

Schedule 150-3-8

**DEPARTMENT OF
HEALTH AND
HUMAN SERVICES**

LEGAL SERVICES

July 6, 2011

Nebraska Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508
(402) 471-2559

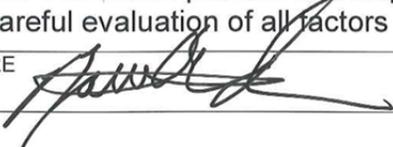
**REQUEST FOR APPROVAL
OF RECORDS RETENTION
AND DISPOSITION SCHEDULE**

SCHEDULE	150-3-8
AGENCY, BOARD OR COMMISSION	DEPARTMENT OF HEALTH AND HUMAN SERVICES
DIVISION, BUREAU OR OTHER UNIT	LEGAL SERVICES
Supersedes Schedule 150-3-8, Edition of June 19, 2007; Schedule 150-2-4, Edition of September 15, 2004; Schedule 150-2-1 Edition of September 1, 2006, items 150-2-1-11-1 through 150-2-1-11-3 and item 150-2-1-2-9	

**TO: STATE RECORDS ADMINISTRATOR
STATE OF NEBRASKA**

PART I – AGENCY STATEMENT:

In accordance with Section 84-1212.01, R.R.S. 1943, approval of the attached records retention and disposition schedule by the State Records Administrator is hereby requested. Retention periods and dispositions have been recommended by this agency after a careful evaluation of all factors listed in Section 84-1212.01, R.R.S. 1943.

SIGNATURE 	
TITLE	DATE
CHIEF OPERATING OFFICER	6-24-11

PART II – APPROVAL OF STATE ARCHIVES:

The attached schedule has been analyzed, all archival and historical material has been properly identified, no disposition except by transfer to the State Archives has been recommended for such material, and this schedule is approved as submitted.

SIGNATURE 	DATE
	6-29-2011

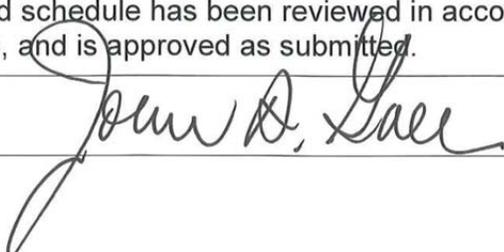
PART III – APPROVAL OF AUDITOR OF PUBLIC ACCOUNTS:

The attached schedule has been reviewed, all audit material has been properly identified, and this schedule is approved as submitted.

SIGNATURE 	DATE
	6/29/11

PART IV – APPROVAL OF STATE RECORDS ADMINISTRATOR:

The attached schedule has been reviewed in accordance with Section 84-1212.01, R.R.S. 1943, and is approved as submitted.

SIGNATURE 	DATE
	7/6/11

INSTRUCTIONS FOR USING THIS SCHEDULE

Records retention and disposition schedules are designed to serve as your records management guideline for storing and disposing of agency records, **regardless of the media on which they reside**, including paper, microfilm, diskettes, optical disks, CDs, DVDs, servers, computer hard drives, etc. This schedule was written specifically for records unique to your office and the State Agencies General Records Schedule #124 contains those records common to most state government agencies. These retention schedules, which are approved by the State Records Administrator, provide your only ongoing authority to dispose of records. Listed below are some basic procedures to follow when applying your schedule.

DISPOSING OF RECORDS

1. Check your schedules to see what the retention period is. Note: Your agency's unique schedule will take precedence over State Agencies General Records Schedule #124 for any items which have differences in retention requirements.
2. Dispose of records that have met their retention periods.
3. For records requiring a review of, or transfer to the **NE State Historical Society (State Archives)**, your agency is required to contact the State Archives to negotiate the transfer. Additionally, **once the records are accessioned into their collection, they become the property of the State Archives**. The State Archives may remove selected records in accordance with standard archival practices to ensure efficient access, organization and enduring historical value (Nebr. Rev. Stat. §82-107). Please contact their office by calling (402) 471-4783. Refer to Neb. Rev. Stat. §82-105.
4. Complete a Records Disposition Report for the records you dispose. The Records Disposition Report form is the 2nd to the last page of this schedule. Remove the form, photocopy it, complete the form, make a photocopy for your records, and send the completed form to the Records Management Division at the address below. If you wish, you may receive this form electronically by contacting the Records Management Division. This report establishes that the destruction was performed in your normal course of business.

