

**STATE OF VERMONT SPECIFIC RECORD SCHEDULE**

**Issued to: Vermont State Hospital**

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Vermont State Archives and Records Administration

Vermont Office of the Secretary of State

[www.vermont-archives.org/records/schedules](http://www.vermont-archives.org/records/schedules)

**AGENCY SPECIFIC RECORD SCHEDULE FOR: Vermont State Hospital**

- Authority:** A custodian of public records shall not destroy, give away, sell, discard, or damage any record or records in his or her charge, unless specifically authorized by law or under a record schedule approved by the state archivist pursuant to subdivision 117(a)(5) of Title 3. (1 V.S.A. § 317a)
- Scope:** This agency specific record schedule is applicable only to the records listed on this record schedule that are produced or acquired during the course of agency business. Records are any written or recorded information, regardless of physical form or characteristics, and includes electronic or digital records and data. (1 V.S.A. § 317)
- Use:** This is an agency specific record schedule (SRS). The agency (Vermont State Hospital) may develop its own internal policies and procedures to assure that the requirements outlined in this record schedule are being applied across the agency. Records that need to be retained until OBSOLETE must be supported by an internal policy that clearly states a specific retention requirement that best meets the agency's administrative needs. Specific Record Schedule (SRS) numbers shall be cited in all internal policies to demonstrate compliance with 1 V.S.A. § 317a.
- Exemptions:** It is the policy of Title 1, Chapter 5, Subchapter 3 of Vermont Statutes Annotated to provide for free and open examination of records consistent with Chapter 1, Article 6 of the Vermont Constitution. All people, however, have a right to privacy in their personal and economic pursuits, which ought to be protected unless specific information is needed to review the action of a governmental officer. Some records listed on this record schedule may be exempt from public inspection and copying for this reason. Security measures to protect records and information from unauthorized access, use, and disclosure are necessary if the records are exempt pursuant to 1 V.S.A. §§ 315-320. Please see Appendix B for Access Requirements and Appendix E for related legal references regarding exemptions from public inspection and copying.
- Retention:** This agency specific record schedule reflects the retention and disposition requirements for the following records regardless of their media, format, or mode of transmission. Duplicate records within the same agency that are used for specific legal, fiscal, or administrative purposes may be either retained using the retention requirement listed in this schedule or in accordance to an internal policy. Any copies of records made only for convenience of reference or informational purposes may be discarded when no longer needed unless otherwise directed through an internal policy. Duplicates or copies of records shall not be retained longer than the original records.

**Adopted by:** Signature on file. Adopted by Commissioner Oliver on July 29, 2011.

*Christine Oliver, Commissioner / Mental Health, Dept. of*

\_\_\_\_\_ Date

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**SRS-1282.1103: Personal Health Care Information**

*SRS-1282.1103: This schedule is reserved for recorded evidence of activities and transactions that relate to or affect, in a specific manner, the management of mental health patients at Vermont State Hospital.*

**Classification:** Mental health patients (Managing)

**Retention:** Patient personal health care information, including authorizations, medical histories, releases, and similar records, shall be retained for 10 years after the patient's most recent discharge and then destroyed. Registries and related compilations of patient information shall be retained for as long as the registry system is in effect. When a registry system is scheduled to be superseded by another system, contact the Vermont State Archives and Records Administration for confirmation of retention requirements.

**Public Access:** Exempt

**SPECIFIC RECORDKEEPING REQUIREMENTS for SRS-1282.1103 (see APPENDIX E for related legal references)**

<b>Record Category/Type</b>	<b>Applicability/Use:</b>	<b>Appraised Value:</b>	<b>Retention/Disposition:</b>
<b>SRS-1282.1103.5</b> <b>Agreements</b> Public Access: <i>Exempt</i>	Use for conditional discharges and other patient agreements.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>SRS-1282.1103.8</b> <b>Applications</b> Public Access: <i>Exempt</i>	Use for application for admission, application for emergency examination, and any other applications filed.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>SRS-1282.1103.141</b> <b>Authorizations</b> Public Access: <i>Exempt</i>	Use for physicians' orders, including the physician's admission order, and other written permissions from authoritative bodies allowing recipients to gain certain rights or privileges or perform specific activities of patient treatment or management. See Orders for court orders.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>SRS-1282.1103.21</b> <b>Certificates</b> Public Access: <i>Exempt</i>	Use for certificates of need with supporting material such as emergency seclusion/restraint records and patient debriefing forms, as well as all other certificates.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)

