



BOARD OF
CHIROPRACTIC EXAMINERS

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Human Resources and Administration

Records Management Program

(605) 773-3589

ACKNOWLEDGEMENTS

PREPARED BY:

Bureau of Human Resources and Administration
Records Management Program
104 S Garfield Avenue; Building E
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2024

PROJECT STAFF

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Department of Health

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The employees of the Board of Chiropractic Examiners contributed their time to explain the purpose and review the content of each record.

Dana Hoffer
State Records Manager

STATE RECORD DESTRUCTION BOARD

Jason Kettwig, Deputy Commissioner
Bureau of Human Resources and
Administration
(Chairman)

Chelle Somsen, State Archivist
Department of Education

Russell Olson, State Auditor General
Legislative Audit

Jenny Jorgenson
Office of the Attorney General

Jenna Latham
Office of the State Auditor

Dana Hoffer
State Records Manager

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: July 30, 2024

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

PETITION FOR AUTHORITY TO DESTROY RECORDS

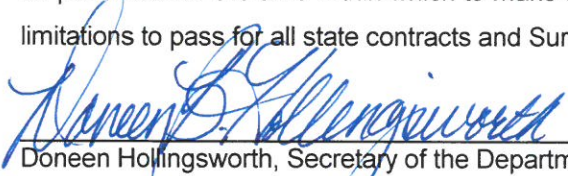
I, Doneen Hollingsworth (name), acting in my position as Secretary of the Department of Health (title), request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19 and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Board of Chiropractic Examiners (department) consists of 12 pages and contains record series number(s) BCE-1 (consecutively re-numbered) through BCE-18.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete "Records Retention and Destruction Schedule" Authorization of the Board of Chiropractic Examiners (department) record series numbers(s) CH-7, CH-9, CH-10, CH-12, and CH-18.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.


Doneen Hollingsworth, Secretary of the Department of Health

11-5-07
Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.


Dana Hoffer, State Records Manager

11-13-07
Date

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 14th day of November, 2007, and authorized the destruction of the records described in the foregoing Petition at the expiration time provided for their storage.


Signature, Chairman of the Board

11-14-07
Date

PETITION FOR AUTHORITY TO DESTROY RECORDS

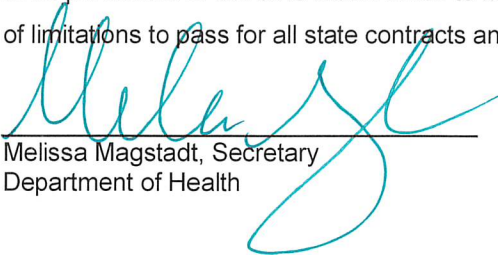
I, Melissa Magstadt, acting in my position as the Secretary of the Department of Health, request that the South Dakota State Records Destruction Board consider the attached "Records Retention and Destruction Schedule" pursuant to SDCL 1-27-13, 1-27-14, 1-27-19, and ARSD 10:03:01-02.

The records petitioned to be destroyed are described in the "Record Retention and Destruction Schedule" Authorization of the Board of Chiropractic Examiners consists of 4 page(s) and contains record series number(s) BCE-2.1, BCE-4.1, BCE-5, BCE-7, and BCE-11.

The authority requested is to destroy each record described in the attached Schedule at the expiration of the time provided for the retention of each record.

Authority is also requested to delete the "Records Retention and Destruction Schedule" Authorization of the Board of Chiropractic Examiners consists of 3 page(s) and contains record series number(s) BCE-3, BCE-4, BCE-10, and BCE-17.

The undersigned certifies that the retention for each and every record petitioned to be destroyed does not violate any minimum retention time required by state statute; will allow for required state and federal audits to be performed or the time within which to make said audits to pass; and will allow for all applicable statutes of limitations to pass for all state contracts and Surety Bonds.



Melissa Magstadt, Secretary
Department of Health

5/16-24

Date

The above and foregoing Petition is hereby recommended for approval by the State Records Destruction Board.



Dana Hoffer, State Records Manager

5/21/2024

Date

Addendum to the Board of Chiropractic Examiners' Petition for Authority to Destroy Records.

Records Destruction Board's Action(s):

- Add the following note to BCE-2.1: Note: Transfer one copy of the Annual Report to State Archives.

