of this record are input to the *public assistance eligibility system*, 1.18.630.83 NMAC. File may include application for assistance; proof of household income (i.e., paycheck copies, income tax return copies, etc.); proof of citizenship and identification (i.e., birth certificate copy, social security card copy, passport copy, certificate of U.S. citizenship copy, hospital birth record copy, etc.); application for re-determination of eligibility; application for retroactive benefit coverage; medical information; home, life or burial insurance documentation; vehicle information; utility billing copies; correspondence; etc.

D. Retention: 80 years after case head date of birth

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.81 NMAC - Rp, 1.18.630.370, 371, 372 & 374 NMAC, 4/19/2010]

1.18.630.82 CLIENT CASE MANAGEMENT FILES:

A. Program: income support
B. Maintenance system: chronological by federal fiscal year, then alphabetical by client surname
C. Description: records concerning TANF clients required participation in employment training and support service programs. Portions of this record are input to the *public assistance eligibility system*, 1.18.630.83 NMAC. File may include individual responsibility plan, work participation agreement, activity time sheets, client assessment, client referrals, correspondence, etc.

D. Retention:

- (1) **TANF client files:** seven federal fiscal years after case closed
- (2) **Refugee client files:** seven federal fiscal years from date case closed, then transfer to archives

E. Confidentiality: Portions of this record may be confidential.
[1.18.630.82 NMAC - N, 4/19/2010; A, 7/29/2013]

1.18.630.83 PUBLIC ASSISTANCE ELIGIBILITY SYSTEM:

A. Program: income support
B. Maintenance system: numerical by primary key
C. Description: database maintains information regarding client eligibility and case management of individuals applying and receiving public assistance (i.e., food stamps, cash assistance, medicaid, low income energy assistance, emergency food assistance, etc.). Data may include client name; client address; social security number; date of birth; client income, aid code categories; month, year, type of aid and program; number of clients enrolled in each aid category and program; eligibility status; eligibility amount; comments; etc.

D. Data retention: 80 years after case head date of birth

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.

F. Input: records used as input for the *public assistance eligibility system* are filed in *public assistance client case files*, 1.18.630.81 NMAC and *client case management files*, 1.18.630.82 NMAC.

G. Output: Because the *public assistance client eligibility system* is a data based system, adhoc 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 *daily aging report summary*, *state tax intercept collections*, *weekly update records to TRD exceptions*, etc.

[1.18.630.81 NMAC - Rp, 1.18.630.373 NMAC, 4/19/2010]

[The public assistance eligibility system is also known as ISD2.]

1.18.630.84 - 1.18.630.88 [RESERVED]

1.18.630.89 QUALITY CONTROL CASE FILES:

A. Program: quality assurance
B. Maintenance system: chronological by federal fiscal year, then numerical by case number
C. Description: records concerning HSD fulfillment of federally mandated quality control requirements to determine HSD compliance with the public assistance program and federal regulations. File may include work sheets, history profile (i.e., applicant name, telephone number, address, list of house hold members and relationship to person applying, gender, race, DOB, etc.) supporting documents (i.e., proof of citizenship, SSN card copy, proof of financial information, etc.), settlement agreement, correspondence, etc.

D. Retention:

- (1) **Compliant case files:** three federal fiscal years after case closed
- (2) **Non compliant case files:** six federal fiscal years after final disposition of settlement agreement

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs).

[1.18.630.89 NMAC - Rp, 1.18.630.16 NMAC, 4/19/2010; A, 7/14/2011]

1.18.630.90 MANAGEMENT EVALUATION REPORT FILES:

- A. Program:** quality assurance
- B. Maintenance system:** chronological by federal fiscal year, then alphabetical by location
- C. Description:** report of findings and recommended corrective actions concerning errors made by service agents and centers within the department regarding client benefits. Portions of the report are output from the *public assistance eligibility system*, 1.18.630.83 NMAC. File may include diagnostic analysis of findings and recommendations report, client application (i.e., name, address, SSN, type of benefit, etc.), corrective actions taken report, correspondence, etc.
- D. Retention:** five years after the close of the federal fiscal year in which report created
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs).
[1.18.630.90 NMAC - Rp, 1.18.630.17 NMAC, 4/19/2010; A, 7/14/2011]

