

 <p style="text-align: center;">DIVISION OF ADULT INSTITUTIONS</p> <p style="text-align: center;">POLICY AND PROCEDURES</p>	DAI Policy #: 500.50.07	Page 1 of 12
	Original Effective Date: 03/01/05	New Effective Date: 09/15/16
	Supersedes: 500.50.07	Dated: 05/01/16
	Administrator's Approval: Jim Schwochert, Administrator	
Required Posting or Restricted:		
<input checked="" type="checkbox"/> Inmate <input checked="" type="checkbox"/> All Staff <input type="checkbox"/> Restricted		
Chapter: 500 Health Services		
Subject: Records Retention/Disposition Authorizations		

POLICY

The Division of Adult Institutions shall not destroy any paper or electronic document containing inmate or employee Protected Health Information without authorization under an applicable Records Retention/Disposition Authorization, and pursuant to Division of Adult Institutions policy.

REFERENCES

Standards for Health Services in Prisons – National Commission on Correctional Health Care, 2014 – P-H-03 – Management of Health Records

Executive Directive 35 – Confidentiality of Offender Health Information

Executive Directive 58 – Department of Corrections Review of Inmate/Youth Deaths

DAI Policy 300.00.09 – Death of an Inmate

DAI Policy 500.40.03 – Dental Record Keeping Standard Format

DAI Policy 500.50.02 – Health Care Record Format, Content and Documentation

RDA 1 – Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC) Offender Health Care Records

RDA 1A – Division of Adult Institutions (DAI) Offender Health Care Records: Purged Documents

RDA 3 – Information for Inmates, Offenders, Students, Staff, Visitors or the Public

RDA 160 – Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC) Psychological Services Unit Record Pertaining to Sex Offenders

RDA 164 – Bureau of Health Services, Division of Adult Institutions and Division of Juvenile Corrections Health Care Related Minutes and Committee Reports

RDA 169 – Medication Occurrence Reports

RDA 185 – Chapter 980, Sexually Violent Person Commitments, Forensic Evaluation Unit Division of Adult Institutions (DAI) and Division of Juvenile Corrections (DJC) Case Files

RDA 185A – Chapter 980, Sexually Violent Person Commitments, Bureau of Health Services (BHS) Central Office Records

RDA 204 – Bureau of Health Services (BHS) Central Office Inmate Health Care File

RDA 205 – Bureau of Health Services (BHS) Training Materials

RDA 207 – Bureau of Health Services (BHS) and Division of Juvenile Corrections (DJC) Tracking of Work Processes

RDA 212 – Bureau of Health Services (BHS) Central Office Mortality Review Files

RDA 231 – Employee Health – Annual Tuberculosis Screening and Testing

RDA 232 – Employee Health – Hepatitis B Vaccinations

RDA 237 – Internal Policies and Policies

RDA 243 – Pharmacy Operations Records – General

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RDA 244 – Pharmacy Prescription Records

RDS 245 – Pharmacy Operations Records – Controlled Substances

RDA 245A – Pharmacy Operations Records – Controlled Substances Power of Attorney for DEA Forms 222 and Electronic Orders

Attachment – Methods of Records Destruction

DEFINITIONS, ACRONYMS AND FORMS

BHS – Bureau of Health Services

Central Medical Records (CMR) – Work unit at DCI that sets up new HCRs for male inmates, stores HCRs for former inmates, reactivates HCRs when an inmate readmits to a DOC facility, responds to requests for information from HCRs for former inmates, and destroys HCRs for former inmates in accordance with applicable RDAs.

Central Office Inmate Health Record – Record maintained at BHS Central Office regarding some inmates.

Correctional facility – Institution or correctional center operated by DAI.

CPS – Central Pharmacy Services

DAI – Division of Adult Institutions

DCI – Dodge Correctional Institution

Dental Record – Component of the Health Care Record governed by DAI Policy 500.40.03.

DOC – Department of Corrections

DOC-1490 – End of Confinement Review Board (ECRB) Case Review Summary and Disposition

DOC-2295 – Special Purpose Evaluation Report

Employee Health Record – File maintained by BHS Central Office to document screening/testing for Tuberculosis, and Hepatitis B and influenza vaccination information for certain employees.

Health Care Record (HCR) – Official confidential DOC record created and maintained for each inmate patient consisting of all or some of the following components: Medical Chart, Dental Record, Psychological Records-Copies envelope, Medications Records envelope, Patient Request Folder, Psychological Services Unit Record, and other components as defined by BHS.

