

TITLE 1 GENERAL GOVERNMENT ADMINISTRATION
CHAPTER 18 EXECUTIVE RECORDS RETENTION AND DISPOSITION SCHEDULES (ERRDS)
PART 644 ERRDS, DIVISION OF VOCATIONAL REHABILITATION

1.18.644.1 ISSUING AGENCY: State Commission of Public Records - State Records Center and Archives
[1.18.644.1 NMAC - Rp, 1.18.644.1 NMAC, 01/07/2008]

1.18.644.2 SCOPE: division of vocational rehabilitation
[1.18.644.2 NMAC - Rp, 1.18.644.2 NMAC, 01/07/2008]

1.18.644.3 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.
[1.18.644.3 NMAC - Rp, 1.18.644.3 NMAC, 01/07/2008]

1.18.644.4 DURATION: permanent
[1.18.644.4 NMAC - Rp, 1.18.644.4 NMAC, 01/07/2008]

1.18.644.5 EFFECTIVE DATE: January 7, 2008 unless a later date is cited at the end of a section.
[1.18.644.5 NMAC - Rp, 1.18.644.5 NMAC, 01/07/2008]

1.18.644.6 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.
[1.18.644.6 NMAC - Rp, 1.18.644.6 NMAC, 01/07/2008]

1.18.644.7 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 state archives of the commission of public records.
- D. "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).
- E. "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.
- F. "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
- G. "Records custodian"** means the statutory head of the agency using or maintaining the records or the custodian's designee.
- H. "Records management"** means the systematic control of all records from creation or receipt through processing, distribution, maintenance and retrieval, to their ultimate disposition.
- I. "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.
- J. "Retention"** means the period of time during which records must be maintained by an organization because they are needed for operational, legal, fiscal, historical or other purposes.
[1.18.644.7 NMAC - Rp, 1.18.644.7 NMAC, 01/07/2008]

1.18.644.8 ABBREVIATIONS AND ACRONYMS:

- A. "AWARE" stands for accessible web-based activity and reporting.
- B. "CFR" stands for code of federal regulations.
- C. "DVR" stands for division of vocational rehabilitation.
- D. "IEP" stands for individualized employment plan.
- E. "IFSP" stands for individualized family service plan.
- F. "IPE" stands for individualized plan of employment.
- G. "MAD" stands for medical assistance division.
- H. "NMAC" stands for New Mexico administrative code.
- I. "NMSA" stands for New Mexico statutes annotated.
- J. "PESP" stands for post employment services plan.
- K. "RSA" stands for rehabilitation services administration.
- L. "SSA" stands for social security administration.
- M. "USC" stands for United States code.

[1.18.644.8 NMAC - N, 01/07/2008]

1.18.644.9 INSTRUCTIONS:

- A. For records of a general administrative nature, refer to the GRRDS, General Administrative Records Retention and Disposition Schedule, 1.15.2 NMAC.
- B. For records of a financial nature, refer to the GRRDS, General Financial Records Retention and Disposition Schedule, 1.15.4 NMAC.
- C. For records of a personnel nature, refer to the GRRDS, General Personnel Records Retention and Disposition Schedule, 1.15.6 NMAC.
- D. For records of a medical nature, refer to the GRRDS, General Medical Records Retention and Disposition Schedule, 1.15.8 NMAC.
- E. Retention periods shall be extended until six months after all current or pending litigation; current claims, audit exceptions or court orders involving a record have been resolved or concluded.
- F. The descriptions of file are intended to be evocative, not complete. For example, there will always be some documents that are filed in a file that are not listed in the description, and similarly, not every file will contain an example of each document listed in the description.
- G. Confidentiality is denoted for files likely to contain confidential materials, but files without a confidentiality note nonetheless may contain confidential or privileged materials, and failure to include an express confidentiality note in the description of a file does not waive the confidential or privileged nature of those materials. Some or all materials in a file may be confidential. Refer questions concerning the confidentiality of a file or portions of a file to legal counsel for the agency.
- H. Access to confidential documents and confidential files shall be only by authorization of agency, attorney general or by court order, unless otherwise provided by statute. Release of confidential documents to law enforcement and other government agencies, shall only be upon specific statutory authorization or court order.
- I. All records, papers or documents may be photographed, microfilmed, micro-photographed or reproduced on film. Such photographs, microfilm, photographic film or microphotographs shall be deemed to be an original record for all purposes, including introduction in evidence in all courts or administrative agencies (Sections 14-1-5, 14-1-6 NMSA 1978).
- J. Many paper records are being eliminated when the information has been placed on magnetic tapes, disks, or other data processing media (i.e., machine readable records). In these cases, the information on the data processing medium should be retained for the length of time specified in records retention and disposition schedules for paper records and should be subject to the same confidentiality and access restrictions as paper records. When the destruction of a record is required, all versions of said record shall be electronically over-written on machine readable media on which it is stored (or media destroyed). See also 1.13.70 NMAC: Performance Guidelines for the Legal Acceptance of Public Records Produced by Information Technology Systems.