DESTRUCTION AUTHORITY

I hereby certify that the State Records Destruction Board met on the 30th day of July 2024 and authorized the destruction of the records as described in the foregoing Petition subject to the Addendum which is hereby incorporated and made part of the Destruction Authority at the expiration time provided for their storage. I further certify that the change(s) to the Petition as indicated in the Addendum was authorized by and through the action(s) of the State Records Destruction Board. **Authority is granted under Records Destruction Board (RDB) Number 24-003.**

Jason.Kettwig Digitally signed by Jason.Kettwig
Date: 2024.07.30 14:42:07 -05'00'

Jason W. Kettwig, Chairman of the Board

07/30/2024

Date

South Dakota Codified Laws:

1-27-1. Public records open to inspection and copying. Except as otherwise expressly provided by statute, all citizens of this state, and all other persons interested in the examination of the public records, as defined in § 1-27-1.1, are hereby fully empowered and authorized to examine such public record, and make memoranda and abstracts there from during the hours the respective offices are open for the ordinary transaction of business and, unless federal copyright law otherwise provides, obtain copies of public records in accordance with this chapter.

Each government entity or elected or appointed government official shall, during normal business hours, make available to the public for inspection and copying in the manner set forth in this chapter all public records held by that entity or official.

1-27-1.1. Public records defined. Unless any other statute, ordinance, or rule expressly provides that particular information or records may not be made public, public records include all records and documents, regardless of physical form, of or belonging to this state, any county, municipality, political subdivision, or tax-supported district in this state, or any agency, branch, department, board, bureau, commission, council, subunit, or committee of any of the foregoing. Data which is a public record in its original form remains a public record when maintained in any other form. For the purposes of §§ 1-27-1 to 1-27-1.15, inclusive, a tax-supported district includes any business improvement district created pursuant to chapter 9-55.

1-27-9. Records management programs--Definition of terms. Terms used in §§ 1-27-9 to 1-27-18, inclusive, mean:

(2) "Record," a document, book, paper, photograph, sound recording, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business. Library and museum material made or acquired and preserved solely for reference or exhibition purposes, extra copies of documents preserved only for convenience of reference, and stocks of publications and of processed documents are not included within the definition of records as used in §§ 1-27-9 to 1-27-18, inclusive.

1-27-11. Board to supervise destruction of records--State records manager as ex officio member--Permission required for destruction. There is hereby created a board consisting of the commissioner of administration, state auditor, attorney general, auditor-general, and state archivist to supervise and authorize the destruction of records. The state records manager shall also serve as an ex officio member in an advisory capacity only. No record may be destroyed or otherwise disposed of by any agency of the state unless it is determined by majority vote of the board that the record has no further administrative, legal, fiscal, research, or historical value.

1-27-15. Destruction of non-record materials. Any non-record material not included within the definition of records as contained in § 1-27-9 may be destroyed at any time by the agency in possession of such materials without the prior approval of the commissioner of administration.

Notes, Record Handling, & Definitions:

Notes:

- Pursuant to ARSD 10:04:01:03 (5), Review the inventory and the retention and destruction schedules **annually** and petition changes to the state records manager to make the schedules current, accurate, and complete.

Record Handling:

- EDMS = Electronic Document Management System (used to manage the creation, storage, capture, distribution, retention, and retrieval of documents within a centralized repository).
- Unless this records retention and destruction schedule specifies otherwise, retain scanned paper for 3 business days after a system-level backup of the records has occurred, then destroy provided all images have been verified to be accurate and complete.
- BIT's system-level backups occur daily.
- Records retention rules apply to all records, regardless of the media on which they reside.
- If records are being retained only in electronic format, the record must remain accessible for the entire retention requirement.
- Records, regardless the format, relevant to pending or reasonable anticipated litigation must be preserved even if this manual allows for its destruction.
- Consider converting long-term/permanent retention electronic images to microfilm.

Definitions:

Superseded: To take the place of; replace.

Obsolete: No longer in use.

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STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Board of Chiropractic Examiners
PROGRAM: _____
RECORDS OFFICER: Darcy McGuigan
RM CUSTOMER #: 1189

| RECORD | | R.D.B. |
|--------------------------|--|-------------------------|
| <u>SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>AUTHORITY</u> |
| | | <u>NUMBER</u> |

BCE-1. ADMINISTRATIVE REFERENCE FILES:

07-040

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, general correspondence and property management information; monthly reports; research materials; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; and other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

(Note: Cull files on a yearly basis to avoid build-up of superseded or obsolete materials.)

STATE OF SOUTH DAKOTA
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DEPARTMENT: Health
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OFFICE: Board of Chiropractic Examiners
PROGRAM: _____
RECORDS OFFICER: Darcy McGuigan
RM CUSTOMER #: 1189

| <u>RECORD</u> <u>SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u> |
|------------------------------------|---|--|
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BCE-2. ADMINISTRATIVE RULES, PROMULGATION FILES:

07-040

This series is most often arranged by subject matter and contains administrative rules promulgation files. Information may include: notices of public hearings, affidavits of publication of notices, written comments from the public, transcripts of hearings, and final decisions. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. This record series is maintained for documenting the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: FINAL DECISIONS: Retain permanently in office.

ALL OTHER DOCUMENTATION: Retain in office for as long as rules are in effect, then destroy.