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<b>SRS-1282.1103.45</b>	Use for medical histories, screening reports, discharge summaries from last VSH admission and only discharge summaries from other facilities.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Histories</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.47</b>	Use for unit chart index.	Temporary (Administrative)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Indexes</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.145</b>	Use for medication and treatment records, flow sheets and progress notes.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Logs</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.50</b>	Use for copies of legal notices such as notices of patient treatment, transfer or other activity.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Notices, Legal</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.63</b>	Use for court orders, such as orders for involuntary medication, along with supporting material such as the application for the court order, correspondence, implementation and review records.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Orders</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.69</b>	Use for treatment plans, including nursing care plans and discharge plans, along with supporting material.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Plans (reports)</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.153</b>	Use for all referrals and consultations.	Temporary (Legal)	RETAIN UNTIL: Completed/Closed PLUS: 10 Year(s) THEN: Destroy (Shred)
<b>Referrals</b>			
Public Access: <i>Exempt</i>			
<b>SRS-1282.1103.81</b>	Use for the PsychConsult clinical/patient registration/financial database and any other electronic systems currently in use or developed to record patient information.	Temporary (Administrative)	RETAIN UNTIL: Superseded PLUS: 0 Year(s) THEN: Confirm
<b>Registers</b>			
Public Access: <i>Exempt</i>			

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<p><b>SRS-1282.1103.115</b>  <b>Releases</b>  Public Access: <i>Exempt</i></p>	<p>Use for advance directives, HIPAA notices and consent forms and other legal releases.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 10 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1282.1103.144</b>  <b>Reports</b>  Public Access: <i>Exempt</i></p>	<p>Use for all medical reports, examinations, evaluations, assessments, immunization records, and similar medical records that document a patient's treatment.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 10 Year(s)  THEN: Destroy (Shred)</p>
<p><b>SRS-1282.1103.36</b>  <b>Supporting material</b>  Public Access: <i>Exempt</i></p>	<p>Use for medical records, other than discharge summaries, provided by other facilities.</p>	<p>Temporary (Legal)</p>	<p>RETAIN UNTIL: Completed/Closed  PLUS: 10 Year(s)  THEN: Destroy (Shred)</p>

*SRS-1282.1103 was approved by the Vermont State Archivist on 1/5/2011.*

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## Appendix A: Appraisal Values

*An appraisal value establishes the usefulness or importance of a record after its original purpose has passed. The value of a record also dictates how it must be disposed after retention requirements are met (also see "Retention Requirements"). The appraisal values below represent categories of values that may be assigned to records following the record appraisal process. See "Vermont Archival Records" in the Archives and Records Management Handbook for conditions a record must meet to be appraised as "archival."*

Appraisal Value	Description	Usage
Conditional Archival	Records may have archival value but not always.	Assigned to records that meet the conditions of a "Vermont Archival Record" under special circumstances.
Permanent (Archival)	Records have archival value.	Assigned to records that meet the conditions of a "Vermont Archival Record" and are therefore permanent (archival) records.
Temporary (Administrative)	Records have temporary administrative value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but are needed for administrative reasons.
Temporary (Legal)	Records have temporary legal value.	Assigned to records that do not meet the conditions of a "Vermont Archival Record" but have legal requirements governing their retention.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.

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## Appendix B: Public Access Requirements

*A public access requirement is the availability of a record for public use and inspection pursuant to 1 V.S.A. §§ 315-320. Unless exempt from public inspection and copying pursuant to 1 V.S.A. § 317, records are expected to be promptly produced for public inspection upon request. Public agencies shall follow the procedure outlined in 1 V.S.A. § 318. The access requirements below represent actions agencies must take based on specific laws associated with the accessibility of their records. With general record schedules, the default requirement is always REVIEW unless it is clear that certain records are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317. Agencies using general record schedules should defer to their internal policies for specific access requirements.*

<b>Access</b>	<b>Description</b>	<b>Usage</b>
Exempt	Records shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are wholly exempt from public use and inspection pursuant to 1 V.S.A. § 317.
General	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that are not exempt from public inspection and copying pursuant to 1 V.S.A. § 317.
Redact	Records contain specific information that shall not be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320.	Assigned to records that contain specific information that is exempt from public inspection and copying pursuant to 1 V.S.A. § 317 and require exempt information to be redacted from the records prior to public use, inspection and/or copying.
Review	Records may be provided for free and open examination pursuant to 1 V.S.A. §§ 315-320 but not always. Default value for general schedules, which require agencies to establish internal policies.	Assigned to records that are generally not exempt from public inspection and copying pursuant to 1 V.S.A. § 317 but, in limited circumstances, may be exempt. Internal review and/or policy is required.