1.18.630.91 CIVIL RIGHTS COMPLAINT INVESTIGATION FILES:

- A. Program:** quality assurance
- B. Maintenance system:** chronological by federal fiscal year, then numerical by client identification number
- C. Description:** records documenting investigations of complaints made by program applicants alleging violation of their civil rights. Files may include complaint, case narrative, client contact log, client contact letter, program contact letter, policy information, interviews, site visit information, medical review information, program application information, final case determination letter, copy of letter for concurrence to USDA food and nutrition service, corrective action plan, correspondence, etc.
- D. Retention:** three years from date case closed
- E. Confidentiality:** Portions of this record may be confidential.
[1.18.630.91 NMAC - N, 7/14/2011; A, 04/21/2014]

1.18.630.92 - 1.18.630.93 [RESERVED]

1.18.630.94 COMMODITY DISTRIBUTION FILES:

- A. Program:** food and nutrition services
- B. Maintenance system:**
 - (1) **Commodities:** chronological by federal fiscal year, then alphabetical by recipient
 - (2) **Summer lunch program:** chronological by federal fiscal year, then alphabetical by service area
- C. Description:** records concerning commodity distribution to New Mexico schools, food banks and summer food programs. Portions of this file are input to the *commodity distribution system* 1.18.630.95 NMAC. File may include invoice copes, current distribution agreement, correspondence, etc.
- D. Retention:** three years after the close of the federal fiscal year from distribution date
[1.18.630.94 NMAC - Rp, 1.18.630.360 NMAC, 4/19/2010]

1.18.630.95 COMMODITY DISTRIBUTION SYSTEM:

- A. Program:** food and nutrition services
- B. Maintenance system:** numerical by primary key
- C. Description:** database maintains and tracks the allocation, inventory, entitlement and food distribution to New Mexico food banks, schools and summer food programs. Data may include food bank, school and summer food program information (i.e., name, address, year commodity availability, entitlement amount, etc), commodity inventory by food group, size and price, commodity code, etc.
- D. Data retention:** three years after the close of the federal fiscal year from distribution date
- E. Input:** records used as input for the *commodity distribution system* are filed in *commodity distribution files*, 1.18.630.94 NMAC.
- F. Output:** Because the *commodity distribution 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 *commodity inventory report*, *sight ledger report*, etc.
[1.18.630.95 NMAC - N, 4/19/2010]

1.18.630.96 - 1.18.630.99 [RESERVED]

1.18.630.100 FTANF AGGREGATE REPORT FILES:

- A. Program:** income support
- B. Maintenance system:** chronological by report date
- C. Description:** statistical report showing client benefit information (i.e., FTANF and food stamp) for federal quality control verification of work related activities. Report is output from *federal temporary assistance to needy families (FTANF) database*, 1.18.630.101 NMAC. Report shows client demographics (i.e., gender, age, ethnicity, etc.), type of assistance (TANF, FTANF and food stamps), time period of assistance, benefit amount, child care assistance information, CSES information, etc.
- D. Retention:** three years after close of federal fiscal year in which report created
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.100 NMAC - N, 4/19/2010]

1.18.630.101 FEDERAL TEMPORARY ASSISTANCE TO NEEDY FAMILIES (FTANF) DATABASE:

- A. Program:** income support
- B. Maintenance system:** numerical by primary key
- C. Description:** database that maintains statistical client information concerning FTANF benefits for electronic transmission of data to the federal government. Data may include client demographics (i.e., gender, age, ethnicity, etc.), type of assistance (temporary assistance to needy families and food stamp benefits), time period of assistance, benefit amount, child care assistance data, CSES information, etc.
- D. Data retention:** three years after close of federal fiscal year in which data is transmitted
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information) and per 45 CFR 205.50 safeguarding information for the financial assistance programs.
- F. Input:** records used as input for the *federal temporary assistance to needy families (FTANF) database* are filed in *public assistance client case files*, 1.18.630.81 NMAC and transmitted from the *public assistance eligibility system*, 1.18.630.83 NMAC and the *child support enforcement system (CSES)*, 1.18.630.108 NMAC.
- G. Output:** Because the *federal temporary assistance to needy families (FTANF) database* is a data based system, ad hoc and regularly scheduled reports may be generated upon request or demand. The primary report generated is the *FTANF aggregate report*.
[1.18.630.101 NMAC - N, 4/19/2010]

1.18.630.102 - 1.18.630.105 [RESERVED]