(NOTE: SDCL 1-26-7 states in part that “each agency shall keep the original records, documents, and instruments required by the chapter.” There is no time frame included for these records. Since SDCL 1-26-6.8 provides that “No rule is enforceable in the Courts unless properly adopted,” the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26A-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD.)

(Consider maintaining on microfilm instead of paper and destroying paper after microfilm has been inspected and verified to meet quality standards.)

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DEPARTMENT: Health
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BCE-2.1. ANNUAL REPORTS:

24-003

This series is arranged chronologically and contains the originals of all annual reports written by the Board to summarize their activities from the previous year. Information may include: number of licenses issued, number of violations noted, expenses, revenue, and other related information. A copy is filed annually with the Department of Health. This series is used for reference to compare activities from year to year.

RETENTION: Retain 5 years in office, then destroy.

****Note: Transfer one copy of Annual Reports to State Archives ****

BCE-3. AUDIT REPORTS: Deleted from Schedule, 07/30/2024.

BCE-4. BANK STATEMENTS: Deleted from Schedule, 07/30/2024.

BCE-4.1. BOARD OF CHROPRACTIC DATABASE RECORDS:

24-003

This computer licensure system is arranged numerically by licensee name and contains the actual license information for each licensee under the jurisdiction of the South Dakota Board of Chiropractic Examiners. Information may include: name, address, date of birth, social security number, license number, licensure status, education, continuing education information, and malpractice insurance information. This record series is maintained for verification and administrative purposes.

RETENTION: Retain 50 years after license expiration or inactivation, then delete.

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BCE-5. CERTIFICATES, CHIROPRACTIC ASSISTANTS & CHIROPRACTIC RADIOGRAPHERS:

24-003

This series is arranged alphabetically and contains information about chiropractic assistants and chiropractic radiographers certified by the Chiropractic Examiners Board. Information may include: applications, correspondence, copy of diploma, education history, complaints, photograph, the actual examination taken, examination ID number, and certificate number issued. This record series is used to document the certification and renewal process of chiropractic assistants and chiropractic radiographers.

RETENTION: Retain in office 1 year after expiration, then transfer to storage for 4 years. Destroy 5 years after expiration.

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BCE-6. COMPLAINT FILES:

07-040

This series contains all related correspondence received from either the general public or initiated by the Chiropractic Examiners Board concerning problems which have occurred with chiropractors. Information may include: nature of the complaint, related correspondence, investigation of the allegation, conclusion of the investigation, and related materials. This record series is used by the Board to determine if a complaint is substantiated, and if so, to take corrective action. If the complaints are substantiated, this information is then placed in each respective "License Files, Chiropractors."

RETENTION: UNSUBSTANTIATED: Retain 5 years in office after final determination, then destroy.

(Note: If like complaint exists within this 5 years, then retain like complaints for 10 years, then destroy.)

SUBSTANTIATED: Retain until case is closed, then transfer to the respective "License Files, Chiropractors," and maintain permanently.

| <u>RECORD SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>R.D.B. AUTHORITY NUMBER</u> |
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BCE-7. CONTINUING EDUCATION FILES:

24-003

This series is arranged alphabetically by name and contains information documenting requisite education required to apply for and maintain a chiropractic license. Information may include: applicant name, courses attended, date of course, name and address of schools, certification, school affidavits, and authorizing signatures. This record series is maintained to ensure proper continuing education is received by all licensed chiropractors. South Dakota requires chiropractors to obtain forty hours of continuing education in a two-year education period. Chiropractic assistants and chiropractic radiographers must obtain four hours in a two-year educational period.

RETENTION: Retain 2 years in office, then destroy.

(Note: Continuing education is recorded on-line.)

BCE-8. CONTRACTS AND AGREEMENTS:

07-040

This series is most often arranged alphabetically and contains reference copies of contracts in which the Board may have an interest. It also contains the agency's copy of contracts and agreements between the Chiropractic Examiners Board and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is maintained for reference and audit purposes.

RETENTION: Retain current in office. Destroy 6 years after terminated provided no litigation is pending.

(Note: SDCL 1-24A-1 requires consulting contracts be filed with the State Auditor.)

(Note: Previous record series number was CH-8.)

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RM CUSTOMER #: 1189

| <u>RECORD</u> <u>SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u> |
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BCE-9. FINANCIAL STATEMENTS:

07-040

This series is arranged chronologically, and contains financial statements which provide an overview of the Board's financial condition for a given fiscal year. Information may include: balance sheets; statement of revenues, expenditures, and changes in fund balances (budgeted and actual); statement of fixed assets; summary of significant accounting procedures; supplemental information; and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

BCE-10. LICENSE FILES, CHIROPRACTIC HOSPITALS: Deleted from Schedule, 07/30/2024.