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## Appendix C: Retention Requirements

*A retention requirement is the length of time a record must be retained by an agency before it may be destroyed or transferred to the State Archives or an agency archives (also see "Disposition Requirements"). The retention requirements below represent events or triggers that cause records to move from an active to inactive state. An "event" is tied to a specific time requirement: i.e. Retain Until "Calendar Year Ends" PLUS 3 Years.*

Retention	Description	Usage
Audit Complete	Retain until an audit or verification is complete.	Assigned to records that are actively used or needed until the information contained therein has been audited or verified.
Calendar Year Ends	Retain until the end of the calendar year.	Assigned to records that are actively used or needed until the end of the calendar year.
Completed/Closed	Retain until the activity or process supported by the record is completed.	Assigned to records that are actively used or needed until the activity is formally completed, closed, or finalized (includes appeals).
Expired	Retain until the conditions or requirements supported by the record are satisfied and no further action is needed.	Assigned to records that are actively used or needed until the conditions or requirements are satisfied and complete.
Fiscal Year Ends	Retain until the end of the fiscal year.	Assigned to records that are actively used or needed until the end of the fiscal year.
Life of Asset Ends	Retain for the life of the person, structure, object, organization, etc. that is the subject of the record.	Assigned to records that are actively used or needed for the life of person, structure, object, organization, etc.
Obsolete	Retain until the record is no longer needed and is valueless.	Assigned to records that have limited administrative value and may be purged when they no longer have any administrative value. Agency must develop internal policy that states when records no longer have administrative value.
Superseded	Retain until the record is superseded, updated, or revised.	Assigned to records that will be superseded, updated, or revised.

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## Appendix D: Disposition Requirements

*A disposition requirement is how an agency must dispose of a record from its legal custody once retention requirements have been met. Disposition is based on the record's appraisal value. If the record has been appraised as non-archival it will be destroyed after retention requirements are met. If appraised as archival the record will be transferred to the State Archives or agency archives for permanent preservation and access. The disposition requirements below represent actions that an agency must take once a record has met its retention requirements.*

Disposition	Description	Usage
Archives	Retain indefinitely. These records are eligible for transfer to the State Archives or agency archives.	Assigned to records that have been appraised as having archival value and are therefore permanent records.
Confirm	Confirm disposition with the Vermont State Archives and Records Administration after retention requirement has been met.	Assigned to records that are maintained in a centralized database or information system or are appraised as conditional archival.
Destroy (General)	Destroy by recycling or deleting the record.	Assigned to records that have been appraised as non-archival and are not exempt from public access. Agency discretion advised for general record schedules.
Destroy (Shred)	Destroy by shredding (includes electronic shredding).	Assigned to records that have been appraised as non-archival and are exempt from public access or contain sensitive information.
Unappraised	Default value for records that have not been appraised.	Assigned to records that have not been appraised and do not yet have retention or disposition requirements.
Weed	Separate temporary records from archival records in accordance with the approved records schedule.	Assigned to records that have been appraised as conditional archival. Upon weeding the temporary records from the archival records, transfer archival records to the Archives.

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## Appendix E: Legal References

SRS-1282.1103: Personal Health Care Information		<i>Review for Exemption?</i>
13 V.S.A. § 4815	Place of examination; temporary commitment [related to insanity defense]	No
13 V.S.A. § 4822	Findings and order; mentally ill persons [related to insanity defense]	No
18 V.S.A. § 7103	Disclosure of [patient] information	Yes
18 V.S.A. § 7106	Notice of hospitalization and discharge	No
18 V.S.A. § 7502	Control and treatment of patients	No
18 V.S.A. § 7503	Application for voluntary admission [Dept. of Mental Health]	No
18 V.S.A. § 7504	Application for emergency examination [related to the department of mental health]	No
18 V.S.A. § 7505	Warrant for immediate examination	No
18 V.S.A. § 7511	Transportation [of patients, Dept. of Mental Health]	No
18 V.S.A. § 7612	Application for involuntary [mental health] treatment	No
18 V.S.A. § 7614	Psychiatric examination [in hearings related to involuntary treatment]	No
18 V.S.A. § 7620	Application for continued treatment [by the Commissioner of Mental Health]	No
18 V.S.A. § 7623	[Mental health hospitalization or nonhospitalization] Orders; custody	No
18 V.S.A. § 7624	Petition [by the Commissioner of Mental Health] for involuntary medication	No
18 V.S.A. § 7627	Court findings; orders [involuntary medication for mental health treatment]	No
18 V.S.A. § 7701	Notice of rights [Head of a mental health hospital to provide,]	No
18 V.S.A. § 7704	Mechanical restraints [in mental health treatment]	No
18 V.S.A. § 7707	Record of restrictions [placed on patients during mental health treatment]	No
18 V.S.A. § 7802	Administrative review [of mental health patients]	No