Please remember to retain the blank form for future use.

NON-SCHEDULED RECORDS

Contact a Records Management Specialist in Records Management to see whether the records will fit under an item already on the schedule. If they do not, they must be retained until they are added to the next revision of your schedule.

SCHEDULE UPDATE

It is the responsibility of each agency to periodically update their schedule. A Records Management Specialist in Records Management can assist you with the schedule update, which may involve adding new records series and making revisions to existing items. Keeping your schedule current will ensure you have the ongoing authority to discard records when their useful life has ended.

QUESTIONS

If you have any questions about these procedures, please contact your agency Records Officer or your Records Management Specialist in Records Management. We will help you with any questions the schedule may present, including: transferring records to the State Records Center or microfilming records, scanning records, etc.

**Records Management Division
440 South 8th Street, Suite 210
Lincoln, NE 68508-2294
402-471-2559**

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SCHEDULE 150-3-8 – DEPARTMENT OF HEALTH AND HUMAN SERVICES – LEGAL SERVICES

150-3-8-7 BOARD OF HEALTH

150-3-8-7-1 SCHEDULE OF HEARINGS LOGBOOK (OBSOLETE 2008)

Dispose of after 5 years.

150-3-8-1 CASE FILES

150-3-8-1-1 CASE FILES—CASES BEFORE THE DEPARTMENT, CASE FILES—COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, CASE FILES—COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF

A. Confidential case files relating to investigations, proposed actions, or actions brought by or filed before the Department such as actions to deny or discipline a license, permit, certificate or other form of approval of individuals or entities or to challenge actions brought, actions relating to contract or grant issues; actions to obtain Department review of a decision by others; actions to obtain a declaratory ruling by the Department or to adopt, amend or repeal Department regulations. Files may contain such things as: attorney work product, legal opinions and other attorney-client communications; copies of Department investigative files; correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda, notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents; briefs or memoranda; drafts or copies of settlement document of proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.

B. Confidential case files of court actions by or against the agency or its representatives or employees, or actions brought before another agency such as NEOC, EEOC, actions before State Personnel Board, etc. Files may contain: attorney work products; attorney-client communications between Department counsel and Department staff and/or between Department and Attorney General staff; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters of memoranda; copies or drafts of pleadings and other documents filed in court; copies or drafts of briefs or legal memoranda; copies of depositions or copies or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations, or other research or reference materials.

C. Confidential case files of court actions or actions before other agencies such as NEOC, EEOC, State Personnel, State Claims Boards, guardianship proceedings, etc., in which representation is handled by Department legal staff. Files may contain: attorney work product; attorney-client communications; correspondence; notes; interoffice memoranda; intra-division; memoranda; notes of telephone calls or meetings; transmittal letters or memos; copies or drafts of pleadings or other documents filed; copies or drafts of briefs or legal memoranda; copies of depositions or drafts of other discovery documents, copies of Department file materials relevant to the case; copies of cases, statutes; regulations or other research or reference materials.

Dispose of after 10 years. (For purposes of this section, “final disposition” means that either time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted.)

150-3-8-2 DISASTER RECOVERY BACK-UPS FOR ELECTRONIC RECORDS

Back-up tapes or other storage media are only to be used for system restoration in the event of a disaster. Disaster recovery back-ups are never to be used or considered for records access, archiving or management purposes. Tapes will be maintained and then overwritten or destroyed following these rotations:

ALL OTHER ELECTRONIC RECORDS:

DAILY (M-F): Dispose of after 1 week.

WEEKLY (SUNDAY): Dispose of after 3 weeks.

MONTHLY: Dispose of after 1 year.

150-3-8-3 GENERAL LEGAL SERVICE FILES

150-3-8-3-1 ADVICE FILES, REGULATION FILES, LEGISLATION FILES

A. Files of opinions or advice by agency attorneys or Attorney General concerning state or federal statutes, regulations, cases, policies and, procedures or other matters pertinent to Department programs and operation, and supporting documents and information, including such things as attorney work product, attorney-client communications; notes; letters or copies of letters; records of telephone calls or meetings; written statements of facts; copies of relevant cases, statutes or regulations; interoffice memoranda; and copies of Attorney General official or unofficial opinions or letters. May also include copies of investigative materials or reports or other confidential Department records.