1.18.630.106 CHILD SUPPORT ENFORCEMENT CLIENT CASE FILES:

- A. Program:** child support enforcement
- B. Maintenance system:** numerical by case number
- C. Description:** records concerning the enforcement of child support. Portions of the file are input to *child support enforcement system (CSES)*, 1.18.630.108 NMAC. File may include application (i.e., SSN of parents and children, DOB of parents and children, address and phone numbers, etc.), activity summary sheets, support payments, court orders, paternity acknowledgment, paternity questionnaire, federal tax information (i.e., tax return copies, etc.), photos, national medical support notice, certificate of compliance, CSED license suspension fact sheet, amounts due and amounts received summary, case financial summary, obligation summary, license revocation summary, correspondence, etc.
- D. Retention:** three years after termination of ongoing support amount
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC Section 552a (i.e., social security number) and 45 CFR 205.50 safeguarding information for the financial assistance programs.
[1.18.630.106 NMAC - Rp, 1.18.630.347 NMAC, 4/19/2010]

1.18.630.107 COST ALLOCATION PLAN FILES:

- A. Program:** child support enforcement, grants management

B. Maintenance system: chronological by federal fiscal year, then by quarter

C. Description: record of approved cost allocation plan to support claims under the Social Security Act. File may include cost allocation plan, number of claims for year, correspondence with federal government, cost sheets, random moment samples, time and effort reports, training reports, journal vouchers, expenditure reports, payroll register, etc.

D. Retention: six federal fiscal years after submission of cost allocation plan to federal government [1.18.630.107 NMAC - Rp, 1.18.630.348 NMAC, 4/19/2010]

1.18.630.108 CHILD SUPPORT ENFORCEMENT SYSTEM (CSES):

A. Program: child support enforcement

B. Maintenance system: numerical by primary key

C. Description: federally mandated system that maintains information on case management for child support enforcement. Data may include legal case information, federal and state tax information, client and absent parent demographics, application (i.e., SSN of parents and children, DOB of parents and children, address and phone numbers, employer name, etc.), summary of activity data, support payment data, court order data, paternity acknowledgment data, paternity data, federal tax data, national medical support data, compliance data, CSED license suspension data, amounts due and amounts received data, financial summary data, obligation summary data, license revocation data, electronic correspondence, etc.

D. Data retention: three years after termination of ongoing support amount

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), 45 CFR 307.13 (“The state IV-D agency shall...have safeguards on the integrity, accuracy, completeness of access to, and use of data...”), 26 USC, section 6103 (“Returns and return information shall be confidential, and except as authorized...”) and 42 USC, Section 453 (“Information in the federal parent locator service...shall not be used or disclosed except as expressly provided in this section, subject to Section 6103 of the internal revenue code...”).

F. Input: records used as input for the *child support enforcement system (CSES)* are filed in the *child support enforcement client case files*, 1.18.630.106 NMAC. Multiple interfaces contain data files that subsequently provide input to CSES. Data uploaded from various external web applications to the CSES mainframe provide input to CSES.

G. Output: Because the *child support enforcement system (CSES)* is a data based system, adhoc and regularly scheduled reports may be generated upon request or demand. Some of these reports include the *federal OCSE 157 annual data report*, *federal OCSE 34a quarterly report of collections*, etc. [1.18.630.108 NMAC - Rp, 1.18.630.338 NMAC, 4/19/2010]

1.18.630.109 - 1.18.630.111 [RESERVED]

1.18.630.112 DIRECT DEPOSIT REQUEST AND AUTOMATIC WITHDRAWAL FILE:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year, then alphabetical by custodial parent’s surname

C. Description: records of direct deposit of child support payments issued to the custodial parent’s bank account. Portions of this record are input to the *child support enforcement system (CSES)* 1.18.630.108 NMAC. File may include direct deposit authorization and automatic withdrawal authorization (i.e., custodial parent’s name, SSN, address, phone numbers, financial institution name, financial institution address, account number, routing number, account holder’s signature, non-custodial parent’s name, amount withdrawn, withdrawal frequency, etc.), voided check, etc.

D. Retention: three years after close of federal fiscal year in which request received

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 5 USC Section 552a (i.e., social security number) and 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.112 NMAC - Rp, 1.18.630.339 NMAC, 4/19/2010]

1.18.630.113 DAILY DISBURSEMENT REPORT:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year

C. Description: report documenting monies collected and disbursed for child support. Report is output from the *child support enforcement system (CSES)* 1.18.630.108 NMAC. Report may include warrant number, case number, date check issued, payee full name and address, detail amounts, check number, page totals, grand total, batch number, and register may also show federal information processing standards number, recipient's full name and SSN, payee number and SSN, interstate identifying number, amount paid, total collections, total monies, etc.

