



LOCAL SCHEDULE HR

Retention Schedule for Records of Public Health Agencies

Effective November 1, 1994

This schedule establishes mandatory minimum retention periods for the records listed. No local government office may dispose of a record listed in this schedule prior to the expiration of its retention period. A records control schedule of a local government may not set a retention period for a record that is less than that established for the record on this schedule. The originals of records listed in this schedule may be disposed of prior to the expiration of the stated minimum retention period if they have been microfilmed or electronically stored pursuant to the provisions of the Local Government Code, Chapter 204 or Chapter 205, as applicable, and rules of the Texas State Library and Archives Commission adopted under authority of those chapters. Actual disposal of such records by a local government or an elective county office is subject to the policies and procedures of its records management program.

Destruction of local government records contrary to the provisions of the Local Government Records Act of 1989 and administrative rules adopted under its authority, including this schedule, is a Class A misdemeanor and, under certain circumstances, a third degree felony (Penal Code, Section 37.10). Anyone destroying local government records without legal authorization may also be subject to criminal penalties and fines under the Open Records Act (Government Code, Chapter 552).

INTRODUCTION

The Government Code, Section 441.158, provides that the Texas State Library and Archives Commission shall issue records retention schedules for each type of local government, including a schedule for records common to all types of local government. The law provides further that each schedule must state the retention period prescribed by federal or state law, rule of court, or regulation for a record for which a period is prescribed; and prescribe retention periods for all other records, which periods have the same effect as if prescribed by law after the records retention schedule is adopted as a rule of the commission.

Local Schedule HR sets mandatory minimum retention periods for records series (identified in the Records Series Title column) commonly found in local health units and departments, public health districts, local public hospitals, animal control departments, animal shelters owned and/or operated by local governments, and the office of county inspector of hides and animals. If the

retention period for a record is established in a federal or state law, rule of court, or regulation, a citation to the relevant provision is given; if no citation is given, the authority for the retention period is this schedule.

The retention period for a record applies to the record regardless of the medium in which it is maintained. Some records listed in this schedule are maintained electronically in many offices, but electronically stored data used to create in any manner a record or the functional equivalent of a record as described in this schedule must be retained, along with the hardware and software necessary to access the data, for the retention period assigned to the record, unless backup copies of the data generated from electronic storage are retained in paper or on microfilm for the retention period.

Unless otherwise stated, the retention period for a record is in calendar years from the date of its creation. The retention period, again unless otherwise noted, applies only to an official record as distinct from convenience or working copies created for informational purposes. Where several copies are maintained, each local government should decide which shall be the official record and in which of its divisions or departments it will be maintained. Local governments in their records management programs should establish policies and procedures to provide for the systematic disposal of copies.

If a record described in this schedule is maintained in a bound volume of a type in which pages are not designed to be removed, the retention period, unless otherwise stated, dates from the date of last entry.

If two or more records listed in this schedule are maintained together by a local government and are not severable, the combined record must be retained for the length of time of the component with the longest retention period. A record whose minimum retention period on this schedule has not yet expired and is **less than permanent** may be disposed of if it has been so badly damaged by fire, water, or insect or rodent infestation as to render it unreadable, or if portions of the information in the record have been so thoroughly destroyed that remaining portions are unintelligible. If the retention period for the record is **permanent** on this schedule, authority to dispose of the damaged record must be obtained from the director and librarian of the Texas State Library. The Request for Authority to Destroy Unscheduled Records (Form SLR 501) should be used for this purpose.

Requests for Authority to Destroy Unscheduled Records (SLR 501), whose submission to the director and librarian of the Texas State Library is required by the Local Government Code, Section 203.045, need not be filed for records shown as exempt from the requirement.

Certain records listed in this schedule are assigned the retention period of AV (as long as administratively valuable). This retention period affords local governments the maximum amount of discretion in determining a specific retention period for the record described. Although AV may

be used as a retention period on a records control schedule of a local government, it is in the best interests of any records management program that fixed retention periods be assigned for each records series. AV records tend to accumulate and go unmanaged.

ABBREVIATIONS USED IN THIS SCHEDULE

AV - As long as administratively valuable

CFR - Code of Federal Regulations

FE - Fiscal year end

TAC - Texas Administrative Code

US - Until Superseded

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RECORDS OF PUBLIC HEALTH AGENCIES

Retention Notes: a) The term “public health agency” means any local health department or unit, public health district, local public hospital, animal control department, animal shelter owned and/or operated by a local government, and the office of county inspector of hides and animals.

b) For records of county medical examiners and emergency medical services agencies, and for emergency communications records, see Local Schedule PS (Records of Public Safety Agencies).

c) For administrative, financial, personnel, and support services records not included in this schedule, see Local Schedule GR (Records Common to all Governments).

PART 1: RECORDS COMMON TO PUBLIC HEALTH AGENCIES

Retention Note: This part provides retention periods for records common to two or more of the public health agencies included in this schedule.

4750-01 APPOINTMENT RECORDS. RETENTION: AV. (Exempt from destruction request requirement)

4750-02 GRANT RECORDS - All records and supporting documentation necessary to disclose the services provided and financial management of the grant.

a) Women, infants, children (WIC). **RETENTION: 3 years** following the date of the submission of the final expenditure report for the period to which the report pertains. [By regulation - 7 CFR 246.25(a)(2).]