B. Files of legal services provided for adoption of regulations. Files may contain copies of opinions of or advice by Department or Attorney General legal staff and other attorney-client communications; correspondence; notes; drafts or regulations; drafts and copies of adoption documents, such as copies of notices of public hearing, transmittal letters to and from the Attorney General, Secretary of State and Governor, impact memoranda to the Governor, certificates of adoption, proofs of publication; copies of exhibits for public hearings; copies of public hearing transcripts; regulation status forms; extra copies of agenda or meeting minutes of boards or advisory bodies; notes of telephone conference or meetings; copies of cases, statutes, regulations or other research or reference materials used in drafting of rules and regulations.

C. Files on legal services provided in developing Department legislation and reviewing non-Department proposed legislation, including such things as: concept papers; bill outlines and questionnaires; drafts and copies of bills; bill proposal and review forms; copies of fiscal notes, intra-agency transmittal/routing slips; intra-division and intra-agency memoranda; legal opinions and other attorney-client communications; bill summaries; notes of telephone calls or meetings; copies of cases, statutes, regulations and other research or reference materials; correspondence or copies of correspondence; and copies of administrative directives or policies.

Dispose of after 10 years on which opinion/advice was given, subject to review by the State Archives for possible accession.

150-3-8-4 PROTECTION & SAFETY CASE FILES

150-3-8-4-1 PROTECTION AND SAFETY CASE FILES—CASES BEFORE THE DEPARTMENT, PROTECTION AND SAFETY CASE FILES—COURT OR OTHER ACTIONS HANDLED BY ATTORNEY GENERAL OR OTHER COUNSEL, PROTECTION AND SAFETY CASE FILES—COURT OR OTHER ACTIONS HANDLED BY DEPARTMENT LEGAL STAFF

A. Confidential case files relating to investigations, proposed actions, or actions brought by or filed before the Department such as actions to deny or discipline a license, permit, certificate or other form of approval of individuals or entities or to challenge actions brought: actions relating to contract or grant issues; actions to obtain Department review of a decision by others; actions to obtain a declaratory ruling by the Department or to adopt, amend or repeal Department regulations. Files may contain such things as: attorney work product, legal opinions and other attorney-client communications, copies of Department investigative files, correspondence or copies of correspondence; notes; transmittal letters or memoranda; interdivision memoranda; research memoranda; notes of telephone calls or meetings; copies of notices, pleadings, orders, and other documents filed in the case; copies of exhibits, exhibit lists, witness lists; copies of depositions and other discovery documents, briefs or memoranda; drafts or copies of settlement document or proposed settlements; drafts and/or copies of final decisions; drafts and/or copies of post-hearing pleadings or appeal filings.

B. Confidential case files of court actions by or against the agency or its representatives or employees, or actions brought before another agency such as NEOC, EEOC, actions before State Personnel Board, etc. Files may contain: attorney work products; attorney-client communication between Department counsel and Department staff and/or between Department and Attorney General staff; correspondence; notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters of memoranda; copies of drafts of pleadings and other documents filed in court; copies of drafts of briefs or legal memoranda; copies of depositions or copies or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations or other research or reference materials.

C. Confidential case files of court actions or actions before other agencies such as NEOC, EEOC; State Personnel, State Claims Board, guardianship, proceedings, etc., in which representation is handled by Department legal staff. Files may contain: attorney work product; attorney-client communications; correspondence, notes; interoffice memoranda; intra-division memoranda; notes of telephone calls or meetings; transmittal letters or memos; copies or drafts of pleadings or other documents filed; copies of drafts of briefs or legal memoranda; copies of depositions or drafts of other discovery documents; copies of Department file materials relevant to the case; copies of cases, statutes, regulations or other research or reference materials.

Dispose of after 20 years. (For purposes of this section, “final disposition” means that either time for appeal from a Department decision has expired without appeal, or all court actions regarding the file have been concluded and appeal rights exhausted.)