Health Information – Any information, including genetic information, whether oral or recorded in any form or medium, that: is created or received by a health care provider,

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health plan, public health authority, employer, life insurer, school or university, or health care clearinghouse; and relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual, or the past, present, or future payment for the provision of health care to an individual.

Health Services Unit (HSU) – Work unit at a correctional facility that includes the physicians, dentists, nurses and support staff who provide health care services to an inmate patient residing in a correctional facility.

HIPAA – Health Insurance Portability and Accountability Act

ICTS – Inmate Complaint Tracking System

Inactive Women’s Medical Records (IWMR) – Work unit at TCI that performs the same job functions as CMR.

Individually identifiable health information – Information that identifies an individual, including demographic information, created or received by a health care provider that relates to the past, present, or future physical or mental health or condition of an individual; the provision of health care to an individual; or the past, present, or future payment for the provision of health care to an individual.

Medications Record (blue envelope) – Component of HCR maintained by the HSU to document administration of medications.

OLC – Office of Legal Counsel

Patient – Individual who receives health care services from a health care provider.

Patient Request Folder – Manila folder maintained by the HSU that contains written communications from inmate patients to health staff, primarily consisting of Health Services Requests.

Protected Health Information (PHI) – Individually identifiable health information transmitted by electronic media, maintained in electronic media, or transmitted or maintained in any other form or medium.

Psychological Records – Copies (white envelope) – Component of HCR maintained by the HSU that contains copies of designated records from the PSU Record.

Psychological Services Unit (PSU) – Work unit at DAI facilities that includes the psychologists and support staff that provide psychological services to an inmate patient residing in a correctional facility.

PSU Record – Component of HCR maintained in the PSU.

Purging – Destruction of designated documents contained in a HCR or other record maintained by DOC.

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Records Retention/Disposition Authorization (RDA) – Legal document required by Wisconsin law and issued by the Wisconsin Public Records Board that identifies the retention period of records to which it applies.

SPE – Special Purpose Evaluation

STIA – Short-term inmate admission

TB – Tuberculosis

TCI – Taycheedah Correctional Institution

WICS – Wisconsin Integrated Corrections System

Yellow indexing tab – Yellow divider sheet that includes a tab on which the admission date and, later, the release date for a period of incarceration are written. Documents contained in a Medical Chart filed behind an indexing tab pertain to the identified period of incarceration.

PROCEDURES

I. General Guidelines

- A. RDAs applicable to records created and retained by the BHS are contained in the BHS Records Retention Functional Schedule which includes the following sections:
 1. Health Care Records.
 2. Pharmacy.
 3. Mortality Review.
 4. Reports.
 5. Chapter 980 Records.
 6. DAI and DJC Employee Related Records.
 7. Miscellaneous Records.

- B. Employees can find BHS RDAs by following these steps:
 1. Go to MyDOC.
 2. Go to Resources and click on Business.
 3. Click on Records Management Information (right column).
 4. Click on 2nd bullet under DAI RDAs at right side of page to go to BHS Functional Schedule.
 5. Find the desired RDA.
 6. Note the page number listed after the title of the RDA and click on the RDA.
 7. Open the BHS Functional Schedule and go to the page provided at “6”.

- C. All confidential and non-confidential documents filed in all of the record series identified in this policy shall be retained in accordance with the applicable RDA, and shall not be destroyed without an authorizing RDA.

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- D. Only employees designated by the legal custodian of a record series identified in this policy, or by the OLC, have authorization to destroy paper or electronic documents.
- E. Employees with authorization to destroy confidential documents shall do so in an approved confidential manner, per Attachment.
- F. Documents containing PHI filed in DOC record series, other than the inmate HCR or Employee Health Record, such as in the Social Services File, shall be retained in accordance with the applicable RDA for that record series. Discussion of non-BHS RDAs are beyond the scope of this policy.

II. RDAs Applicable to HCRs

A. RDA 1 – DAI and DJC Offender HCRs

1. The purpose of the confidential HCR is to document requests for health care by patients, treatment needs and health care conditions of patients, and the provision of health care with the goal of ensuring that the DOC provides appropriate and needed health care to patients.
2. The content of the record series includes all of the documents filed in all the components of the DOC HCR, per DAI Policy 500.50.02.
3. RDA 1 authorizes the destruction of all documents relating to a period of incarceration in a DAI facility, or stay in a DJC facility, at 11 years after the date of release from that period of DAI incarceration or DJC stay, except the following:
 - a. PSU records pertaining to sex offenders as defined in RDA 160.
 - b. All documents, except for duplicates, in the HCR relating to patient, with whom DOC is involved in ongoing litigation, until OLC approves the destruction.
4. CMR and IWMR have primary responsibility for implementing RDA 1.
5. HSUs, upon completion of training by and approval of the Health Information Supervisor, may destroy documents filed behind a yellow indexing tab in the Medical Chart pertaining to a period of DAI incarceration, or DJC stay, that ended more than 11 years prior to the date of proposed destruction.