Retention Notes: a) If any litigation, claim, negotiation, audit, or other action involving the records has been started before the end of the three-year period, the records must be kept until all issues are resolved, or until the end of the regular three-year period, whichever later.

b) Records of non-expendable property acquired in whole or in part with WIC program funds must be retained for 3 years after its final disposition.

b) Title XX family planning. **RETENTION: 5 years** from the date of the service, or until all audit questions are resolved, whichever later. [By regulation - 25 TAC 56.607(b) and 25 TAC 29.4.]

c) Early childhood intervention (ECI).

1) All necessary records and claims to fully document the services and supplies provided.

RETENTION: 5 years from the date of service or until all audit questions, appeal hearings, investigations, or court cases are resolved, as applicable. [By regulation - 40 TAC 31.408.]

2) All records pertaining to the financial management of the grant. RETENTION: 5 years from the date of submission of the annual or final report or until all audit questions are resolved, whichever later. [By regulation - 25 TAC 621.26(b)(3).]

d) Other grants funded through Medicaid. RETENTION: 5 years from the date of the service or until all audit questions are resolved, whichever later. [By regulation - 25 TAC 29.4.]

e) Other federal grants and cooperative agreements such as community health services projects, project grants for genetic diseases testing and counseling programs, hemophilia treatment centers, etc. RETENTION: 3 to 7 years or until resolution of all issues arising from claim, negotiation, audit, or other actions. *See retention note.*

Retention Note: To determine the retention period, see Retention Note (b) to Part 2: Financial Records in Local Schedule GR (Records Common to All Governments).

4750-03 MEDICAL WASTE MANAGEMENT RECORDS

a) Records of on-site treatment by generator of medical waste (animal waste, bulk human blood and blood products, microbiological waste, pathological waste, and sharps) including date of treatment, amount of waste treated, method/conditions of treatment, person performing treatment, and written procedures. For incinerators the hours of operation and all monitoring and testing results are also required. RETENTION: 2 years. [By regulation - 30 TAC 111.127(b) for operators of on-site medical waste incinerators, and by authority of this schedule for all other types of treatment.]

b) Waste shipment records maintained by the generator of medical waste such as waste shipping control tickets, tracking forms, exception reports, shipment logs, and receipts from the transporter documenting the weight of waste collected and date of collection. RETENTION: 3 years. [By regulation - 30 TAC 330.1004(h)(4).]

4750-04 MEDICARE RECORDS - Billing and cost report materials. RETENTION: 5 years after the month the cost report is filed. [By regulation - *Medicare Hospital Manual*, HIM-10, Sec. 413 (B) [Rev. No. 572].]

4750-05 OPERATIONAL PERMITS, LICENSES, AND CERTIFICATIONS - Permits, licenses, and certifications from the Texas Department of Health or other government agencies as required by law or regulation for the operation of local government owned laboratories, clinics, or other health-related facilities; and any reports, correspondence, or other documentation bearing directly on the application for, the issuance of, or the renewal of the permit, license, or certificate. RETENTION: Expiration or cancellation + 3 years.

4750-06 PLANNING RECORDS - Reports, studies, analyses, projections, and other planning documents relating to the development of local health, sanitary inspection, and environmental quality programs and public hospitals. RETENTION: 5 years. (Before disposal appraise for continuing administrative usefulness and historical value. Those records relating to major development projects and other records considered of historical value should be retained permanently.)

4750-07 RADIATION CONTROL RECORDS

a) Records showing the receipt, transfer, and disposal of all licensed or registered sources of radiation. Documentation of disposal should include waste shipping records, such as manifests and receipts. RETENTION: Until disposal is authorized by the Texas Department of Health. [By regulation - Standard 11.4, *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

b) Records of radiation protection programs.

1) Documentation of the provisions of the program. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1102(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

2) Audits and other reviews of program content and implementation. RETENTION: 3 years. [By regulation - Standard 21.1102(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

3) Records at additional sites authorized by a licensee or certificate of registration. RETENTION: Period specified for the authorized activity. [By regulation - Standard 21.1102(c), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

c) Routine surveys, instrument calibrations, and package surveys. RETENTION: 3 years. [By regulation - Standard 21.1103(a), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

d) Surveys used for dose determination; results of air sampling, surveys, and bioassays; and results of measurements and calculations used to evaluate the release of radioactive effluents to the environment. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1103(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

e) Tests for leakage or contamination of sealed sources of radioactive material. RETENTION: 5 years. [By regulation - Standard 21.1104, *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]