150-3-8-5 REGULATORY FILES

150-3-8-5-1 ACTION TRANSMITTALS & INFORMATION MEMORANDUMS (OBSOLETE 1998)

Immediately dispose of obsolete records.

150-3-8-5-2 CLOSED REGULATION DEVELOPMENT WORKING FILES (FORMERLY REGULATION DEVELOPMENT FILES (CLOSED FILES))

These are the official regulation and rulemaking records for DHHS under the APA (Administrative Procedure Act, Neb. Rev. Stat. §§ 84-901 to 84-920), which requires these records to be kept for at least four years after the effective date of the regulation. Working files are considered closed when the final docket is filed with the Secretary of State. Each closed working file contains:

1. Regulation Development Request with the division director's signed approval attached;
2. Pre-hearing policy review checklist and all attachments;
3. Governor's Policy Research Office approval of the checklist;
4. Filed and Secretary of State-stamped copies of the notice, initial docket, and hearing draft;
5. Draft fiscal impact statement;
6. Copies of letters to the Secretary of State and Legislative Council;
7. Original affidavit/proof of publication of notice of public hearing;
8. Public hearing sign-in sheet and attendance sheet (if applicable);
9. Hearing officer introductory statement;
10. Copies of all written, faxed, or e-mailed comments, with any 2007 and later recorded public hearing comments filed electronically and the file location noted (pre-2007 tapes filed separately);
11. Final fiscal impact statement;
12. Explanatory statement;
13. Copy of the Attorney General's approval and/or correspondence;
14. Final agency checklist;
15. Filed and stamped copies of the final regulation, including certificate(s) of adoption;
16. Coordinator's notes and relevant substantive correspondence; and
17. Final docket;
18. Notice of termination if applicable.

ORIGINAL RECORD: Scan to network and CD, dispose of after 30 days.

ELECTRONIC RECORD: Dispose of after 5 years.

CD COPY: Transfer to off-site location and dispose of after 5 years.

150-3-8-5-3 MANUAL UPDATE LETTER FILES (FORMERLY MANUAL LETTERS)

Manual Letters provide notice that regulations in the Program Manuals System have been revised (NAC Titles 390-406 and 463-482). The Manuals System originated in the former Department of Public Welfare. It now includes manual regulations for programs housed in the DHHS Divisions of Children & Family Services and Medicaid & Long-Term Care. Each Manual Update Letter file contains:

1. Manual Cover Letter, signed by the agency director, listing the highlights of the revisions and the pages that are being added or replaced;
2. New pages; and
3. Old (replaced) pages.

ORIGINAL RECORD: Scan to network and CD, dispose of after 30 days.

ELECTRONIC RECORD: Dispose of after 15 years after effective date of Manual Letter.

CD COPY: Transfer to off-site location and dispose of 15 years after effective date of Manual Letter.

**150-3-8-5-4 PROGRAM POLICY MEMOS AND MANUAL BULLETINS
(FORMERLY ADMINISTRATION MEMORANDUMS, PROGRAM
POLICY MEMORANDUMS AND MANUAL BULLETINS)**

Transmittals to staff on policy interpretations and emergency changes to regulations in the Program Manuals System.

ORIGINAL RECORD: Scan to network and CD, dispose of after 30 days.

ELECTRONIC RECORD: Dispose of after 15 years after effective date of transmittal.

CD COPY: Transfer to off-site location and dispose of 15 years after effective date of transmittal.

150-3-8-5-5 PUBLIC HEARING AUDIO/VIDEO TAPES (OBSOLETE 2007)

Recordings of comments given at public hearings.

Dispose of tapes 5 years after the hearing date.

150-3-8-5-6 PUBLIC HEARING FILES (OBSOLETE 2001)

Immediately dispose of obsolete records.

**150-3-8-5-7 STATE PLANS AND STATE PLAN AMENDMENTS (OBSOLETE
1993)**

Immediately dispose of obsolete records, subject to review by the State Archives for possible accession.

**150-3-8-6 DISCIPLINARY ACTION AND APPEALS—CASES
FOR DISCIPLINE AND CASES APPEALED ARE
INCLUSIVE FOR EACH ACTION**

**150-3-8-6-1 ADMINISTRATIVE LAW JUDGES CONTRACTS (OBSOLETE
2008)**

Dispose of after 5 years.

