



## Policy & Procedure

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|---|---|---------------------------------|--|
| <b>Company:</b>   | Oregon Dental Service                         | <b>Reference Number:</b>        | ODS-COMP-ALL-PP-001-RecordRetention-V1.2 |
| <b>Department:</b>  | Legal   |                                 |  |
| <b>Business unit:</b>   | Compliance                                    | <b>Category:</b>                | Records - Corporate                      |
| <b>Title:</b>   | Record Retention, Maintenance and Destruction |                                 |  |
| <b>Lines of Business</b>  |   |                                 |  |
| <input checked="" type="checkbox"/> Dental <input checked="" type="checkbox"/> Medical <input checked="" type="checkbox"/> Pharmacy <input checked="" type="checkbox"/> Vision <input type="checkbox"/> Other   |   |                                 |  |
| <b>States</b>   |   |                                 |  |
| <input checked="" type="checkbox"/> All States <input type="checkbox"/> Alaska <input type="checkbox"/> Oregon <input type="checkbox"/> Texas <input type="checkbox"/> Washington   |   |                                 |  |
| <input type="checkbox"/> Other  |   |                                 |  |
| <b>Types of Business</b>  |   |                                 |  |
| <input checked="" type="checkbox"/> Commercial Group <input checked="" type="checkbox"/> Commercial Individual <input checked="" type="checkbox"/> Marketplace/Exchange <input checked="" type="checkbox"/> Medicaid <input checked="" type="checkbox"/> Medicare Advantage |   |                                 |  |
| <input checked="" type="checkbox"/> Short Term <input type="checkbox"/> Other   |   |                                 |  |
| <b>Origination Date:</b>  | 2/28/2016                                     | <b>Revision Effective Date:</b> | 3/29/2024                                |
| <b>Original Effective Date:</b>   | 2/28/2016                                     | <b>Revision Published Date:</b> | 3/29/2024                                |
| <b>Published Date:</b>  | 2/28/2016                                     | <b>Next Annual Review Date:</b> | 1 <sup>st</sup> Quarter 2025             |

### I. Policy Statement

This Record Retention, Maintenance and Destruction Policy establishes a uniform policy for the retention, maintenance, and destruction of Records maintained by ODS in accordance with applicable State and Federal governmental requirements, including Code of Federal Regulations, Title 42 – Public Health, Chapter IV – Centers for Medicare & Medicaid Services, Subchapter C – Medical Assistance Programs, Part 438 – Managed Care, Subpart A – General Provision, 438.3 – Standard Contract Requirements, (u) – Recordkeeping Requirements [42 CFR §438.3(u)] and other consistent with accepted professional practice. The Records produced and maintained by ODS are important assets, and therefore must be retained, maintained and destroyed in accord with this Policy. Following this Policy ensures that all legal and operational requirements are met.

This Policy is subject to a review on an annual basis. All departments will implement the Policy and all employees are expected to fully comply with this Policy. Supervisors will be responsible for ensuring that their teams comply with this Policy.

### II. Workflow Warning Message(s)

**Not Applicable**

### III. Scope

**This Policy covers all ODS lines and types of business and their operations in all states.**

#### IV. Normative References

The following documents are referred to in the text in such a way that some or all of their content constitutes requirements of this policy.

- a. **Code of Federal Regulations, Title 42 – Public Health, Chapter IV – Centers for Medicare & Medicaid Services, Subchapter C – Medical Assistance Programs, Part 438 – Managed Care, Subpart A – General Provision, 438.3 – Standard Contract Requirements, (u) – Recordkeeping Requirements [42 CFR §438.3(u)] .**

#### V. Terms and Definitions

- a. Record: letters, words, sounds, numbers, or their equivalent, set down by handwriting, typewriting, printing, photostating, photographing, magnetic impulse, mechanical or electronic recording, or other form of data compilation
- b. Official Record: the original record produced or the sole copy of a Record
- c. Retention Period: the length of time a Record must be stored and maintained to satisfy business or legal requirements
- d. On-Site Retention Period: the length of time a record is stored at a ODS facility
- e. Off-Site Retention Period: the length of time a record is stored off-site at a location selected by ODS
- f. Written Correspondence: letters, facsimile transmissions, emails