- f) Cumulative occupational exposure history. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1105, *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- g) Records used to prepare TRC Form 21-2 or equivalent for the Texas Department of Health. RETENTION: 3 years. [By regulation - Standard 21.1105, *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- h) Records of planned special exposures. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1106, *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- i) Records of individual dose monitoring results, including at least annual updates of TRC Form 21-3 or records containing all the information required by TRC Form 21-3. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1107(e), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- j) Records documenting compliance with the dose limit for individual members of the public. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1108(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- k) Records of the disposal of licensed materials by discharge into sanitary sewage or treatment by incineration. RETENTION: Until termination of license or certificate of registration. [By regulation - Standard 21.1109(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- l) Records of testing entry control devices for very high radiation areas. RETENTION: 3 years. [By regulation - Standard 21.1110(b), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.113.]
- m) Tests of protective equipment including aprons, gloves, and shields. RETENTION: Until inspection by the Texas Department of Health. [By regulation - Standard 32.10(d), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]
- n) Records of receipt, transfer, and disposal of radiation machines; correspondence to and from the Texas Department of Health regarding radiation machines' records of surveys, calibrations, spot checks, maintenance, and modifications performed on radiation machines after April 1, 1989. RETENTION: Until inspection by the Texas Department of Health. [By regulation - Standard 32.10(e), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]
- o) Documentation of test calibrations to determine compliance with the standards for human diagnostic x-ray systems (radiographic, radiographic/fluoroscopic, dental, and computed

tomography) including any numerical readings and any corrections or repairs. RETENTION: 5 years. [By regulation - Standard 32.20(h), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

p) Images of spot checks for computed tomography (CT) x-ray systems. RETENTION: Until a new dose measurement is performed. [By regulation - Standard 32.41(c)(2)(iii), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

q) Records for mammography x-ray systems.

1) Quality assurance records for mammography systems including annual review of quality assurance program, and documentation of equipment monitoring, checks of quality control items, and any necessary corrections. RETENTION: 2 years. [By regulation - Standard 32.17(a)(1)-(3), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

2) Annual evaluation and quality control checks for mammography systems performed by a licensed medical physicist. RETENTION: 7 years. [By law - Health and Safety Code, Section 401.424(a)(4)(C).]

3) Original mammograms. RETENTION: Until the earlier of a) 5 years; b) if additional mammography of the same patient is not performed by the facility, 10 years; or c) at the request of the patient, the original mammogram may be forwarded to another medical institution. [By law - Health and Safety Code, Section 401.424(a)(4)(E)(i)-(iii).]

r) Records for therapeutic x-ray systems of less than 1 MeV.

1) Calibrations of the therapy system. RETENTION: 5 years. [By regulation - Standard 32.60(c)(2)(vi), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

2) Spot check measurements and records of any necessary corrective actions. RETENTION: 2 years. [By regulation - Standard 32.60(c)(3)(vi), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

s) Records for therapeutic x-ray systems of more than 1 MeV.

1) Calibrations of the therapy system and of the dosimetry system. RETENTION: 5 years. [By regulation - Standard 32.70(c)(3)(vi), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

2) Spot check measurements and records of any necessary corrective actions. RETENTION: 3 years. [By regulation - Standard 32.70(c)(4)(viii), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.116.]

t) Records and reports of misadministration of radionuclides. RETENTION: 10 years. [By regulation - Standard 41.26(d)(4), *Texas Regulations for Control of Radiation* adopted by reference, 25 TAC 289.121.]

4750-08 REPORTS TO GOVERNMENT AGENCIES - Reports to local, state, or federal agencies regarding any aspect of local public health activities and programs *except* for those reports specified elsewhere in this schedule.

a) Annual reports. RETENTION: PERMANENT.

b) Special reports that *are not* recapitulated in annual reports. RETENTION: AV unless otherwise required by requester. (Exempt from destruction request requirement)

c) Interim or periodic reports on a less than annual basis that *are* recapitulated in an annual report or in a special report under (b). RETENTION: 1 year. (Exempt from destruction request requirement)

4750-09 SPECIAL PROJECTS AND RESEARCH DOCUMENTATION. RETENTION: 10 years after completion of research or project.

4750-10 SURVEY AND INSPECTION REPORTS - Includes building and fire inspections, and Joint Commission on the Accreditation of Hospitals (JCAH) surveys. *Does not* include surveys for monitoring radiation (see item number 4750-07). RETENTION: 3 years.

4750-11 VOLUNTEER SERVICES FILES - Information about individual volunteers and duties they perform. RETENTION: Termination + 2 years.

PART 2: RECORDS OF LOCAL PUBLIC HEALTH AUTHORITIES

Retention Notes: a) In this part the term “local health authority” means local health units, local health departments, public health districts, and health personnel appointed by municipalities and counties without organized local public health departments or districts.

b) This part should not be used for the records of a hospital owned, operated, or leased by a local government (see Part 3: Records of Local Public Hospitals).

SECTION 2-1: MEDICAL RECORDS

Retention Note: Records in this section have retention periods based on recommendations of the Texas Department of Health and must be destroyed by shredding, pulping, or burning (if allowed by local ordinance).

4775-01 COMMUNICABLE DISEASE SURVEILLANCE FORMS - Copies of surveillance forms completed by Texas Department of Health personnel and maintained by local health authorities. RETENTION: 5 years past last date encounter occurred or until patient reaches 21st birthday, whichever later.

4775-02 DENTAL RECORDS AND REFERRALS. RETENTION: 5 years past the last date on which service was given or until patient reaches 21st birthday, whichever later. [By regulation - 22 TAC 109.44(b) for minimum retention required for dental records maintained by dentist.]

