

**DEPARTMENT OF HEALTH SERVICES
DIVISION OF HEALTH CARE ACCESS AND
ACCOUNTABILITY
ADMINISTRATOR'S MEMO SERIES**

NOTICE: 08-02

DATE: November 18, 2008

DISPOSAL DATE: Ongoing

**RE: Record Retention and
the Electronic Case File**

To: County Departments of Human Services Directors
County Departments of Social Services Directors
Tribal Chairpersons/Human Services Facilitators
Tribal Economic Support Directors

From: Jason Helgerson
Administrator
Division of Health Care Access and Accountability

PURPOSE

This Administrator's Memo serves to clarify the document retention policy for all county/tribal Income Maintenance (IM) agencies.

BACKGROUND

BWI Operations Memo 99-37 detailed the policy for retaining paper IM case records. Various federal and state laws and regulations determine the policies for document retention and destruction of case files. State statutes take precedence over any departmental or agency policies. With the advent of the Electronic Case File (ECF) and other scanning projects in individual agencies, the basic policies have not changed.

Paper Case Records Retention Policy

Agencies must retain paper case documents for three years after the case closes if the documents are not scanned. However, paper case documents must be retained for longer than three years if any litigation, claim, or audit is unresolved. In these cases, do not purge the case until three years from when the issue(s) have been resolved. The terms "litigation," "claim," and "audit" include but are not limited to lawsuits, fair hearings, Intentional Program Violation (IPV) claims, federal or state Quality Control (QC) audits, Legislative Audit Bureau (LAB) audits, etc.

On occasion, Disability Determination Bureau (DDB) documents in the red folder may belong to a CARES case that has been closed for three or more years, but still open at the DDB. Do not purge or destroy the red DDB folder documents unless the documents have been scanned. DDB staff may ask for the documents for a DDB review at a later date, even if the CARES/CWW case has been closed for three or more years.

Electronic Case File (ECF) and Retention Policy

Digital versions of case records are as valid as paper copies. Agencies are not required to retain paper copies if the document has been scanned in the ECF or another scanning system. However, agencies may retain paper documents as long as they want. There is no mandate to purge paper documents after a certain period of time. Administrators Memo 07-02 mandated that all new IM case documents must be scanned within 30 days after receipt.

Documents scanned and stored in the ECF are backed up regularly and stored offsite. Documents stored in the ECF may be printed or copied digitally if necessary. However, there is no need to print or scan CARES screens or data exchange information.

At some point, documents will be purged based on storage space, case closure dates, and other considerations. However, documents in the ECF will not be purged until at least the minimum document retention time period has lapsed.

All paper documents received by an agency must have the received date on the face or first page of each document. If you do not have a date stamp, write out the date the document was received on the front of the document prior to scanning.

Paper documents that are scanned and stored in the ECF may be destroyed at any time. This includes copies of birth certificates, Social Security cards, marriage certificates, etc. Original documents must be returned to the owner. If your agency is unable to return original documents (such as check stubs, birth certificates, or SSN cards) to recipients, do not destroy the originals. Keep them in the paper case folder until they can be returned. Otherwise, store them with other discontinued records in your agency. Documents that are turned in and are not expected to be returned (i.e. photocopies) can be destroyed after scanning in the ECF.

After scanning, DHS recommends storing the paper documents for at least a week in case a scanner operator error is discovered. If that happens, the document should be rescanned. Note that some documents are restricted and can only be viewed by the immediate caseworker and his/her supervisor. So, if documents appear to be missing, check to make sure the case is not restricted and the documents not visible before rescanning.

Many CARES cases open and close several times. For documents that have not been scanned, apply the three-year retention rule to each eligibility period.

Example: Case A received FoodShare from January 1, 2003 to March 31, 2003. Later, Case A received FoodShare from August 1, 2005 to October 31, 2005. None of the documents were scanned in the ECF. Since three years has passed from the first eligibility period, those documents **may** be destroyed, but are not required to be destroyed. Documents from the second eligibility period **must not be destroyed** since three years have not passed since the case closed.

Permanent verification items such as Social Security cards, marriage, death, and birth certificates should have been brought forward to the new case file and thus, should not be destroyed. If at any time these case files are scanned, they may be destroyed and any originals must be returned to the owner.

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