B. RDA 1A – DAI HCRs – Purged Documents

1. The purpose and content of this confidential record series is the same as under RDA 1.
2. All documents listed in RDA 1A, except for duplicates, shall not be destroyed until 11 years after release.
3. All documents listed in RDA 1A, except for duplicates, relating to an inmate patient who died during incarceration shall not be destroyed until 11 years after death.
4. All documents, except for duplicates, in the HCR relating to an inmate patient with whom DOC is involved in ongoing litigation shall not be destroyed until the OLC approves their destruction.

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5. Documents not listed in RDA 1A may be destroyed at seven years after the release date from a period of incarceration. See DAI Policy 500.50.02, Attachments 1 and 1A for a list of all documents filed in the HCR.
 6. Only CMR and IWMR staff may implement RDA 1A.
 7. Medical Chart
 - a. The following documents shall not be destroyed at seven years from release date, i.e., must be kept for 11 years from release date:
 - i. Physician/Prescriber Orders.
 - ii. Consultations from off-site providers.
 - iii. ECG reports.
 - iv. Immunization Record.
 - v. Most recent Medical Problem List.
 - vi. Most recent Medical History.
 - vii. Most recent Physical Examination.
 - viii. Positive PPD (TB screening).
 - ix. Transcribed Psychiatric Reports.
 - x. Last 12 months of Progress Notes.
 - b. CMR/IWMR may destroy all other documents in the Medical Chart at seven years after release date for a period of incarceration.
 8. Patient Request Folder: CMR/IWMR may destroy contents at seven years from release date from a period of incarceration.
 9. Medications Record (blue) envelope: CMR/IWMR may destroy contents at seven years from release date from a period of incarceration.
 10. Psychological Records (Copies) – Medical Chart (white) Envelope:
 - a. Central Medical Records or Inactive Women’s Medical Records shall destroy the contents of the envelope for released inmates per work unit procedures.
 - b. Documents in the envelope are copies for use by the HSU during the incarceration in which PSU created the documents.
 11. Dental Record: All documents shall be retained for 11 years from release date from a period of incarceration.
 12. PSU Record:
 - a. All documents filed in yellow envelope or multi-section hard cover chart shall be retained for 11 years from the release date from a period of incarceration.
 - b. All documents filed in the PSU Record pertaining to a sex offender shall be retained for 60 years in accordance with RDA 160.
 13. PSU Record – AODA Envelope
 - a. All documents filed in the envelope shall be retained for 11 years from release date from a period of incarceration.
 - b. All documents filed in the envelope pertaining to a sex offender shall be retained for 60 years in accordance with RDA 160.
- C. RDA 160 – DAI and DJC PSU Record Pertaining to Sex Offenders
1. The purpose of this record series is to identify the mental health needs of offenders and document the mental health services provided to offenders.

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2. This confidential record series consists of documents filed in the PSU Record, and PSU Record – AODA envelope, pertaining to a person designated as a sex offender in WICS.
 3. A green label with the date of release from the earliest period of incarceration shall be affixed to the PSU Record (yellow envelope or multi-section hard cover chart), and the PSU Record – AODA envelope.
 4. CMR and IWMR are authorized to destroy these records 60 years after the date of release from a period of incarceration.
- D. RDA 204 – BHS Central Office Inmate Health Care File
1. The purpose of this record series is to document decisions of Central Office health providers regarding certain types of patient care, and to track correspondence received by and responded to by Central Office staff.
 2. This record series consists of folders maintained in BHS Central Office for individual inmate patients containing one or more of the following documents:
 - a. Correspondence from inmate patients and other individuals about inmate patients, and responses by Central Office staff.
 - b. Forms relating to decisions made by Central Office health care providers, such as Mental Health Screen for WSPF, Non-Formulary Drug Request and Prior Authorization for Therapeutic Level of Care forms.
 - c. Other documents designated by a BHS Director, or other director, for filing in this record.
 3. BHS Central Office is authorized to destroy these documents seven years from date of document, and shall destroy in an approved confidential manner, per Attachment, when documents include PHI.