Retention Note: Because of the use of these records for identification purposes, the Texas Department of Public Safety recommends dental records be maintained a minimum of 10 years.

4775-03 IMMUNIZATION RECORD AND CONSENT FORMS

a) Adults. RETENTION: 10 years following end of calendar year in which consent form was signed.

b) Minors. RETENTION: 21st birthday or 10 years following end of calendar year in which consent form was signed, whichever later.

4775-04 PATIENT RECORDS - Medical records, including laboratory reports and master index to records, of persons treated in local health programs and similar records created as the result of control or surveillance measures instituted by a local health authority.

a) Adult health, child health, chronically ill and disabled children, and communicable diseases. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

b) Family health. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

Retention Note: If records of several family members are located in same file, retention period is based upon age of youngest family member.

c) Family planning, including Title XX medical records. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

Retention Notes: a) The retention period of records that document the use of an I.U.D. will begin at the end of the effective life of the I.U.D.

b) The retention period of records that document the surgical implantation of contraceptives will begin when the contraceptive is exhausted.

d) Maternal health. RETENTION: 5 years past the last date on which service was given or until the infant's 21st birthday, whichever later.

e) Sexually transmitted diseases *except* syphilis. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

Retention Note: All sexually transmitted disease records containing positive syphilis test results must be maintained until 5 years past the patient's death, if known; or 25 years from last date of service, if not known.

f) Syphilis.

1) Positive test results. RETENTION: 5 years past the date of patient's death, if known; or 25 years from last date of service, if not known.

2) Negative test results. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

g) HIV/AIDS. RETENTION: 5 years past the date of patient's death, if known; or 25 years from last date of service, if not known.

h) Tuberculosis (including x-rays). RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

Retention Note: X-rays showing significant abnormalities may be given to the patient and/or another authorized person. In such circumstances, the director and librarian of the Texas State Library, by authority of the Local Government Code, Section 202.004(a), hereby consents to the return as a permitted exception to the statutory prohibition against the alienation of local government records.

i) Hansen's disease. RETENTION: PERMANENT.

4775-05 SCREENING PROCEDURES - Microscopical, cultural, serological, and other screenings and tests, performed in local government owned laboratories or clinics, that *do not* become part of the patient records of a local health program. If such tests or screenings *do* become part of the patient records of a local health program, they should be retained for the period listed for that program under item number 4775-04.

a) Health risk appraisal; blood pressure screening; blood pressure referral; vision, hearing, and speech; diabetics screening; syphilis serology; gonorrhea; other laboratory screenings and tests. RETENTION: 5 years past the last date on which service was given or until the patient's 21st birthday, whichever later.

b) HIV.

1) Anonymous test results. RETENTION: 60 days or given to clients. (Exempt from destruction request requirement)

Retention Note: The director and librarian of the Texas State Library, by authority of the Local Government Code, Section 202.004(a), hereby consents to the return of these test results to clients as a permitted exception to the statutory prohibition against the alienation of local government records.

2) Seropositive confidential test results. RETENTION: 5 years after the patient's death, if known; or 25 years after seropositive results, if not known.

3) Seronegative confidential test results. RETENTION: 5 years past the last date of services or until the patient's 21st birthday, whichever later.

c) Infant screening for genetic or metabolic disorders. RETENTION: Until the patient's 21st birthday.

SECTION 2-2: INSPECTION AND PERMIT RECORDS

4775-21 CITATIONS, NOTIFICATIONS OF VIOLATIONS, AND WARNING NOTICES - Copies of notifications or orders sent or given to owner, agent, or occupant of a business or property or to person holding a health permit to correct violations of state or local health laws, including documents verifying that the violations have been corrected. RETENTION: Verification of correction + 3 years.

4775-22 ENVIRONMENTAL POLLUTION CONTROL TESTS - Pollutant measurements for air, soil, water, etc. and similar records of environmental quality testing *except* monitoring of the release of radioactive effluents (see item number 4750-07). RETENTION: 3 years.

4775-23 FOOD QUALITY TEST REPORTS - Food tests, milk analyses, swab tests, and similar laboratory test reports relating to the testing and screening of food and food handling and processing equipment. RETENTION: 3 years.

4775-24 INSPECTION LOGS - Logs, registers, or similar records providing a chronological listing of sanitary evaluations performed. RETENTION: 1 year. (Exempt from destruction request requirement)

4775-25 PERMITS AND LICENSES - Permits and licenses issued by local health authorities relating to restaurants, taverns, food handling, dairy products, frozen dessert products, meat, vending machines, day care centers, home health care, nursing homes, environmental health,

and all other situations, activities, or persons required to have local health permits pursuant to state law or regulation.

a) Applications for and copies of permits or licenses. RETENTION: Expiration or revocation + 3 years for granted permits or licenses; date of denial + 1 year for denied applications. (Denied applications are exempt from destruction request requirement.)

b) Applications and authorizations for variances or exemptions from licensing regulations. RETENTION: Expiration or revocation + 3 years for approved variances or exemptions; date of denial + 1 year for denied applications. (Denied applications are exempt from destruction request requirement.)

c) Logs or reports of permits or licenses and variances or exemptions issued. RETENTION: 1 year. (Exempt from destruction request requirement)

4775-26 QUARANTINE RECORDS - Orders, notifications, warrant copies, and similar records relating to the isolation, quarantine, disinfection, or other control measures applied to persons, animals, objects, structures, and land to halt the introduction, transmission, and spread of communicable disease. RETENTION: 3 years after quarantine lifted.