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<b>18 V.S.A. § 7901</b>	Intrastate transfers [of mental health patients]	No
<b>18 V.S.A. § 7903</b>	Transfers [of mental health patients] to federal facilities	No
<b>18 V.S.A. § 8006</b>	Visits [head of mental health hospital granting]	No
<b>18 V.S.A. § 8007</b>	Conditional discharges [of mental health patients]	No
<b>18 V.S.A. § 8008</b>	Revocation of conditional discharge [of mental health patient]	No
<b>18 V.S.A. § 8009</b>	Administrative discharge [of mental health patients]	No
<b>18 V.S.A. § 8405</b>	Outside visits [by mentally ill users of alcohol or drugs]	No
<b>26 V.S.A. § 1354</b>	Unprofessional conduct [medicine and surgery]	No
<b>3 V.S.A. § 129a</b>	Unprofessional conduct	No
<b>31 U.S.C. 3729</b>	False claims	No
<b>42 CFR 482.13</b>	Condition of [hospital] participation: Patient's rights.	No
<b>42 CFR 482.22</b>	Condition of [hospital] participation: Medical staff.	No
<b>42 CFR 482.23</b>	Condition of [hospital] participation: Nursing services.	No
<b>42 CFR 482.24</b>	Condition of [hospital] participation: Medical record services.	No
<b>42 CFR 482.25</b>	Condition of [hospital] participation: Pharmaceutical services.	No
<b>42 CFR 482.27</b>	Condition of [hospital] participation: Laboratory services.	No
<b>42 CFR 482.28</b>	Condition of [hospital] participation: Food and dietetic services.	No
<b>42 CFR 482.43</b>	Condition of [hospital] participation: Discharge planning.	No
<b>42 CFR 482.56</b>	Condition of [hospital] participation: Rehabilitation services.	No
<b>42 CFR 482.60</b>	Special provisions applying to psychiatric hospitals	No
<b>42 CFR 482.61</b>	Condition of participation: Special medical record requirements for psychiatric hospitals	No

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<b>45 CFR 164.105</b>	Organizational requirements [related to security and privacy of health information]	Yes
<b>45 CFR 164.306</b>	Security standards: General rules [for the protection of electronic protected health information]	No
<b>45 CFR 164.308</b>	Administrative safeguards [related to HIPAA Security Rule]	Yes
<b>45 CFR 164.310</b>	Physical Safeguards [under HIPAA Security Rule]	Yes
<b>45 CFR 164.312</b>	Technical safeguards [under HIPAA Security Rule]	Yes
<b>45 CFR 164.314</b>	Organizational requirements [related to HIPAA]	Yes
<b>45 CFR 164.316</b>	Policies and procedures and documentation requirements [under HIPAA Security Rule]	Yes
<b>45 CFR 164.404</b>	Notification to individuals [in the case of breach of unsecured protected health information]	No
<b>45 CFR 164.502</b>	Uses and disclosures of protected health information: general rules	No
<b>45 CFR 164.506</b>	Uses and disclosures [of individually identifiable health information] to carry out treatment, payment, or health care operations.	No
<b>45 CFR 164.508</b>	Uses and disclosures for which an authorization is required [under HIPAA Privacy Rule]	Yes
<b>45 CFR 164.510</b>	Uses and disclosures [of protected health information] requiring an opportunity for the individual to agree or to object	No
<b>45 CFR 164.512</b>	Uses and disclosures [of individually identifiable health information] for which an authorization or opportunity to agree or object is not required.	No
<b>45 CFR 164.514</b>	Other requirements relating to uses and disclosures of protected health information	Yes
<b>45 CFR 164.520</b>	Notice of privacy practices for protected health information	Yes
<b>45 CFR 164.522</b>	Rights to request privacy protection for protected health information	Yes
<b>45 CFR 164.524</b>	Access of individuals to protected health information	Yes
<b>45 CFR 164.526</b>	Amendment of protected health information	Yes
<b>45 CFR 164.528</b>	Accounting of disclosures of protected health information	Yes
<b>45 CFR 164.530</b>	Administrative requirements [under the HIPAA Privacy Rule]	Yes

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