#### VI. Roles and Responsibilities

- a. The Compliance Department has responsibility for oversight of this Policy.
- b. The Compliance Department performs an annual review of this Policy.
- c. The Compliance Department reviews department level compliance with the Policy.
- d. The Compliance Department develops training materials to facilitate compliance with the Policy.
- e. Directors, Managers, and Supervisors implement the Policy as it applies to their operations.
- f. Managers / Supervisors deliver training to their employees.
- g. Each Department will categorize their Records into one of the four record retention categories identified in Section VIII – Retention of Records.
- h. Each Department establishes Record procedures that comply with this Policy.
- i. Each Department establishes a schedule for Record destruction that complies with this Policy.
- j. Each Department documents their Record destruction activities to comply with this Policy.
- k. Employees are responsible to know and comply with the Policy.

#### VII. Training

- a. The Compliance Department develops training materials.
- b. The Compliance Department delivers training to each Department annually.
- c. Each Department delivers training to their employees annually.

#### VIII. Retention of Records

ODS has identified four periods of record retention and all records produced, managed, or received by ODS will be categorized into one of these retention periods. Each business unit / department will be responsible for categorizing their records into one of these four record retention periods. Some Records may not be able to be categorized until they have been analyzed, processed, or evaluated but all records

should be categorized as soon as possible based on the needs of the business unit / department.

- a. Permanent: Records related to the management of certain core business activities will be retained permanently. Also, Records related to certain process knowledge will be retained permanently to preserve a continuity of operations. Most Records will not have this requirement.
- b. 10 years: The majority of Records produced, managed, or received by ODS will have a 10-year retention period. These include documents related to State and Federal government programs such as Medicare, Medicaid, ACA, the Federally facilitated Marketplace, and others that carry a legal / regulatory requirement for length of retention. There are also commercial business-related documents that ODS self-determines to have this retention period. ODS Compliance records have a 10 year retention period. ODS Compliance records include records relevant to external audits or reviews, including workpapers and other documents that form the basis of audits or reviews.
- c. 3 years or less: Some Records are created for internal use only and while having value to ODS, have no legal retention requirement may not have a business retention requirement of more than 3 years. Records falling into this category will be retained for 3 years or less depending on the specific needs of the affected business unit / department.
- d. 1 year or less: Some Records have no legal retention requirements and are of little to no systemic value to ODS. These Records generally may be immediately destroyed or may be kept longer based on the business needs of the employee or their business unit / department. Also, there are Records that are created during the normal workflow that have only a temporary purpose. These Records generally may be destroyed after their temporary need has ended but may be kept longer based on the business needs of the employee or their department. Records falling within this category generally should not be sent to the off-site long term storage facility.

## **IX. Maintenance of Records – Paper and Electronic**

All Records created in the course of business are the property of ODS and must be retained, maintained, and destroyed in accordance with this Policy. It is the responsibility of Directors, Managers, and Supervisors to ensure that their departments and teams remain compliant with all parts of this Policy. Failure to maintain Records in compliance with this Policy could subject ODS to penalties and fines. The following general rules apply to the maintenance of records:

- a. Retention periods are determined by the function and content of the Record, and not by the form in which it has been captured. Federal law allows departments to scan all paper documents and convert them to an electronic form as long as the original content of the Record is not altered.
- b. Records only need to be maintained in one format, as opposed to multiple formats (i.e. paper and scanned) with electronic Records preferred.
- c. Only one Official Record of each Record should be retained.
- d. The retained Record should be the original record produced, or, if it is not available, the one and only copy deemed to be the Official Record.
- e. Paper Records in storage (on-site or off-site) must be labeled with the name of the department and the relevant destroy date and those needing to be retained permanently must be labeled "PERMANENT."
- f. Each business unit /department will be responsible for determining their records on-site retention period and their off-site retention period. They will decide when and if to transfer Records off-site.
- g. ODS will maintain a secure off-site storage facility (or facilities) for use by all ODS lines of business.
- h. Electronic Records, including emails, will be maintained in a manner based on the needs of the business unit / department creating or managing them.

Employees working remotely or from home are bound by this policy the same as employees working from ODS

facilities. Additionally, employees working remotely or from home must not store any electronic Record, official or copy, except on a ODS issued device or on the ODS network. Hard copy records should generally not be stored off-site or at home. If a supervisor approves an employee to keep certain hard copy records off-site or at home, it must be kept in a secure manner and employees must follow a Clean Desk Policy.