4775-27 SANITARY EVALUATION REPORTS - Reports of sanitary inspections carried out by local health authority personnel on restaurants, taverns, dairies, food markets, hotels, motels, nursing homes, day care centers, campgrounds, vending machines, and other facilities or equipment as required by state law or regulation or by local ordinance. RETENTION: 3 years.

4775-28 WEIGHTS AND MEASURES RECORDS - Field test reports, follow-up reports, logs or reports of seals issued, and similar records relating to the certification of weights and measures in a local government. RETENTION: 3 years.

SECTION 2-3: MISCELLANEOUS RECORDS

4775-41 COMMUNICABLE DISEASE REPORTS (TO HEALTH AUTHORITY) - Reports and supporting documentation of communicable diseases received by local health authorities from physicians, dentists, hospitals, school districts, or others as prescribed by law. RETENTION: 3 years.

Retention Note: If, pursuant to law or regulation, a health authority institutes control procedures and a patient file is established as the result of a communicable disease report use retention periods for Health Program Patient Records (see item number 4775-04).

4775-42 COMMUNICABLE DISEASE REPORTS (TO STATE) - Copies of periodic or emergency communicable disease reports from local health authorities to the Texas Department of Health. RETENTION: 3 years.

4775-43 COMPLAINTS - Reports of complaints received by local health authorities from the public or from other local departments or agencies regarding possible violations of local or state health laws or regulations. **RETENTION:** Resolution or dismissal of the complaint + 3 years.

4775-44 CONTROLLED SUBSTANCE AND DANGEROUS DRUG RECORDS

a) Controlled substance logs and inventories, including suppliers' invoices and credit memos; biennial inventory of controlled substances required by the Drug Enforcement Administration (DEA); reports of theft or significant loss of controlled substances; reports of surrender or destruction of controlled substances; Schedule V nonprescription register book; DEA order form, and all copies of each unaccepted or defective order form and any attached statements or other documents. **RETENTION:** 2 years. [By regulation and by law - 21 CFR 1304.04(a); Health and Safety Code, Section 481.067(a); 37 TAC 13.61(a); 37 TAC 13.64(g).]

b) Prescriptions records, including copy 2 of the triplicate prescription form required to prescribe a controlled substance. **RETENTION:** 2 years after the date of the initial dispensing or the last refilling of the prescription, whichever later. [By regulation and by law - Health and Safety Code, Section 481.075(f)(2); Health and Safety Code, Section 483.023; 37 TAC 13.64(b)(1).]

Special Note: For prescription records maintained in a data processing system, see 37 TAC 13.64 for specific requirements related to records medium.

c) Records of each acquisition and each disposal of a dangerous drug. **RETENTION:** 2 years after the date of the acquisition or disposal. [By law - Health and Safety Code, Section 483.024.]

4775-45 RURAL HEALTH CARE CLINICS CERTIFIED FOR PARTICIPATION IN MEDICARE - Patient health records including identification and social data, evidence of consent forms, medical history, health assessment; reports of physical examinations, diagnostic and laboratory test results; physician's orders, reports of treatments and medications; and signatures of the physician or other health care professionals. **RETENTION:** 6 years from date of last entry. [By regulation - 42 CFR 491.10(c).]

PART 3: RECORDS OF LOCAL PUBLIC HOSPITALS

Retention Note: This section applies to hospitals owned, operated, or leased by a county, municipality, hospital authority, hospital district, or other political subdivision of the state.

SECTION 3-1: MEDICAL RECORDS

4800-01 BIRTH AND DEATH RECORDS - Copies of birth and death certificates sent to local registrars of vital statistics (see also Part 4: Vital Statistics Records). RETENTION: AV. (Exempt from destruction request requirement)

4800-02 INDEX TO PATIENT MEDICAL RECORDS. RETENTION: PERMANENT.

4800-03 LOGS AND REGISTERS - Includes logs (e.g., delivery room, emergency room, surgery) and registers (e.g., tumor registry files, trauma registers). RETENTION: 5 years.

4800-04 PATIENT RECORDS - Medical records that include patient identification data; medical history; reports of relevant physical examinations; diagnostic and therapeutic orders; documentation of appropriate informed consent; clinical observations, including the results of therapy; reports of procedures, tests, and their results, including laboratory, pathology, and radiology reports; and conclusions at termination of hospitalization or evaluation/treatment. Includes treatment records for emergency room. RETENTION: 10 years past the last date on which service was given or until the patient's 20th birthday, whichever later. [By law - Health and Safety Code, Section 241.103.]

Retention Note: The Texas Health and Safety Code specifies that the hospital may not destroy medical records that relate to any matter that is involved in litigation if the hospital knows the litigation has not been finally resolved.

4800-05 PATIENT TRANSFER MEMORANDA - A copy of each memorandum of transfer, retained by both the transferring and receiving hospitals and filed separately from the patient's medical record in a manner that will facilitate its inspection by the Texas Department of Health. RETENTION: 5 years.