III. RDAs Applicable to CPS

- A. RDA 243 – Pharmacy Operations Records – General
1. The records that do not contain patient identifying information are used to purchase, maintain, analyze, educate or deliver pharmaceutical services.
 2. This record series includes documents relating to general pharmacy operations not related to the purchase, dispensing or destruction of federally controlled substances.
 3. Only CPS employees may destroy these records at one year following date of creation of record.
- B. RDA 244 – Pharmacy Prescription Records
1. The purpose of this confidential record series is to maintain a complete, accurate and confidential receipt and dispensing record for all prescriptions processed by CPS.
 2. This confidential record series consist of documents related to the receipt, processing, filling, refilling, and storage of prescription information.
 3. Only CPS employees may destroy these confidential records at six years following date of creation of record.

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- C. RDA 245 – Pharmacy Operations Records –Controlled Substances
 1. The purpose of this record series is to maintain a complete and accurate record of all controlled substances received, dispensed or destroyed at CPS or any HSU.
 2. This record series consists of various forms, as determined by the CPS Director.
 3. Only CPS employees may destroy these records at five years following date of creation of record.

- D. RDA 245A – Pharmacy Operations Records – Controlled Substances Power of Attorney for DEA Forms 222 and Electronic Orders
 1. The purpose of this records series is to authorize the attorney-in-fact to execute applications for DEA Form 222, and to sign orders for Schedule I or II controlled substances.
 2. This record series consist of forms designated by the CPS Director, including the DEA Form 222 U.S. Official Order Forms – Schedules I & II.
 3. Only CPS employees may destroy these documents at five years from date of revocation of Power of Attorney, and shall destroy documents that contain PHI in an approved confidential manner per Attachment.

- IV. RDA 212 – BHS Central Office Mortality Review Files**
 - A. The purpose of this record series is to document compliance by the DOC with Executive Directive 58 regarding the death of an offender in a DAI or DJC facility.

 - B. This record series consists of documents related to the investigation of a death, such as copies of HCRs, forms completed at the facility mortality review per DAI Policy 300.00.09.

 - C. These documents shall be retained 11 years from date of completion of review.

 - D. Only designated Central Office employees may destroy these confidential documents.

- V. RDAs Applicable to Reports**
 - A. RDA 207 – BHS and DJC Tracking of Work Processes
 1. The purpose of this record series is to document completion by employees of various job duties to assist the DOC to assess employee compliance with policies and procedures, and business practices.
 2. This record series consists of a variety of documents such as:
 - a. HSU appointment books.
 - b. Sick call logs.
 - c. Forms that track medication inventories.
 - d. Documents related to audits of the quality of health care records.
 - e. Audits of compliance with policies and procedures.
 - f. Data collection.

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- g. Reports.
 - 3. Documents shall be retained for seven years from date of document, and document containing PHI shall be destroyed in an approved confidential manner per Attachment.
- B. RDA 169 – Medication Occurrence Reports
- 1. The purpose of this record series is to track and investigate errors at any point in the process of prescribing medication, filling of prescriptions and dispensing of medication.
 - 2. This record series includes forms such as the Medication Occurrence Report and Central Pharmacy Occurrence Report.
 - 3. The documents shall be retained for ten years from creation of document.
- C. RDA 164 – BHS, DAI and DJC Health Care Related Minutes and Committee Reports
- 1. The purpose of this record series is to document issues discussed at meetings, and reports developed by committees which are related to the delivery of health care, and generally do not include PHI.
 - 2. This record series consists of agendas, meeting minutes, and reports of BHS, DAI and DJC Committees, such as the BHS Policy and Procedure Committee and BHS Pharmacy and Therapeutics Committee.
 - 3. The documents shall be retained for seven years from date of creation of document, and when they include PHI shall be destroyed in an approved confidential manner per Attachment.

VI. RDAs Applicable to Chapter 980 Records

- A. RDA 185 – Ch. 980, Forensic Evaluation Unit DAI and DJC Case File
- 1. The purpose of this record series is to document compliance by the DOC with the procedures of Ch. 980 to evaluate an inmate, designated as a sex offender, to determine if the inmate appears appropriate for referral for commitment.
 - 2. This record series consists of documents maintained by the Ch. 980 Unit, including forms relating to the Ch. 980 process, DAI mental health care records, Social Services File records, DCC records, notes of evaluating psychologist, and law enforcement records.
 - 3. Only designated Ch. 980 Unit employees shall destroy these records at 60 years from date of the completion of a review.
- B. RDA 185A – Ch. 980 BHS Central Office Files
- 1. The purpose of this record series is to document compliance of the DOC with the Ch. 980 legal requirements for inmates identified as sex offenders.
 - 2. This record series consists of documents, such as the DOC-1490 and DOC-2295.
 - 3. Only designated BHS Central Office employees may destroy these records at 60 years from the date that the End of Confinement Review Board completed its review.

