Wood County Board of Developmental Disabilities

PROCEDURE

Procedure #:

02-ALL-ALL-0585 (AD)

Subject:

Records Retention.

Effective Date:

04.04.00

Last Revision:

Storage and Destruction

Person Responsible:

01-01-00

Las

04/16/2021

Approvals/Date:

Superintendent, WCBDD

Department Director

Date

The following definitions will apply:

Designated Record Set - A group of records maintained by or for a covered entity that is:

Human Resources Coordinator

- The medical records and billing records about individuals maintained by or for a covered health care provider;
- The enrollment, payment, claims adjudication, and case or medical management record systems maintained by or for a health plan; or
- Used, in whole or in part, by or for the covered entity to make decisions about individuals.

For purposes of this definition, the term record means any item, collection, or grouping of information that includes protected health information and is maintained, collected, used, or disseminated by or for a covered entity.

<u>HIPAA</u> – The Health Insurance Portability and Accountability Act of 1996, codified in 42 USC §§ 1320-1320d-9 and at 42 CFR Parts 160, 162 and 164. In common terms, this includes the HIPAA Enforcement Rule, Transactions Rule, Privacy Rule, Breach Notification Rule and Security Rule.

<u>ODDD</u> – Ohio Department of Developmental Disabilities

- 1. Departments will establish a Records Retention Schedule to include all documents they create or receive. The schedule will be processed for approval through the County Records Commission, using forms RC-2.
- 2. Review for updates to the schedule will be annually in December.
- 3. Departments will follow the approved schedule for regular purging to storage or destruction, as per governing Rules and Regulations, including ODDD Prior to the destruction of individual's record information, written permission will be obtained from the individual, or guardian/parent, if applicable.
- 4. Paper and electronic records must be stored prior to July 15, 2019 in the appropriate document filing system. After July 15, 2019 records must be stored electronically and saved in the appropriate document filing system. Paper records may be kept in departments required to maintain paper-based documents. Electronic will be accepted as the original record if it is the only form.
- 5. Documentation mandated by HIPAA shall be maintained for a minimum of 6 years.
 - A) HIPAA required designations, including description of records in Designated Record Set, the names of staff responsible for duties of Privacy Officer, receiving HIPAA complaints, providing access to consumer records, receiving requests for amendment of consumer records, answering questions about HIPAA policies and procedures and HIPAA Security Officer.
 - B) Any version of HIPAA Notice of Privacy Practices in effect during the last 6 years.
 - C) Any restrictions on use or disclosure of PHI agreed to by the WCBDD.
 - D) The Service Record of individuals served, including billing records, disclosures pursuant to an authorization, authorizations for disclosure, and information necessary for an account of disclosures.
 - E) All complaints received, and their disposition, if any.
 - F) Any employee sanctions that are applied as a result of non-compliance with HIPAA-mandated policies.
 - G) Policy and Procedure Audit Trail any previous version of policies in effect during the past 6 years.
 - H) Records of employee training regarding HIPAA policies and procedures.
 - 1) Documentation prepared or any Security Incidents and Breaches.
- 6. Email archiving: Emails shall be retained for 5 years; older emails shall be purged unless they are the subject of a legal process.
- 7. The HIPAA Privacy Officer shall insure that any computer software utilized maintains the necessary history.
- 8. Destruction of records will follow the outlines by the Ohio Historical Society with use of the Certificate of Disposal form RC-3 or form RC-1 if applicable, and wait 15 days after sending this notification to the County Record Commission. Method of destruction will be shredding by department staff after approval.

References:

42 CFR Parts 160, 162, 164 42 USC §§ 1320-1320d-9 ORC 149.38 to 149.42

Forms:

Ohio Historical Society Forms RC-1 and RC-3

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