

REQUEST FOR RECORDS DISPOSITION AUTHORITY		JOB NUMBER <i>N1-440-05-2</i>	
To: NATIONAL ARCHIVES & RECORDS ADMINISTRATION 8601 ADELPHI ROAD COLLEGE PARK, MD 20740-6001		Date received <i>9/20/05</i>	
1. FROM (Agency or establishment) Department of Health and Human Services		NOTIFICATION TO AGENCY In accordance with the provisions of 44 U.S.C. 3303a, the disposition request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
2. MAJOR SUBDIVISION Centers for Medicare & Medicaid Services			
3. MINOR SUBDIVISION Office of Strategic Operations and Regulatory Affairs Regulations Staff, Lisa Parker (410) 786-4665			
4. NAME OF PERSON WITH WHOM TO CONFER <i>Vickie Robey</i> <i>Vickie Robey</i> <i>7-29-05</i>	5. TELEPHONE NUMBER 410-786-7883	DATE <i>4/11/02</i>	ARCHIVIST OF THE UNITED STATES <i>Alta Winters</i>
6. AGENCY CERTIFICATION I hereby certify that I am authorized to act for this agency in matters pertaining to the disposition of its records and that the records proposed for disposal on the attached <u>1</u> page(s) are not needed now for the business for this agency or will not be needed after the retention periods specified; and that written concurrence from the General Accounting Office, under the provisions of Title 8 of the GAO Manual for Guidance of Federal Agencies, X is not required <input type="checkbox"/> is attached; or <input type="checkbox"/> has been requested.			
DATE SEP 9 2005	SIGNATURE OF AGENCY REPRESENTATIVE <i>APrentice Barnes, Sr.</i>		TITLE DHHS Records Management Officer
7. ITEM NO. 1	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION Rulemaking Record for Regulations A media-neutral collection of information (paper, electronic and other formats) that supports the issuance of regulations for the Centers for Medicare & Medicaid Services. OGC Concurrence: <i>Patricia M. Montan</i> Date: <i>9/1/05</i> <i>changes approved via email on 7/20/06</i>	9. GRS OR SUPERSEDED JOB CITATION N1-440-95-1, Items 1 and 2	10. ACTION TAKEN (NARA USE ONLY)

INACTIVE - ALL ITEMS SUPERSEDED

115-109
4/11/02

PREVIOUS EDITION NOT USABLE
STANDARD FORM 115 (REV. 3-91)
Prescribed by NARA 36 CFR 1228
copies sent to Agency, NWMD, NWME, NWMA, NWMA

Rulemaking Record for Regulations

Information and records that support the rulemaking process for establishing regulations for the health care programs of CMS. Includes all data and records collected and maintained by the recordkeeping office.

1. The official Rulemaking record consists of the published proposed rule, all public comments received in response to the proposed rule or notice that the agency considered in developing the final policy, the public comment log prepared by the recordkeeping office, any computer runs, internal/external studies, final actuarial determinations, and all data that supported the policy, data that refuted the policy and data that would support alternative options.

~~a. Substantial Rulemaking Records. Original record (paper or electronic). Consists of cases that generate substantial public interest, media, or legal precedent and any proposed or final regulation or notice that is signed by the Secretary of Health and Human Services. Examples are those involving the Prescription Drug Program, payment rules, and other agency policy.~~

Superseded by:

DAA-0440-2015-0001-0001
 DATE (MM/DD/YYYY):
11/22/2016

DISPOSITION: **PERMANENT.** Cutoff after publication of final notice or rule and transfer to the Federal Records Center (if paper) or transfer physical custody to NARA through preaccessioning process (see NARA Bulletin 2004-02) at end of year in which the final notice or rule is published. Transfer physical (if paper) and legal custody (paper and electronic) to the National Archives 30 years after cut off in accordance with National Archives and Records Administration's regulations at 36 CFR 1228.270 with any associated finding aids. - supersedes 01-440-95-1 Item 1a

~~b. Non-Substantial Rulemaking Records. All other cases that have not met the threshold for Item 1.a. Example of non-substantial are those that are CMS-only notices that are delegated to the Administrator for signature, including meeting notices that announce a meeting between CMS staff and outside groups; deeming notices that inform providers of their accreditation status, and demonstration notices that solicit applications from providers for participation in specific CMS programs.~~

Superseded by:

AA-0440-2011-0002-0001
 DATE (MM/DD/YYYY):
8/15/2017

DISPOSITION: **TEMPORARY.** Cutoff after publication of final notice or rule and transfer to the Federal Records Center (if paper) or transfer to off line storage (if electronic) at end of year in which notice or rule is published. Destroy/delete 5 years after cut off.

~~c. Original paper records used to create the electronic record such as hard copy of public comments or correspondence that is scanned to .pdf or other electronic format.~~

Superseded by:

DAA-615-2017-0007-0002
 DATE (MM/DD/YYYY):
5/31/2017

DISPOSITION: **Temporary.** Destroy/delete after (1) verification of electronic record copy is maintained in 1.a. or 1.b. and, (2) verification that plans and procedures are in place to migrate records to accessible hardware and software as necessary throughout their retention period.

~~2. Rulemaking Support File consists of internal, pre-decisional documents and drafts, including clearances, drafts of the rules, internal comments received on the drafts, regulation logs, regulation specifications, preliminary actuarial estimates, internal recommendations and briefing papers. This file may also contain the memorandum to the Secretary and copies of the signed proposed rule, the memorandum to the Secretary for the final rule, and the final rule signed by the Secretary.~~

Superseded by:

AA-0440-2015-0002-0001
 DATE (MM/DD/YYYY):
8/15/2017

DISPOSITION: **Temporary.** Cutoff file no later than 45 days after publication of final notice or rule. Destroy/delete 5 years after cutoff. - supersedes 01-440-95-1 Item 2

~~3. Web postings on CMS or Food and Drug Administration (FDA) Rulemaking Website. Records consist of public comments received in the AIMS System (operated by FDA) and then posted on the CMS website. (CMS downloads comments in .pdf format and places in appropriate file).~~

Superseded by:

01-440-09-13/1
 DATE (MM/DD/YYYY):
7/20/2010

DISPOSITION: **Temporary.** Delete posted comments from website (CMS and FDA) 5 years after year in which posted.

4. ~~Late Comments File consists of comments submitted by the public that were received in CMS after the close of the comment period and were not considered in the development of the final policy.~~

~~DISPOSITION: Temporary. Destroy/delete 30 days after final notice or rule is published.~~

5. Electronic Mail and Word Processing System Copies

a. Copies that have no further administrative value after the recordkeeping copy is made. Includes copies maintained by individuals in personal files, personal electronic mail directories, or other personal directories on hard disk or network drives, and copies on shared network drives that are used only to produce the recordkeeping copy.

DISPOSITION: Temporary. Delete when 180 days after the recordkeeping copy has been produced.

b. Copies used for dissemination, revision, or updating that are maintained in addition to the recordkeeping copy.

DISPOSITION: Temporary. Delete when dissemination, revision or updating is completed.

GRS 20,
13 + 14

Superseded by job / item number:

DAA-0440-2015-0002-0001

Date (MM/DD/YYYY):

8/15/2017