When an employee leaves ODS, his or her immediate supervisor must perform a review and ensure the employee's work Records are compliant with this Policy. Records given to remote employees specifically for their personal use, such as a performance appraisal, are not covered by this policy.

#### X. Electronic & Other Written Correspondence Retention

- a. Like any other business Record, all electronic and other written correspondence created in the course of business is the property of ODS and must be retained and destroyed in accordance with this Policy. Electronic and other written correspondence are discoverable records, are not private, and have the potential to be a permanent record. As a general rule, before sending a message via electronic or other written correspondence, employees should consider whether the information is sensitive and better delivered by means other than a written record.
- b. Only one copy of each e-mail or other written correspondence should be retained.
- c. The Official Record is the sender's copy, all other copies are duplicates.
- d. It is the sender's responsibility to classify each electronic or other written correspondence according to the four retention categories.
- e. If the electronic or other written correspondence comes from an outside source, then the initial recipient will hold the Official Record and classify it according to the needs of the employee or department.

#### XI. Destruction of Records

All Record destruction will occur at a time and by a method based on the needs of the business unit and/or department they belong to. Before destruction each Record will be cleared / approved for destruction by the business unit and/or department they belong to. Documentation of any Record destruction must be permanently maintained in each business unit and/or department. Destruction documentation will be created by the business unit and/or/ department authorizing the destruction. The type of documentation used will be decided by the business unit and/or department based on the type of record, physical or electronic, and the method of destruction used, physical or electronic, but should include a log of the Records destroyed, the date of destruction, the method of destruction and the approver's name. Business units and/or departments should determine the appropriate destruction schedule for Records they create or manage and destroy Records in accordance with that schedule.

- a. For Physical Records stored off-site: When requested by any ODS business unit and/or department the Third-Party Management for ODS's offsite storage facility (facilities) will identify any records that have completed their retention period. The business unit and/or/ department will then decide if any records will be scheduled for destruction.
- b. For Physical Records stored on-site: Business units and/or departments located on-site at any ODS's facility will periodically, based on the needs of the business unit and/or/ department, audit their Records, and identify any records that have completed their retention period. The business unit and/or/ department will then decide if any records will be scheduled for destruction.
- c. For Electronic Records stored in the ODS Network or System, including electronic communication; Business units and/or departments will periodically, based on the needs of the business unit / department, audit their records located in ODS's network, and identify any records that have completed their retention period. The business unit / department will then decide if any records will be scheduled for destruction.

## XII. Destruction Methods

If a Record is to be destroyed, it will be destroyed in a manner based on the needs of the business. As the needs of the business change and as technology changes destruction methods will change. Some of the currently acceptable methods are listed below;

Paper records:

Option 1; Recycled (not available for records with protected health information).

Option 2; Shredded

Electronic records:

Option 1; Electronically sanitized by software

Option 2; Physically destroyed

## XIII. Suspension of Destruction

**Certain Records must be retained if litigation or an investigation is pending or imminent. Litigation is imminent if another party has given notice of its intent to pursue legal action through a lawsuit, mediation, or arbitration. Likewise, an investigation is imminent if ODS has received notice from the government that an investigation will take place [NOTE: an investigation is not the same as a request for information]. Upon notice of legal action or investigation, a Litigation Hold will be transmitted to all applicable departments and persons. If a Litigation Hold message is transmitted, the destruction of all Records relevant to the litigation or investigation must immediately cease regardless how long the Records have been kept.**

## XIV. Access to Records

- a. ODS staff must allow Government entities, as required by law, to access all applicable Records.
- b. Access for ODS employees is based on their job role, the need to know, and protocols established by Directors, Managers, and Supervisors.

## XV. Related Policies & Procedures, Forms

None

## XVI. Revision Activity

| New P & P /Change / Revision and Rationale        | Final Review/Approval | Approval date | Effective Date of Policy/Change |
|---|-----------------------|---------------|---------------------------------|
| Updated to address audit findings                 | 3/11/2022             | 3/11/2022     | 3/14/2022                       |
| Annual Review – No Changes                        | 3/10/2023             | 3/10/2023     | 3/14/2023                       |
| Annual Review – updated to address audit findings | 3/27/24               | 3/27/24       | 3/29/24                         |