SECTION 3-2: LABORATORY AND THERAPY RECORDS

Retention Note: This section is for laboratory, therapy, and x-ray records that **do not** become a part of the patient records of the hospital. If such tests, reports, screening, etc., **do** become a part of the patient records, they should be retained for the period listed under Patient Records (see item number 4800-04).

4800-21 BLOOD BANK RECORDS - Documentation of all significant steps in the collection, processing, compatibility testing, storage and distribution of each unit of blood and blood components. RETENTION: 5 years after the records of processing have been completed or 6 months after the latest expiration date for the individual product, whichever later. [By regulation - 21 CFR 606.160(d).

Retention Note: When there is no expiration date, records shall be retained indefinitely.

4800-22 ELECTROCARDIOGRAMS (EKG). RETENTION: 10 years.

4800-23 ELECTROENCEPHALOGRAMS (EEG). RETENTION: 5 years for normal tracings; 10 years for abnormal tracings.

4800-24 PATHOLOGY REPORTS AND SLIDES. RETENTION: 10 years.

4800-25 RADIOLOGICAL SERVICES - Copies of reports and printouts; films; scans, and other image records, as appropriate. RETENTION: 5 years. [By regulation - 42 CFR 482.26(d)(2).]

4800-26 REGISTERS OF TESTS. RETENTION: 5 years.

4800-27 REQUESTS FOR TESTS. RETENTION: 5 years.

4800-28 TEST RESULTS - Test results that do not become part of the patient records *excluding* those specified elsewhere in this section. RETENTION: 3 months. (Exempt from destruction request requirement)

4800-29 THERAPY TREATMENT RECORDS - Including consent forms. RETENTION: 5 years.

SECTION 3-3: MISCELLANEOUS RECORDS

4800-41 ADMISSION AND DISCHARGE REPORTS. RETENTION: 3 years.

4800-42 CENSUS RECORD OF PATIENTS. RETENTION: 10 years.

4800-43 COMMUNICABLE DISEASE REPORTS TO STATE AND LOCAL HEALTH AUTHORITIES. RETENTION: 3 years.

4800-44 CONTROLLED SUBSTANCE AND DANGEROUS DRUG RECORDS

a) Controlled substance logs and inventories, including suppliers' invoices and credit memos; biennial inventory of controlled substances required by the Drug Enforcement Administration (DEA); reports of theft or significant loss of controlled substances; reports of surrender or destruction of controlled substances; Schedule V nonprescription register book; DEA order form, and all copies of each unaccepted or defective order form and any attached statements or other documents. RETENTION: 2 years. [By regulation and by law - 21 CFR 1304.04(a); Health and Safety Code, Section 481.067(a); 37 TAC 13.65(a); 37 TAC 13.64(g).]

b) Records of each acquisition and each disposal of a dangerous drug. RETENTION: 2 years after the date of the acquisition or disposal. [By law - Health and Safety Code, Section 483.024.]

c) Inpatient records - Original medication orders shall be maintained with the medication administration record in the medical records of the patient (see item number 4800-04).
RETENTION: 10 years past the last date on which service was given or until the patient's 20th birthday, whichever later. [By regulation and by law - 37 TAC 13.65(c)(2); Health and Safety Code, Section 241.103.]

d) Outpatient records - Prescriptions records, including copy 2 of the triplicate prescription form required to prescribe a controlled substance. RETENTION: 2 years from the date of filling or the date of the last refill dispensed. [By regulation and by law - Health and Safety Code, Section 481.075(f)(2); Health and Safety Code, Section 483.023; 37 TAC 13.64(b)(1); 37 TAC 13.65(b)(1).]

Special Note: For prescription records maintained in a data processing system, see 37 TAC 13.64 for specific requirements related to records medium.

4800-45 DIETARY AND FOOD SERVICE

a) Food service records, including food costs, meal counts, and dietary services studies.
RETENTION: 5 years.

b) Menus. RETENTION: 2 years.

c) Rosters of patient diet orders. RETENTION: 2 months. (Exempt from destruction request requirement)

4800-46 HOUSEKEEPING ROOM RECORDS. RETENTION: 2 years.

4800-47 INFECTION CONTROL AND MONITORING RECORDS. RETENTION: 10 years.

4800-48 NUCLEAR MEDICINE SERVICES - Copies of nuclear medicine reports and records of the receipt and disposition of radiopharmaceuticals. RETENTION: 5 years. [By regulation - 42 CFR 482.53(d)(1).]

4800-49 NURSING SERVICES REPORTS - Supervisory and staffing records/reports.
RETENTION: 5 years.

4800-50 SECURITY RECORDS

a) Incident reports. RETENTION: 5 years.

b) Daily log - Listing of notable occurrences. RETENTION: 2 years.

c) Lost and found log. RETENTION: After disposal of items + 2 years.

4800-51 SOCIAL SERVICES CASE RECORDS - Documentation of social services provided, other than what is filed in the medical record. RETENTION: 5 years from the last date of service.

