
7 AAC 78.250. Retention of records

(a) The grantee shall ensure that its records, and the records of each subcontractor under 7 AAC 78.180, are protected and preserved as required by this chapter and other applicable state and federal law. The grantee shall safeguard confidential information and ensure that any disclosure of that information is made in a manner that is permissible under applicable state and federal law.

(b) The grantee shall retain and preserve financial and administrative grant records, including records of the receipt and disposition of grant income that are necessary to meet auditing requirements, for at least three years, subject to the following:

(1) the grantee shall retain the records as long as an audit is in progress or as long as audit findings, litigation, or claims involving the records are pending;

(2) the grantee shall retain records for nonexpendable personal property of the grant project for at least three years after the final disposition of that property or appropriate reimbursement for that property to the state;

(3) the retention period for each year's records begins on the date of submission to the department of the grantee's annual or final financial status report or its equivalent.

(c) The grantee shall retain and preserve records that relate directly to the care and treatment of a recipient of services for at least seven years following the termination of services to that recipient, subject to the following:

(1) if the grantee or subcontractor is a hospital subject to AS 18.20.085, the grantee shall retain the records in accordance with AS 18.20.085;

(2) if the grantee or subcontractor is not a hospital subject to AS 18.20.085, and if a recipient of services is under the age of majority, the records must be kept for at least seven years after the recipient has reached the age of majority or until seven years after the termination of services, whichever is longer.

(d) If records described in this section are transferred under 7 AAC 78.255, any continuing board, officers, or successor organization must protect, retain, and preserve those records as required by this section through at least the applicable retention period that would have applied to those records if they had not been transferred.

(e) After the required retention period, or at any time during the retention period, the grantee, or any continuing board, officers, or successor organization must seek approval from the department before destroying the records identified in this section. If the department approves the request, destruction of the records must be done in a manner approved by the department.

(f) The provisions of this section do not apply to records transferred to or maintained by the department. Notwithstanding (e) of this section, the department may request a transfer of the records described in this section to the custody of the department at any time during the retention period established under this section if the department determines that the records possess long-term retention value.

History: Eff. 4/11/81, Register 78; am 7/21/2002, Register 163; am 6/24/2004, Register 170

Authority: AS 18.05.040, AS 18.08.010, AS 18.08.080, AS 18.25.100, AS 18.28.010, AS 18.28.050, AS 29.60.600, AS 44.29.020, AS 47.05.010, AS 47.20.075, AS 47.20.110, AS 47.27.005, AS 47.27.050, AS 47.30.477, AS 47.30.530, AS 47.37.030, AS 47.37.045, AS 47.40.041, AS 47.40.120, AS 47.80.130

7 AAC 78.255. Transfer of records

(a) The provisions of this section apply to the records of a grantee or a subcontractor that relate to a grant award, including the records of each recipient of service under the grant award, if the grantee's business or organization closes or ceases to exist as a service provider under the grant, or if the records must be transferred for any other reason.

(b) If a grantee decides to close or cease to exist as a service provider under a grant, the grantee shall notify the department in writing within 48 hours of the decision. A notice under this subsection must

(1) be signed by the grantee's board of directors or chief executive officer;

(2) indicate whether the grantee will retain and store the grantee's records in an appropriate, secure fashion, or transfer its records to

(A) a continuing board or other officers;

(B) the department; or

(C) another organization; and

(3) include a formal plan for the transfer of records that includes

(A) a description of how and when the grantee will notify each recipient of service regarding where the files will be transferred, and how the recipient can continue to receive services and obtain a copy of that recipient's records; the plan for notice under this subparagraph must include those recipients for whom the grantee has on file a signed release allowing the recipient's files to be transferred, and those for whom a signed release has not been obtained;

(B) a complete list of all files being transferred; and

(C) a complete list of all recipients of services who will be sent the notice under (A) of this paragraph.

(c) The department may require the grantee to transfer its records to a successor organization selected by the department.

(d) Before storage or transfer, the grantee must

(1) box all paper records and ensure, with respect to treatment records, that records of minors are in separate boxes from records of adults;

(2) contact the department for instructions regarding the most appropriate way to transfer electronic records, including the need for encryption of confidential records; and

(3) ensure that financial and operating records are in separate boxes from treatment records.

(e) Records transferred under this section are subject to 7 AAC [78.250](#).

(f) If records are transferred to the department, the department will, at the written request of a recipient of services, copy records to be sent to the recipient's next service provider.

History: Eff. 6/24/2004, Register 170; am 10/16/2012, Register 204

Authority: AS 18.05.040, AS 18.08.010, AS 18.08.080, AS 18.25.100, AS 18.28.010
AS 18.28.050, AS 29.60.600, AS 44.29.020, AS 47.05.010, AS 47.20.075, AS 47.20.110
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