[1.18.644.9 NMAC - Rp, 1.18.644.9 NMAC, 01/07/2008]

1.18.644.10 - 1.18.644.100 [RESERVED]

1.18.644.101 LOSS PREVENTION CONTROL FILES:

- A. **Program:** loss control

B. Maintenance system: chronological by year and month, then numerical by field area, then alphabetical by office

C. Description: records concerning accident investigations and preventative measures regarding DVR participants and personnel. File may include incident reports, investigation notes, witness statements, police reports, pictures, drawings, investigation determination reports, thirty day follow-up investigation reports, correspondence, etc.

D. Retention: 10 years after investigation closed

E. Confidentiality: Portions of this record may be confidential per Section 5 USC Section 552a (i.e., social security number) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information). [1.18.644.101 NMAC - N, 01/07/2008]

1.18.644.102 - 1.18.644.107 [RESERVED]

1.18.644.108 CASE MANAGEMENT SYSTEM (AWARE):

A. Program: case management

B. Maintenance system: numerical by primary key

C. Description: system used to manage DVR participant case files. Data may include application information (i.e., referral source, income, marital status, education status, public support, emergency contact information, etc.), eligibility information, types of services provided to participant, employment information (i.e., place of employment, immediate supervisor, position classification, salary, hire date, contact information, etc.), type of plan (i.e., IPE, IEP, IFSP, PESP, etc.), referral information, type of closure (i.e., successful, unsuccessful, other, etc.), participant financial information, case and contact notes, case summary, medical information, assessment information, vocational evaluation information, training provided to participant, staff information (i.e., name, hire date, e-mail address, date of birth, social security number, position classification, assignment type, login name, password, etc.), vendor listing, etc.

D. Data retention:

(1) **Case data:** six federal fiscal years after case closed

(2) **Staff data:** until end of federal fiscal year in which employee left agency

E. Confidentiality: Portions of data may be confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).

F. Input: All documents used as input for the *case management system (AWARE)* are filed in *participant case service files*, 1.18.644.109 NMAC, *grant files*, 1.18.644.137 NMAC and *employees personnel files*, 1.15.6.101 NMAC.

G. Output: Because the *case management system (AWARE)* is a data-based system, required, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity or filed in *participant case service files*, 1.18.644.109 NMAC, *rehabilitation services administration files (RSA-113 report)*, 1.18.644.110 NMAC, *rehabilitation services administration files (RSA-119 report)*, 1.18.644.111 NMAC and *grant files*, 1.18.644.137 NMAC. Some of these reports include *congressional districts report*, *annual vocational rehabilitation program cost report*, *on the job training materials*, *quarterly cumulative caseload report*, *case service report*, *aware benefits report*, *RSA-2 annual vocational rehabilitation program cost report*, etc.

[1.18.644.108 NMAC - Rp, 1.18.644.171 NMAC, 01/07/2008]

[The case management system (AWARE) was formally known as the rehabilitation information system for tracking and streamlining (RISTRAS).]