BCE-11. LICENSE FILES, CHIROPRACTORS:

24-003

This series is arranged alphabetically by licensee name and contains personal data for licensed chiropractors. Information may include: original applications, college grade transcripts, references, internship verification, verification of experience, renewal applications, and renewal date. This record series is used to document the licensing and renewal processes of all chiropractors.

RETENTION: Retain active in office. Destroy inactive 10 years after expiration of last valid license provided all litigation and claims involving the records have been resolved.

(Note: Document imaging system also exists.)

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BCE-12. MINUTES, CHIROPRACTIC EXAMINERS BOARD:

07-040

This series is arranged chronologically and contains the official minutes of the Chiropractic Examiners Board meetings. Information may include: date of meetings, members present, topics discussed, and action taken. This record series is used for occasional reference and documentation purposes.

RETENTION: Retain 5 years in office, then microfilm and maintain film permanently.

(Note: Document imaging system also exists.)

BCE-13. PEER REVIEW COMMITTEE FILES:

07-040

This series is maintained to comply with a state statute which establishes a Peer Review Committee as an arm of the Board of Chiropractic Examiners. Information may include: correspondence, confidential patient records, complaints, inspection reports, and recommendations to the Chiropractic Examiners Board. This record series documents reviews of complaints made by the public or peers against licensed chiropractors and insurance companies.

RETENTION: Retain in office for 2 years after case closed, then transfer to storage for 3 years. Destroy 5 years after case closed provided no litigation is pending.

(Note: Previous record series number was CH-16.)

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BCE-14. PRECEPTOR PROGRAM FILES:

07-040

This series is arranged alphabetically and contains the Board approvals of preceptor programs prior to license issue. Information may include: applications, transcripts, letters from sponsors, and board approval. This record series is used to document approval of an optional three month chiropractic preceptor program during the last year of internship. After licenses are issued these records will be made a part of the "License Files, Chiropractors."

RETENTION: Retain current in office. Transfer to permanent license files upon successful completion of the preceptor program.

BCE-15. RECEIPT FILES:

07-040

This series is arranged chronologically and contains the forms issued to document the receipt of money. Information may include: date money was received, amount received, funds and accounts to be credited, the amount to be credited, and signature of the person receiving the money. This records series is maintained for audit purposes.

RETENTION: Retain 2 years in office, then transfer to storage for 2 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

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| BCE-16. | <u>SOUTH DAKOTA FINANCIAL SYSTEM REPORTS:</u> | |
|----------------|--|--|

07-040

These daily, weekly, monthly**, and year-end** Computer Output Microfiche (COM) reports are used to monitor and reconcile fiscal year receipts and expenditures. Information is maintained by the Finance Officer and may include: revenue and journal voucher reports*, open purchase order reports, available funds reports*, revenue analysis reports, state general ledger trail balance*, company general ledger trial balance*, expenditure reports*, bank reconciliation reports*, employee receivable reports*, warrant register reports*, encumbrance detail reports*, accounts payable reports*, project reports*, cash center reports*, object/sub-object reports*, budget adjustments reports, Special Bureau of Administration revenue reports, agency funds activity reports*, and special travel expenditure reports. This record series is maintained for audit purposes.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years, provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(NOTE: The asterisk (*) indicates reports maintained permanently on microfilm or "COM by the Bureau of Finance and Management. (**) Many of the June monthly reports serve as the year-end reports.)

(Note: Previous record series number was CH-21.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
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DEPARTMENT: Health
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 OFFICE: Board of Chiropractic Examiners
 PROGRAM: _____
 RECORDS OFFICER: Darcy McGuigan
 RM CUSTOMER #: 1189

| | | |
|--------------------------|--|-------------------------|
| RECORD | | R.D.B. |
| <u>SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>AUTHORITY</u> |
| | | <u>NUMBER</u> |

BCE-17. **SUNSET REVIEW FILES:** Deleted from Schedule, 07/30/2024.

BCE-17.1. **SURPLUS PROPERTY FILES:**

09-012

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Board of Chiropractic Examiners
PROGRAM: _____
RECORDS OFFICER: Darcy McGuigan
RM CUSTOMER #: 1189

| RECORD | | R.D.B. |
|--------------------------|--|-------------------------|
| <u>SERIES NO.</u> | <u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u> | <u>AUTHORITY</u> |
| | | <u>NUMBER</u> |

BCE-18. VOUCHERS:

07-040

This series is arranged chronologically and may contain copies of travel, non-cash, direct, receiving, and journal vouchers. Information may include: purpose of the expenditure, amount, account code credited, date, to whom or to what account the funds were transferred, and authorized signatures. This record series is maintained for reference to determine quantities and descriptions of supplies and services ordered, for vendor information, and for audit purposes. Audit copies of vouchers may also include attachments such as purchase orders, requisitions, invoices, and packing slips.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years, provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.