D. Retention: five years after close of federal fiscal year in which report is created

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

[1.18.630.113 NMAC - Rp, 1.18.630.340 NMAC, 4/19/2010]

1.18.630.114 PAYMENT TRANSMITTAL LOG:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year, then numerical case number

C. Description: record of child support payments deposited at local county offices. Log may show region, transmittal date, case number, payer's identification number, payer's full name, check, money order or cash receipt number, payment amount, total number of checks, grand total dollar amount, deposit amount, CSED payment receipt amount, etc.

D. Retention: five years after the close of the federal fiscal year in which payment is made

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.114 NMAC - Rp, 1.18.630.343 NMAC, 4/19/2010]

1.18.630.115 AFFIDAVIT FOR DUPLICATE STATE WARRANT FILE:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year, then by month

C. Description: records documenting the duplicate issuance of CSED warrants to custodial parents. File may include affidavit with supporting documents (i.e., check copy, CSES screen prints, state treasurer screen print, etc.), correspondence, etc.

D. Retention: three years after close of federal fiscal year in which duplicate warrant issued

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 (i.e., checks).

[1.18.630.115 NMAC - N, 4/19/2010]

1.18.630.116 INSUFFICIENT FUNDS PAYMENT FILE:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year, then by month

C. Description: records concerning insufficient funds paid by non-custodial parent. File may include insufficient check copies, state treasurer system printout, CSES printout, correspondence, etc.

D. Retention: five years after the close of the federal fiscal year in which payment is cleared

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 safeguarding information for the financial assistance programs.

[1.18.630.116 NMAC - N, 4/19/2010]

1.18.630.117 APPROVED REFUND FILE:

A. Program: state disbursement

B. Maintenance system: chronological by federal fiscal year, the by month

C. Description: records concerning refunds for overpayment of child support by the non custodial parent. File may include canceled check copies, CSES printout, payment advice, correspondence, etc.

D. Retention: five years after close of federal fiscal year in which refund issued

E. Confidentiality: Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 (i.e., checks).

[1.18.630.117 NMAC - N, 4/19/2010]

1.18.630.118 STATE DISBURSEMENT UNIT RECONCILIATION FILE:

A. Program: state disbursement

- B. Maintenance system:** chronological by federal fiscal year
 - C. Description:** records concerning the reconciliation of CSED funds collected from non-custodial parents. File may include summary of collections worksheet, payment summary, correspondence, etc.
 - D. Retention:** seven years after the close of the federal fiscal year in which completed
 - E. Confidentiality:** portions of record may be confidential pursuant, but not limited to 45 CFR 205.50 (i.e., checks).
- [1.18.630.118 NMAC - N, 04/19/2010]

1.18.630.119 RECOUPMENT ANALYSIS REPORT FILE:

- A. Program:** state disbursement
 - B. Maintenance system:** chronological by federal fiscal year, then by month
 - C. Description:** reports and supporting documentation showing the recoupment of payments made in error and cause of error. File may include recoupment summary, CSES printout, recoupment analysis (i.e., amount, error reason, error location, recipient name, etc.), check copy, correspondence, etc.
 - D. Retention:** three years after the close of the federal fiscal year after date of report closed
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 safeguarding information for the financial assistance programs.
- [1.18.630.119 NMAC - N, 4/19/2010]

1.18.630.120 RECEIPT REVERSAL, REAPPLICATION AND ADJUSTMENT FILE:

- A. Program:** state disbursement
 - B. Maintenance system:** chronological by federal fiscal year, then by month
 - C. Description:** records documenting adjustments correcting errors in CSES. File may include check copies, screen prints, correspondence, etc.
 - D. Retention:** five years after the close of the federal fiscal year in which created
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 45 CFR 205.50 safeguarding information for the financial assistance programs.
- [1.18.630.120 NMAC - N, 4/19/2010]