1.18.644.109 PARTICIPANT CASE SERVICE FILES:

A. Program: vocational rehabilitation services

B. Maintenance system:

(1) **Active cases:** numerical by case load number, then alphabetical by participant's surname

(2) **Closed cases:** chronological by federal fiscal year, then alphabetical by participant's surname

C. Description: case files containing records documenting services provided by DVR to assist participants with disabilities achieve suitable employment. Portions of these files may be input to the *case management system (AWARE)*, 1.18.644.108 NMAC. File may contain participant's brief sheet, participant's application, preliminary assessment, eligibility determination, comprehensive assessment, employment plan

development, IPE, IEP, IFSP, PESP, medical reports, psychological reports, vocational evaluations, specialist exams, situational assessments, training reports, on the job training agreements, progress reports, transcripts, social security administration documents, copy of level of care form (MAD 378), copy of individualized service plan, copy of individualized service plan budget (MAD 046), copy of letter of long term support, contact notes, referral notes, case summary, case notes, financial needs test, copies of authorizations, copies of vouchers, copies of warrant cancellations, copy of closure data page reports, correspondence, etc.

D. Retention:

- (1) **Eligible cases:** six federal fiscal years after case is closed
- (2) **Ineligible cases:** six months after eligibility determination

E. Confidentiality: Portions of record may contain confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
[1.18.644.109 NMAC - Rp, 1.18.644.102 NMAC, 01/07/2008]

1.18.644.110 REHABILITATION SERVICES ADMINISTRATION FILES (RSA-113 REPORT):

A. Program: vocational rehabilitation services

B. Maintenance system: chronological by federal fiscal year and by quarter

C. Description: reports concerning cumulative caseload statistics for DVR. File may include quarterly report (i.e., reporting period, caseload item (i.e., applicants, pre-service listing, extended evaluation, service statuses, current and next federal fiscal year projections, etc.), number of current cases, number of new cases approved, number of closed cases, number of potential cases, number of total cases, etc.), RSA-113 data corrections materials, RSA instructions and forms, correspondence, etc.

D. Retention: six federal fiscal years after report submitted

E. Confidentiality: Portions of record may contain confidential information per 5 USC Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., medical information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
[1.18.644.110 NMAC - Rp, 1.18.644.107 NMAC, 01/07/2008]

1.18.644.111 REHABILITATION SERVICES ADMINISTRATION FILES (RSA-911 REPORT):

A. Program: vocational rehabilitation services

B. Maintenance system: chronological by federal fiscal year

C. Description: reports concerning case service statistics for DVR. File may include RSA annual report (i.e., social security number, status date, date of birth, race and ethnicity, level of education, application and closure, living arrangement at application, primary and secondary disabilities, employment status, hours worked and wages at application and closure, public support receipt information, medical insurance coverage information, services provided and cost information, reason for closure, veteran status, special program status, etc.), transmittal letter, error logs, anomaly logs, RSA-911 instructions, RSA-911 data corrections materials, correspondence, etc.

D. Retention: six federal fiscal years after report submitted

E. Confidentiality: Portions of record may contain confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
[1.18.644.111 NMAC - Rp, 1.18.644.111 NMAC, 01/07/2008]

1.18.644.112 REHABILITATION SERVICES ADMINISTRATION FILES (RSA-722 REPORT):

A. Program: legal

B. Maintenance system: chronological by federal fiscal year

C. Description: annual reports concerning the resolution of applicant and participant appeals.

Report may contain total number of appeals filed with fair hearing officer, total number of decisions reviewed by DVR director, number of appeals resolved during the year, number of reviews conducted during the year, number of reviews still unresolved, description of procedures for review, correspondence, etc.

D. Retention: six federal fiscal years after report submitted

[1.18.644.112 NMAC - Rp, 1.18.644.110 NMAC, 01/07/2008]

1.18.644.113 - 1.18.644.118 [RESERVED]