PART 4: VITAL STATISTICS RECORDS

Retention Notes: a) This section applies to local health authorities that serve as registrars of vital statistics.

b) The same records, if maintained by a justice of peace or city clerk or secretary as a local registrar, are listed in Part 3 of Local Schedule LC (Records of Justice and Municipal Courts) and are assigned the same item numbers as this section.

2400-01 BIRTH AND DEATH RECORD (combination of the Birth Record and Death Record). RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-02 BIRTH RECORD (REGISTER OF BIRTHS) - Recorded or bound duplicate copies of birth certificates, delayed birth certificates, or amended birth certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-03 BURIAL TRANSIT PERMIT RECORDS - Stubs, copies, or lists of burial transit permits issued. RETENTION: 2 years.

2400-04 DEATH RECORD (REGISTER OF DEATHS) - Recorded or bound duplicate copies of death certificates, fetal death certificates, or amended death certificates. RETENTION: PERMANENT. [By law - Health and Safety Code, Section 191.026.]

2400-05 DISINTERMENT RECORD

a) Copies of disinterment permits. RETENTION: PERMANENT.

b) Applications for permits. RETENTION: AV. (Obsolete record; exempt from destruction request requirement)

2400-06 NOTIFICATIONS OF DEATH OF PERSONS UNDER 55 - Abstracts, transcripts, or copies of death certificates from the Bureau of Vital Statistics of persons under age 55 (or under 18 prior to May 1987), whose birth certificates are recorded in an office of a local registrar. RETENTION: Until notation made in Birth Record. (Exempt from destruction request requirement)

2400-07 REPORTS OF DEATH - Reports of death filed by funeral directors or persons acting as such. RETENTION: Until receipt of death certificate. (Exempt from destruction request requirement)

PART 5: COUNTY INDIGENT HEALTH CARE PROGRAM RECORDS

4825-01 ACCOUNTING RECORDS - Records, vouchers, and procedures that establish a clear, accurate audit trail of each expenditure. RETENTION: FE + 3 years. [By regulation - 25 TAC 14.1(f)(1)(I).]

Retention Note: FE is the state fiscal year ending August 31.

4825-02 CASE RECORDS

a) Denied applicant - Application, written statement of truth of information signed by applicant, eligibility worksheet, assistance form, written notice of eligibility decision, reason for denial, and explanation of the county's appeal process. RETENTION: FE + 3 years. [By regulation - 25 TAC 14.1(c)(11).]

Retention Note: FE is the state fiscal year ending August 31.

b) Eligible applicant - Application, documentation and verification of eligibility, monthly financial and activity reports, and eligibility reviews. RETENTION: 3 years past the last date on which service was given.

4825-03 STATE LEGALIZATION IMPACT ASSISTANCE GRANT RECORDS (SLIAG)

a) Accounting records - Financial and supporting documents, statistical records, and any other records pertinent to the services for which a claim or cost report was submitted. RETENTION: 3 years and 90 days after the end of the contract period or for 3 years after the end of the federal fiscal year in which services were provided, if a provider agreement/contract has no specific termination date in effect. [By regulation - 40 TAC 63.13(a) and 69.205(b).]

Retention Notes: a) The contract period means the beginning date through the ending date specified in the original agreement/contract; extensions are considered separate contract periods.

b) If any litigation, claim or audit involving these records begins before the three-year period expires, the provider must keep the records and documents for not less than three years and 90 days or until all litigation, claims, or audit findings are resolved.

c) The case is considered resolved when a final order is issued in litigation, or the Department of Human Services and the contractor enter into a written agreement.

d) Records of non-expendable property acquired under the contract must be maintained for three years after the final disposition of the property.

b) Medical records - Case documentation of health services provided eligible legalized aliens. RETENTION: 5 years after medical services end. [By regulation - 40 TAC 63.13(a) and 69.205(b).]

PART 6: ANIMAL CONTROL AND HEALTH RECORDS

Retention Note: The retention periods in this part are applicable to the records of any animal shelter owned and/or operated by a local government and of the local health authority designated by a commissioners court or the governing body of a municipality for the purposes of rabies control, pursuant to Health and Safety Code, Section 826.017.

4850-01 ACTIVITY REPORTS AND LOGS - Daily or weekly activity reports or logs on animal shelter or animal control operations, including field officer reports, kennel log sheets, statistical summaries, logs of response to animal-related incidents, etc. RETENTION: 1 year. (Exempt from destruction request requirement)

4850-02 ANIMAL BITE RECORDS - Records of investigation of bites by animals, including reports or copies of reports by or to physicians, veterinarians, health officers, animal shelter personnel, law enforcement officers, or the Texas Department of Health; quarantine reports relating to the observation and testing of the animal; and similar records pertinent to the disposition of animal bite incidents. RETENTION: 3 years; or, if the person bitten is a minor, until the person's 20th birthday, whichever later.

4850-03 ANIMAL PERMIT AND LICENSE RECORDS - Includes those issued to pet owners, kennel or wildlife exhibit operators, and other persons pursuant to local ordinance or order.

a) Applications for and copies of permits or licenses. RETENTION: Expiration or revocation + 3 years for granted permits or licenses; date of denial + 1 year for denied applications. (Denied applications are exempt from destruction request requirement.)

b) Applications and authorizations for variances or exemptions from animal control licensing regulations. RETENTION: Expiration or revocation + 3 years for approved variances or exemptions; date of denial + 1 year for denied applications. (Denied applications are exempt from destruction request requirement.)

c) Logs or reports of permits or licenses and variances or exemptions issued. RETENTION: 2 years.