1.18.630.121 DAILY CASH RECEIPTS BATCH FILE:

- A. Program:** child support enforcement
 - B. Maintenance system:** chronological by federal fiscal year, then numerical by batch
 - C. Description:** record of daily cash receipts received and processed by CSED central office. File may include transaction document, non-custodial payment order, application for child support copies, wage withholding report copies, original envelopes, CSED payment tracking system screen prints (i.e., payment code, payment method code, payment source code, etc.) check copies, correspondence, etc.
 - D. Retention:** five years after the close of the federal fiscal year in which created
 - E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited per 45 CFR 205.50 safeguarding information for the financial assistance programs.
- [1.18.630.121 NMAC - Rp, 1.18.630.345 NMAC, 4/19/2010]

1.18.630.122 - 1.18.630.125 [RESERVED]

1.18.630.126 LICENSE SUSPENSION CASE FILE:

- A. Program:** license suspension
- B. Maintenance system:** chronological by federal fiscal year, then alphabetical by non-custodial parent surname
- C. Description:** record of the suspension of a non-custodial parent's license fro financial non-compliance of child support obligations. Portions of this record are input to *child support enforcement system (CSES)* 1.18.630.108 NMAC. File may include CSED license suspension fact sheet, CSES screen printout for enforcement override, case financial summary, obligation summary, license suspension summary, certificate of compliance, correspondence, etc.
- D. Retention:** three years after close of federal fiscal year in which certificate of compliance issued
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited per 45 CFR 205.50 (i.e., name, address, medical information, social and economic conditions, amount of assistance), 5 USC, Section 552a (i.e., social security number) and 26 USC 6103a (i.e., personal income tax return information).

[1.18.630.126 NMAC - Rp, 1.18.630.349 NMAC, 4/19/2010]

1.18.630.127 FINANCIAL INSTITUTION DATA MATCH CASE FILES:

- A. Program:** financial institution data match
- B. Maintenance system:** chronological by federal fiscal year, then numerical by CSED member number
- C. Description:** record of agreements with financial institutions to conduct data matches to identify accounts of delinquent child support obligors. Portions of the file are input to *child support enforcement system (CSES)*, 1.18.630.108 NMAC. File may include CSED case summary sheet; check copies; CSES screen printouts for inquire update; copies of envelopes; seize order - financial institution subpoena to surrender assets; copies of certified mail envelopes returned unopened; United States postal service certified mail receipt copies; fact sheet; CSES notepad screen printout; CSES member to case inquiry screen printout; case member addition update screen printout; case financial summary screen printout; support order obligation information screen printout; CSES amounts due-amounts received screen printout; member demographics screen printout; address history screen printout; case information screen printout; formal answer by financial institution; financial institution freeze order subpoena to freeze assets; summary of attached audits; payment record and interest calculation sheets; child support court order copy; stipulated order modifying child support copy; worksheet for basic visitation monthly child support obligation; etc.
- D. Retention:** three years after close of federal fiscal year in which data match case file closed
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), 45 CFR 307.13 (“The state IV-D agency shall...have safeguards on the integrity, accuracy, completeness of access to, and use of data...”), 26 USC, section 6103 (“Returns and return information shall be confidential, and except as authorized...”) and 42 USC, Section 453 (“Information in the federal parent locator service...shall not be used or disclosed except as expressly provided in this section, subject to Section 6103 of the internal revenue code...”).

[1.18.630.127 NMAC - Rp, 1.18.630.350 NMAC, 4/19/2010]

1.18.630.128 - 1.18.630.134 [RESERVED]

1.18.630.135 PROVIDER FILES:

- A. Program:** long term services
- B. Maintenance system:** chronological by federal fiscal year, then alphabetical by provider name
- C. Description:** records concerning approved facilities and organizations that provide various services (i.e., legal aide, counseling, construction services, home health care, etc.) for HSD clients. File may include provider participation agreement, facility license copy, verifications, contract agreement specifications, rates for reimbursement, action taken against provider, provider tracking reports (i.e., provider rankings, early periodic screening quarterly report, drug usage frequency analysis report, drug rebate reports, compliance reports, etc.), correspondence, etc.
- D. Retention:** seven federal fiscal years after termination of provider agreement

[1.18.630.135 NMAC - Rp, 1.18.624.40 NMAC, 12/19/2011]

1.18.630.136 PROVIDER AND CLIENT DISPUTE RESOLUTION FILES:

- A. Program:** long term services
- B. Maintenance system:** chronological by federal fiscal year, then numerical by provider or client identification number
- C. Description:** records concerning resolutions of disputes between client services and providers. File may include complaint (i.e., nature of dispute, provider number, client identification number, etc.); resolution; correspondence between HSD, provider and client; etc.
- D. Retention:** seven years after close of federal fiscal year in which dispute resolved
- E. Confidentiality:** Portions of this record may be confidential pursuant, but not limited to 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information), 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs) and Section 9-23-11 NMSA 1978 (i.e., access to information).