1.18.644.119 PSYCHOLOGIST EVALUATION FILES:

- A. Program:** psychological services
 - B. Maintenance system:** chronological by federal fiscal year and month, then alphabetical by participant's surname
 - C. Description:** the psychological evaluation of a participant to determine eligibility for vocational rehabilitation services. File may include counselor case notes, participant's history notes, psychologist's history determination report, tests, test scores, copy of medical records, consultation form, copy of psychologist diagnostic determination report, correspondence, etc.
 - D. Retention:** five federal fiscal years after diagnostic determination report submitted
 - E. Confidentiality:** Portions of record may contain confidential information per 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information), Section 14-6-1 NMSA 1978 (i.e., medical information) and Health Insurance Portability and Accountability Act of 1996 Public Law 104-191 104th Congress (i.e., health information).
- [1.18.644.119 NMAC - N, 01/07/2008]

1.18.644.120 - 1.18.644.125 [RESERVED]

1.18.644.126 DISABILITY DETERMINATION FOR MEDICAID FILES:

- A. Program:** disability determination
 - B. Maintenance system:** chronological by determination date, then numerical by medicaid category number
 - C. Description:** records concerning the determination of a participant's disability for medicaid services. File may include copy of disability determination services referral (*MAD 299*), copy of medical records, copy of approval or denial summary for medicaid services, case notes, medical release form (*MAD 093*), printouts from both social security beneficiary data exchange system (*BENDEX*) and state data exchange system (*SDX*), correspondence, etc.
 - D. Retention:** one year after eligibility determination
 - E. Confidentiality:** Portions of record may contain confidential information per 5 USC Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., medical information) and Health Insurance Portability and Accountability Act of 1996 Public Law 104-191 104th Congress (i.e., health information).
- [1.18.644.126 NMAC - N, 01/07/2008]

1.18.644.127 SOCIAL SECURITY REIMBURSEMENT CLAIM FILES:

- A. Program:** vocational services reimbursement
 - B. Maintenance system:** chronological by state fiscal year, then alphabetical by client's surname
 - C. Description:** records concerning reimbursement claims filed by DVR with SSA for services rendered to participants who have earned substantial gainful activity and who receive supplemental security income or social security disability insurance. File may include a copy of the vocational rehabilitation provider claim form (*form SSA-199*), social security administration notice of determination for vocational rehabilitation claim, correspondence, etc.
 - D. Retention:** three state fiscal years after payment occurred
 - E. Confidentiality:** Portions of record may contain confidential information per 5 USC Section 552a (i.e., social security number), Section 14-6-1 NMSA 1978 (i.e., medical information) and Health Insurance Portability and Accountability Act of 1996 Public Law 104-191 104th Congress (i.e., health information).
- [1.18.644.127 NMAC - N, 01/07/2008]

1.18.644.128 TICKET TO WORK FILES:

- A. Program:** vocational services reimbursement
- B. Maintenance system:** alphabetical by participant's surname
- C. Description:** records concerning a participant's request and ticket assignment through SSA for DVR services. File may include state agency ticket assignment form (*form SSA-1365*), letter confirmation of ticket or no ticket assignment, fax confirmation of ticket or no ticket assignment, copy of IPE, copy of IEP, copy of IFSP, copy of PESP, correspondence, etc.
- D. Retention:** one year after ticket taken out of assignment

E. Confidentiality: Portions of record may contain confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
[1.18.644.128 NMAC - N, 01/07/2008]

1.18.644.129 SOCIAL SECURITY ADMINISTRATION DEPOSIT FOLDERS:

- A. Program:** vocational services reimbursement
- B. Maintenance system:** chronological by state fiscal year, then by date
- C. Description:** records concerning SSA approval or denial of reimbursement to DVR for services rendered to supplemental security income and social security disability insurance participants. File may include wire transfer summary (i.e., list of all claims reviewed, approved claims, denied claims, vocational rehabilitation payment action sheet, etc.) from social security administration, validation form, correspondence, etc.
- D. Retention:** three state fiscal years after reimbursement was made or denied
- E. Confidentiality:** Portions of this record may be confidential per 5 USC 552a (i.e., social security number) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
[1.18.644.129 NMAC - N, 01/07/2008]

1.18.644.130 - 1.18.644.135 [RESERVED]