150-3-8-6-2 FINAL ORDERS (BOOKS) (OBSOLETE 2008)

Immediately dispose of obsolete records.

150-3-8-6-3 HEARING SCHEDULES (OBSOLETE 2008)

Immediately dispose of obsolete records.

OBSOLETE RECORDS

40-1-4-6 SOCIAL SERVICES PAYMENT FRAUD INVESTIGATIVE FILES
Immediately dispose of obsolete records.

DELETED RECORDS

35-15-3-6 ACTIVITY REPORTS
35-15-6-5 ADDRESS AND/OR TELEPHONE FILES
35-15-3-5 AGENCY COUNSEL REPORTS
40-1-4-7 ATS – APPEAL TRACKING SYSTEM
35-15-4-3 BUDGET FILES
40-1-4-3 COLLECTIONS SYSTEM (COMPUTER)
35-15-3-2 COMPUTER DATA ENTRY SHEETS

35-15-3-3	COMPUTER STATUS REPORTS
35-15-3-4	COMPUTER TAPES, DISKS AND DISKETTES
35-15-4-2	CONTRACTS
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35-15-6-6	ITINERARY RECORDS
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35-15-6-3	LEGISLATIVE LIAISON FILES
35-15-3-1	LOG SHEETS
35-15-3-7	MANUALS
35-15-8	NON-RECORD MATERIAL
35-15-4-4	OBLIGATIONS AND DISBURSEMENTS
40-1-4-5	PATERNITY RELATED CLAIM FORMS
35-15-5-2	PERSONNEL FILES
35-15-6-4	RECORDS MANAGEMENT FILES
40-1-4-6	SOCIAL SERVICES PAYMENT FRAUD INVESTIGATIVE FILES
35-15-5-1	STAFF MEETING FILES
35-15-4-1	TIME SHEETS AND TIME REPORTS

NOTE

1. These records may be disposed of after the required retention period provided the audit of the Comprehensive Annual Financial Report (CAFR) is complete and any required federal audit is complete, and all related audit comments have been resolved. Check with the organization that performed the audit, either the Auditor of Public Accounts or the federal cognizant agency, if there is a question whether resolution is complete.

RECORDS DISPOSITION REPORT

TO: SECRETARY OF STATE RECORDS MANAGEMENT DIVISION 440 S. 8TH STREET SUITE 210 LINCOLN, NE 68508-2294	AGENCY
	DIVISION
	SUB-DIVISION

REQUIRED INFORMATION:

In accordance with the Records Management Act, records of this agency have been disposed of under the authorization granted by the following schedule(s):

SCHEDULE NUMBER(S) ONLY (DO NOT INCLUDE SECTION AND ITEM NUMBERS)	TOTAL VOLUME DISPOSED (SEE REVERSE)

OPTIONAL INFORMATION (FOR YOUR USE ONLY):

You may include detailed information which will be useful to you in recording exactly what records were disposed of and under what authority. This might include such things as schedule section and item numbers, title of records, inclusive dates of records, etc. This information is not required to be filed with Records Management.

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DATE	SIGNATURE
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SEND ORIGINAL TO RECORDS MANAGEMENT. MAKE A PHOTOCOPY FOR YOUR RECORDS.

RMA 03006D

VOLUME ESTIMATING GUIDE

(PLEASE NOTE THAT FOR REPORTING PURPOSES, A BALLPARK ESTIMATE OF THE TOTAL VOLUME OF MATERIAL DISPOSED IS ADEQUATE.)

Container	Cubic Feet	Weight (lbs)	Sheets of Paper (8.5" x 11")	Electronic Data Equivalent
			1	20 Kb
			52	1 Mb (1024 Kb)
			53,687	1 Gb (1024 Mb)
N/A	N/A	2,204 lbs (1 metric ton)	220,000	4.1 Gb
Records center carton	1 Cu. Foot	16.66 lbs	1,667	32 Mb
Vertical File Cabinet, 4 drawer letter-size	6 Cu. Feet	100 lbs	10,000	190 Mb
Vertical File Cabinet, 4 drawer legal-size	8 Cu. Feet	133.3 lbs	13,333	254 Mb
About a pickup load	50 Cu. Feet	7,500 lbs	748,638	14 Gb