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VII. RDAs Applicable to Employee Related-Records

A. RDA 205 – BHS Staff Training Materials

1. The purpose of this record series is to educate employees working in health care settings about their legal responsibilities and policies/procedures related to caring for inmate patients, and to train non-health providers, such as officers and agents, regarding their responsibilities with respect to the confidentiality of information related to the health care of inmates.
2. This record series consists of training related materials such as PowerPoint presentations, and hand-outs used during training sessions.
3. The retention period of training materials is seven years following the revision of the training materials, or the termination of their use.

B. RDA 231 – Employee Health – Annual TB Screening and Testing

1. The purpose of this record series is to document the screening and testing of employees who have been determined to work in environments that present a risk for exposure to TB.
2. This record series consists of documents that relate to the annual TB screening/testing of employees.
3. Only designated BHS Central Office employees are authorized to destroy these confidential records at eight years from date of creation of document.

C. RDA 232 – Employee Health – Hepatitis B Vaccinations

1. The purpose of this record series is to demonstrate DOC compliance with federal regulations that require the DOC to offer Hepatitis B vaccinations to certain employees and to document the administration of the vaccinations when the employee consents to the vaccinations.
2. This confidential record series consists of documents that relate to the offering and provision of Hepatitis B vaccinations to eligible employees.
3. Only designated BHS Central Office employees are authorized to destroy these confidential records at 30 years from date of termination of employment.

VIII. Relevant Non-BHS Schedule RDAs Note

A. RDA 3 – Information For Inmates, Offenders, Students, Staff, Visitor or the Public

1. The purpose of this non-confidential record series is to provide information to inmates, offenders, students, staff, visitors, or the public regarding the DOC and its business practices.
2. This record series consists of handbooks, booklets, pamphlets, notices and other informational materials. Many of these records are Publications of Corrections found under “POC” in MyDOC.
3. Designated employees shall destroy these records 75 years from the date of creation of each version of these records.

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- B. RDA 237 – Departmental Internal Policies and Procedures
 - 1. The purpose of this record series is to provide direction to employees to promote consistent and predictable department operations, and to establish governing principles that mandate or constrain actions.
 - 2. This record series consists of Executive Directives, Administrative Directives, DAI policies, facility procedures, etc., and is covered by the DOC Administrative Functional schedule.
 - 3. These documents shall be retained for seventy-five (75 years) from date approved or effective.

IX. PHI in Non-BHS Records

- A. DOC employees shall retain paper and electronic documents that include PHI in accordance with the RDA governing the record series in which the PHI is contained.
- B. Record custodians shall consult with the DOC Records Compliance Officer regarding the applicable RDA. Examples of DAI records which may contain PHI include the Social Services records, and documents such as Incident Reports.

X. Destruction Procedures for Documents Containing PHI

- A. Consult with the DOC HIPAA Compliance Officer as needed for guidance.
- B. See Attachment of this policy for recommended physical destruction procedures for confidential information.

Bureau of Health Services: _____ **Date Signed:** _____
James Greer, Director

_____ **Date Signed:** _____
Ryan Holzmacher, MD, Medical Director

_____ **Date Signed:** _____
Mary Muse, Nursing Director

Administrator’s Approval: _____ **Date Signed:** _____
Jim Schwochert, Administrator

DIVISION OF ADULT INSTITUTIONS FACILITY IMPLEMENTATION PROCEDURES

Facility: Name		
Original Effective Date:	DAI Policy Number: 500.50.07	Page 12 of 12
New Effective Date: 00/00/00	Supersedes Number:	Dated:
Chapter: 500 Health Services		
Subject: Records Retention/Disposition Authorizations		
Will Implement <input type="checkbox"/> As written <input type="checkbox"/> With below procedures for facility implementation		
Warden's/Center Superintendent's Approval:		

REFERENCES

DEFINITIONS, ACRONYMS, AND FORMS

FACILITY PROCEDURE

- I.
 - A.
 - B.
 - 1.
 - 2.
 - a.
 - b.
 - c.
 - 3.
 - C.

II.

III.

RESPONSIBILITY

I. Staff

II. Inmate

III. Other