1.18.644.136 GRANT SYSTEMS:

- A. Program:** grant functions and tracking
- B. Maintenance system:** numerical by primary key
- C. Description:** systems maintain, monitor, and track data on participants served under federal and state grants. System tracks authorized grant expenditures and information on services provided to participants. Data may include participant information, employment information, services provided, case notes, case status, equipment donor information, financial information, etc.
- D. Data retention:** six federal fiscal years after final grant expenditure report approved
- E. Confidentiality:** Portions of data may be confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).
- F. Input:** All documents used as input for the *grant systems* are filed in *participant case service files*, 1.18.644.109 NMAC and *grant files*, 1.18.644.137 NMAC.
- G. Output:** Because *grant systems* are data-based systems, required, ad hoc and regularly scheduled reports may be generated upon request or demand. When produced, these reports are forwarded to the requesting entity or filed in *participant case service files*, 1.18.644.109 NMAC, *rehabilitation services administration files (RSA-113 report)*, 1.18.644.110 NMAC, *rehabilitation services administration files (RSA-911 report)*, 1.18.644.111 NMAC and *grant files*, 1.18.644.137 NMAC. Some of these reports include *information and assistance report*, *geographic distribution and number of individuals served*, *number of loans by loan type*, *action required report*, *on the job training and close out report*, *accident insurance participants year end report*, *employment outcome report*, *employer report*, *referral tracking report*, *work experience report*, *motivational workshop report*, *abilities report*, etc.
[1.18.644.136 NMAC - Rp, 1.18.644.214 & 1.18.644.215 NMAC, 01/07/2008]

1.18.644.137 GRANT FILES:

- A. Program:** grant functions and tracking
- B. Maintenance system:** chronological by grant period, then alphabetical by name of program or grant
- C. Description:** records concerning DVR grants funded by federal and state governments. Portions of these records may be input to the *case management system (AWARE)*, 1.18.644.108 NMAC and *grant systems*, 1.18.644.136 NMAC. These files contain administrative and participant sections. The administrative section may contain requirements of grant and program procedures, grant award, stipulations for financial expenditures, reimbursement documentation, budget logs, financial status report section 110 (federal form 269), social security administration 4513 federal report, RSA-2 report (rehabilitation services administration form OMB 1820-0017), audit reports, contract information, contractor information, evaluator information, grant tracking binders,

correspondence, etc. Participant case files may include intake form, needs assessment form, copy of IPE, copy of IEP, copy of IFSP, copy of PESP, job application copies, referral, release of information forms, case notes, correspondence, etc.

D. Retention: six federal fiscal years after grant closed

E. Confidentiality: Portions of data may be confidential information per 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 104th Congress (i.e., health information) and 34 CFR, Section 361.38 (i.e., protection, use, and release of personal information).

[1.18.644.137 NMAC - Rp, 1.18.644.101, 144, 147, 149, 173, & 198 NMAC, 01/07/2008]

[Grant programs may include navigators, New Mexico technology assistance program (NMTAP), New Mexico reutilization and acquisition model program (NMRAM), project succeed, working disabled individuals (WDI), New Mexico infrastructure comprehensive initiative for employment (NMICIE), project medico, abilities, project win, New Mexico work incentives planning (NMWIP), leveraged integrated systems of consumer support (LINCS), migrant assistance program (MAP), mentoring diverse abilities, careers, reasonable accommodation intervention for successful employment program (RAISE), whatever it takes (WIT), transition to registered apprenticeships, careers and employment (TRACE), etc.]

HISTORY OF 1.18.664 NMAC:

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

SRC Rule 71-3, Records Retention and Disposal Schedule for Health and Social Services Department, Social and Rehabilitation Services Division, 4-5-71.

SRC Rule 76-6, Records Retention and Disposal Schedule for Vocational Rehabilitation, 5-5-76.

SRC Rule 76-10, Records Retention and Disposal Schedule for Health and Social Services Department, Social Services Agency, 11-15-76.

SRC Rule No. 83-14, Records Retention and Disposition Schedule for Department of Education, Division of Vocational Rehabilitation, 4-29-83.

SRC Rule No. 90-05, Records Retention and Disposition Schedule for Human Services Department, Social Services Division, 4-23-90.

History of Repealed Material:

1.18.644 NMAC ERRDS, Division of Vocational Rehabilitation, filed 12/7/2001, repealed 01/07/2008.