[1.18.630.136 NMAC - Rp, 1.18.624.41 NMAC, 12/19/2011]

1.18.630.137 CLIENT SERVICE COORDINATION FILES:

- A. **Program:** long term services
- B. **Maintenance system:** chronological by federal fiscal year, then numerical by client identification number
- C. **Description:** records concerning coordination of program services (i.e., prescription drug assistance, short term personal care, environmental modifications, traumatic brain injury, counseling, legal aide services, mental health care, long term support services, etc.) for clients by HSD licensed providers. File may include assistance application referral (i.e., name, address, date of birth, type of assistance, etc.), provider letter for type of services required, provider's client assessment, life skills coaching plan, medical bills, medical documentation, call data sheet, cost estimate, secondary freedom of choice form, correspondence, etc.
- D. **Retention:** seven federal fiscal years after date of ineligibility
- E. **Confidentiality:** Portions of this record may contain confidential information pursuant, but not limited to Section 27-7-29 NMSA 1978 Confidentiality of records; penalty, 5 USC Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., medical information), Health Insurance Portability and Accountability Act of 1996 Public Law 104-191, 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs) and Section 9-23-11 NMSA 1978 (i.e., access to information).
[1.18.630.137 NMAC - Rp, 1.18.624.42 NMAC, 12/19/2011]

1.18.630.138 - 1.18.630.142 [RESERVED]

1.18.630.143 PERSONAL CARE OPTION CONSUMER LIAISON FILES:

- A. **Program:** long term services
- B. **Maintenance system:** chronological by federal fiscal year, then alphabetical by consumer surname
- C. **Description:** records documenting the monitoring of approved personal care services received at the consumer's residence. The goal of personal care is to avoid institutionalization, maintain or increase the consumer's functional level, and maintain or increase the consumer's independence. File may include power of attorney, medical documentation of client needs, personal care service plan, service monitoring plan, schedule of services, correspondence, etc.
- D. **Retention:** seven federal fiscal years after termination of services
- E. **Confidentiality:** Portions of this record may be confidential pursuant, but not limited to Section 27-7-29 NMSA 1978 Confidentiality of records; penalty, 5 USC, Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., health information), 45 CFR 205.50 (i.e., safeguarding information for the financial assistance programs) and Section 9-23-11 NMSA 1978 (i.e., access to information).
[1.18.630.143 NMAC - Rp, 1.18.624.49 NMAC, 12/19/2011]

1.18.630.144 CENTER FOR MEDICAID AND MEDICARE ACCOUNTABILITY REPORT:

- A. **Program:** long term services
- B. **Maintenance system:** chronological by federal fiscal year, then alphabetical by waiver type
- C. **Description:** federally mandated accountability summary report. File includes final summary report, correspondence, etc.
- D. **Retention:** seven federal fiscal years after date report created
[1.18.630.144 NMAC - Rp, 1.18.624.50 NMAC, 12/19/2011]

HISTORY OF 1.18.630 NMAC:

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

SRC Rule No. 88-07, Records Retention and Disposition Schedule for HSD, Office of Financial Management, filed 12/22/88;

SRC Rule No. 89-01, Records Retention and Disposition Schedule for HSD, Office of the Secretary, filed 5/4/89;

SRC Rule No. 89-02, Records Retention and Disposition Schedule for HSD, Medical Assistance Division, filed 5/4/89;

SRC Rule No. 89-09, Records Retention and Disposition Schedule for HSD-Child Support Enforcement Bureau, filed 8/25/89;

SRC Rule No. 90-04, Records Retention and Disposition Schedule for HSD, Office of Financial Management, filed 4/23/90;

SRC Rule No. 90-12, Records Retention and Disposition Schedule for HSD, Office of the Secretary, filed 8/31/90;
and
SRC Rule No. 90-11, Records Retention and Disposition Schedule for HSD, Office of OIG, filed 8/31/90.

History of Repealed Material:

1.18.630 NMAC, ERRDS, Human Services Department, filed 3/18/02 - Repealed effective 9/30/02.

1.18.630 NMAC, ERRDS, Human Services Department, filed 8/30/02 - Repealed effective 4/19/10.

REPEALED