4850-04 ANIMAL SHELTER CONTROL RECORDS - Records of each animal received at an animal shelter, including data relating to its admission and condition and its reclamation, adoption, sale, or destruction. RETENTION: 1 year. (Exempt from destruction request requirement)

4850-05 CITATIONS, NOTIFICATIONS OF VIOLATIONS, AND WARNING NOTICES - Animal control officer's copies of these instruments issued to members of the public or businesses subject to state and local animal control regulations, including documents verifying that the violations have been corrected. RETENTION: Verification of correction + 3 years.

4850-06 COMPLAINTS - Complaints received from the public or from other agencies regarding animal control issues, including possible violations of animal control regulations. RETENTION: Resolution or dismissal of the complaint + 3 years.

4850-07 COMMUNICABLE DISEASE REPORTS - Copies of reports of actual or suspected rabies, anthrax, brucellosis, or other reportable communicable diseases of animals or humans submitted by veterinarians or other personnel employed by an animal shelter to a local health authority. RETENTION: 3 years.

Retention Note: A communicable disease report, except one associated with an animal bite case as described in item number 4850-02, need be retained among the records of an animal shelter only as long as administratively valuable if the health authority to which the report is submitted is part of the same government that operates the shelter.

4850-08 CONTROLLED SUBSTANCE AND DANGEROUS DRUG RECORDS

a) Veterinary controlled substances logs and inventories. RETENTION: 2 years. [By regulation and by law - 21 CFR 1304.04(a); Health and Safety Code, Section 481.067; 37 TAC 13.61(a).]

b) Record of each acquisition and each disposal of a dangerous drug. RETENTION: 2 years from date of acquisition or disposal. [By law - Health and Safety Code, Section 483.024.]

c) Copy 3 of triplicate prescription form used to prescribe a controlled substance. RETENTION: 2 years. [By law - Health and Safety Code, Section 481.075(d)(3).]

4850-09 LOST ANIMALS, REPORTS OF - Logs, registers, or reports of lost, strayed, or stolen animals. RETENTION: 1 year. (Exempt from destruction request requirement)

4850-10 RABIES VACCINATION CERTIFICATES - Copies of certificates of rabies vaccinations performed by veterinarians. RETENTION: Date of issuance + 3 years. [By regulation - 25 TAC 169.29(c).]

4850-11 SHELTER AND QUARANTINE FACILITY INSPECTION REPORTS

a) Annual inspection reports of publicly-owned animal shelters by a licensed veterinarian as required by Health and Safety Code, Section 823.003(d) in counties with a population of 75,000 or more, or any similar annual inspection reports of such shelters as may be required by municipal or county regulation. RETENTION: 3 years.

b) Annual or other periodic inspection reports by personnel of the Texas Department of Health of a shelter as an animal quarantine facility, including any documentation relating to the correction of deficiencies or to an appeal of report findings. RETENTION: 3 years.

4850-12 STERILIZATION DOCUMENTATION - Sterilization agreements, veterinary reports that sterilization would jeopardize animal's life, confirmation of sterilization, letters stating animal has died or been lost or stolen before sterilization, notices of failure to receive letters of confirmation, and records of reclamation from owners. RETENTION: 1 year. (Exempt from destruction request requirement)

PART 7: RECORDS OF THE COUNTY INSPECTOR OF HIDES AND ANIMALS

Retention Note: The office of county inspector of hides and animals is authorized to be filled by election in only a few Texas counties, and in some of those the position has been deliberately left vacant. The retention periods in this part are also binding on the county clerk or any other current custodian of the records of a defunct office of the inspector of hides and animals. This part should also be used in determining the disposition of any extant records of the office of the county inspector of sheep, which was abolished in 1915.

4875-01 AUCTION RECORD - Record and account of proceeds from the sale at public auction of hides and animals seized and condemned by court order. RETENTION: 1 year after deposit of sale funds. (Exempt from destruction request requirement)

4875-02 EXPENSE AND COLLECTIONS REPORTS - Annual, monthly, or other periodic reports to the commissioners court or the county auditor of office expenses incurred or of fines, costs, judgments, claims, and commissions collected for the county. RETENTION: AV. (Exempt from destruction request requirement)

4875-03 FEE BOOK - Account of fees received for the inspection of hides and animals and for the authentication and acknowledgment of bills of sale. RETENTION: FE + 5 years.

4875-04 INSPECTION RECORD - Record of inspection of each animal or hide sold in the county, leaving the county for sale or shipment, driven in the county for slaughter, slaughtered, or for other reasons as provided by law. RETENTION: 3 years. (Review before disposal; some records of this type may merit permanent retention for historical reasons.)

4875-05 MARKS AND BRANDS RECORD - Certified copies provided by the county clerk of recorded marks and brands in the county and persons authorized to gather, drive, or handle stock bearing each brand or mark, including subsequent notations of the sale of animals bearing the recorded brands. RETENTION: PERMANENT.