

TITLE 8 SOCIAL SERVICES
CHAPTER 100 GENERAL PROVISIONS FOR PUBLIC ASSISTANCE PROGRAMS
PART 150 GENERAL OPERATING POLICIES - RECORD RETENTION/MANAGEMENT

8.100.150.1 ISSUING AGENCY: New Mexico Health Care Authority.
[8.100.150.1 NMAC - Rp 8.100.150.1 NMAC, 7/1/2024]

8.100.150.2 SCOPE: The rule applies to the general public.
[8.100.150.2 NMAC - Rp 8.100.150.2 NMAC, 7/1/2024]

8.100.150.3 STATUTORY AUTHORITY:

A. Section 27 NMSA 1978 (1992 Repl.) provides for the health care authority to "...adopt, amend and repeal bylaws, rules and regulations...." It also provides for administration of public assistance programs.

B. The income support division (ISD) of the health care authority (HCA) was created by the HCA secretary under authority granted by Paragraph (3) of Subsection B of Section 9-8-6 NMSA 1978.

C. Section 9-8-1 et seq. NMSA 1978 establishes the health care authority (HCA) as a single, unified department to administer laws and exercise functions relating to health care facility licensure and health care purchasing and regulation.

[8.100.150.3 NMAC - Rp 8.100.150.3 NMAC, 7/1/2024]

8.100.150.4 DURATION: Permanent.

[8.100.150.4 NMAC - Rp 8.100.150.4 NMAC, 7/1/2024]

8.100.150.5 EFFECTIVE DATE: July 1, 2024, unless a later date is cited at the end of a section.

[8.100.150.5 NMAC - Rp 8.100.150.5 NMAC, 7/1/2024]

8.100.150.6 OBJECTIVE: The objective of these regulations is to provide general policy and procedures for income support division (ISD) administered programs.

[8.100.150.6 NMAC - Rp 8.100.150.6 NMAC, 7/1/2024]

8.100.150.7 DEFINITIONS: [RESERVED]

[8.100.150.7 NMAC - Rp 8.100.150.7 NMAC, 7/1/2024]

8.100.150.8 RECORD RETENTION: Various records, forms and documents have differing periods of relevance and usefulness. Certain material in the record should be deleted on a scheduled basis when the material is no longer needed. To facilitate record management, as well as to establish the minimum period of time for which material must be retained, specific retention periods for case record materials have been established. Record retention schedules for each form are listed in the HCA forms manual table of contents.

[8.100.150.8 NMAC - Rp 8.100.150.8 NMAC, 7/1/2024]

8.100.150.9 RETENTION CODES:

A. P-retain permanently: Forms and documents must be retained in the case record permanently.

B. 4-retain four years: Federal regulations provide that fiscal documents must be retained for three years after the end of the period to which they apply. By retaining these records for four years, adjustment is made for post-closure reporting and audit periods within the federal requirements. If a record is part of a federal exception in an audit, the record is kept until the audit exception is resolved.

C. 1-retain one year: Many financial and medical assistance administrative forms, appointment letters, change notices, review schedules, etc., not needed for eligibility or benefit determination do not need to be kept for long periods of time, and can be destroyed when superseded or obsolete. Disposal of general correspondence not related to the eligibility conditions of clients is authorized when the purpose of the correspondence has been served.

D. SI-special instructions: There are some forms that can be destroyed when obsolete or no longer needed, or that are not filed in the case record. These forms have been identified under "SI" for reference purposes, and the user decides suitable disposition.

[8.100.150.9 NMAC - Rp 8.100.150.9 NMAC, 7/1/2024]

8.100.150.10 RETENTION OF NARRATIVE AND DOCUMENTS:

A. Narrative: All narratives are kept permanently.

B. Documents: Copies of documents such as court orders, medical information, birth certificates, social security cards, death certificates, contracts, etc., are filed in the record permanently.

[8.100.150.10 NMAC - Rp 8.100.150.10 NMAC, 7/1/2024]

8.100.150.11 RETENTION OF CORRESPONDENCE: Correspondence used to establish eligibility should be retained for four years. Correspondence not used to establish eligibility may be deleted after one year.

[8.100.150.11 NMAC - Rp 8.100.150.11 NMAC, 7/1/2024]

History of 8.100.150 NMAC:

Pre-NMAC History: The material in this part was derived from that previously filed with the State Records Center and Archives:

ISD Rule 131, Administrative Policy, 2/10/1988.

History of Repealed Material:

8 NMAC 3.ISD.150, General Operating Policies, Records Retention/Management - Repealed, 7/1/1997.

8 NMAC 3.ISD.150, General Operating Policies, Records Retention/Management, filed 7/1/1997 - Repealed effective 7/1/2024.