

National Archives and Records Administration
REQUEST FOR DISPOSITION AUTHORITY

Records Schedule Number: DAA-0468-2013-0011

Status: APPROVED
Date Approved: 09/04/2014

General Information

Agency or Establishment	Department of Health and Human Services
Record/Scheduling Group	0468 - General Records of the Department of Health and Human Services
Records Schedule Applies To	Agency Subdivision
Major Subdivision	Office of the Secretary (OS)
Minor Subdivision	Office of the Inspector General (OIG)
Schedule Subject	Records of the Office of the Counsel to the Inspector General (OCIG) of Health and Human Services
Additional Schedule Information	<p>Note: This schedule was modified after approval in ERA Base. If information regarding the modifications was created in ERA Base it will be found in the Revision Notes in NARA only attachments.</p> <p>Office of Counsel to the Inspector General (OCIG) provides general legal services to OIG, rendering advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations. OCIG represents OIG in all civil and administrative fraud and abuse cases involving HHS programs, including False Claims Act, program exclusion, and civil monetary penalty cases. In connection with these cases, OCIG also negotiates and monitors corporate integrity agreements. OCIG renders advisory opinions, issues compliance program guidance, publishes fraud alerts, and provides other guidance to the health care industry concerning the anti-kickback statute and other OIG enforcement authorities.</p>
Is There a Classified Version of This Schedule?	No
Is consultation and coordination with Tribal Governments required?	Predate requirement

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Item Count

Total number of disposition items: 6

Number of Temporary disposition items: 5

Number of Permanent disposition items: 1

Number of Items with Disposition Not Approved: 0

Number of Inactive disposition items: 1

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Outline of Records Schedule Items for DAA-0468-2013-0011

Item #	Title	Disposition
0002	Legal Counsel Case Files : Advice Branch Case Files : Subpoenas	Temporary
0003	Legal Counsel Case Files : Advice Branch Case Files : Legal Opinions	Temporary
0001	Legal Counsel Case Files : Advice Branch Case Files : Litigation Case Files	Temporary
0004	Legal Counsel Case Files : Administrative and Civil Remedies Branch (ACRB) Case Files : Case Files	Temporary
0005	Legal Counsel Case Files : Industry Guidance Branch Case Files : Case Files	Temporary
0006	Legal Counsel Case Files : Significant Legal Case Files	Permanent

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Records Schedule Items

Group Title	Legal Counsel Case Files : Advice Branch Case Files	
Group Description	<p>The Advice Branch provides expert legal advice and representation to the Inspector General in the exercise of his responsibilities under the Inspector General Act of 1978, the Health Insurance Portability and Accountability Act, and other legal authorities. To this end, the Advice Branch ensures the legal sufficiency of OIG findings and recommendations; advises OIG managers on administrative and employment matters, including obligations under Federal ethics laws; defends the OIG before administrative tribunals and Federal courts; advises investigators on subpoenas, electronic surveillance and other investigative tools; and provides legal training to OIG managers and staff.</p> <p>These files are used for providing advice to HHS-OIG staff and entities in the health care industry.</p>	
DAA-0468-2013-0011-0002		STATUS: Active
ITEM GENERAL INFORMATION		
Item Title	Subpoenas	
Item Description	Subpoenas prepared for the use of investigation commenced by OIG relating to allegations of fraud and abuse against the HHS and any Federal health care programs.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3 c.	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	
Cutoff Instructions	Other: Cut off at the end of the fiscal year in which the case is closed or the issue is resolved.	
Retention Period	Destroy 10 year(s) after cutoff	

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ADDITIONAL INFORMATION		
Are any of the records covered by this item national security classified?		
GAO Approval Required	No	
DAA-0468-2013-0011-0003		STATUS: Active
ITEM GENERAL INFORMATION		
Item Title	Legal Opinions	
Item Description	Legal Opinions are written documents prepared by an OCIG attorney for an OIG client, setting out the attorney's understanding of the law as applicable to a particular set of facts. Generally, the legal opinion will conclude whether the underlying action is legally permissible (or not) and will explain the reasons for this conclusion.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3 d.	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	
Cutoff Instructions	Other: Cut off at the end of the fiscal year in which the case is closed or the issue is resolved	
Retention Period	Destroy 10 year(s) after cutoff	
ADDITIONAL INFORMATION		
Are any of the records covered by this item national security classified?		
GAO Approval Required	No	
DAA-0468-2013-0011-0001		STATUS: Active
ITEM GENERAL INFORMATION		
Item Title	Litigation Case Files	

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Item Description	Case files accumulated by the Advice Branch to document litigation before administrative agencies and Federal courts, and in certain circumstances, other personnel actions (e.g., agency grievance decisions). These case files include correspondence, discovery, legal briefs and other filings, affidavits and exhibits, decisions of administrative and federal judges, appeals, settlement agreements and related materials. These files often relate to litigation involving employees or former employees of HHS-OIG and sometimes arise out of disciplinary or performance based personnel actions. Consequently, the files sometimes include copies of proposals and decisions on disciplinary actions, performance appraisals, performance-based adverse actions and performance improvement plans; however, the original copies of those documents are typically maintained by the component where the employee at issue was/is employed.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3 a. & b.	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	
Cutoff Instructions	Other: Cut off at end of fiscal year in which case is terminated.	
Retention Period	Destroy 10 year(s) after cutoff	
ADDITIONAL INFORMATION		
Are any of the records covered by this item national security classified?		
GAO Approval Required	No	

Group Title	Legal Counsel Case Files : Administrative and Civil Remedies Branch (ACRB) Case Files
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Group Description	<p>The ACRB imposes program exclusions and civil monetary penalties on health care providers deemed to have violated Federal health care statutes and regulations. ACRB also represents OIG in cases arising under the civil False Claims Act, and develops and monitors corporate integrity agreements.</p> <p>Files are used in OIG monitoring of health care industry compliance with Federal health care laws and in cases brought to court by the U.S. Department of Justice.</p>	
DAA-0468-2013-0011-0004 STATUS: Active		
ITEM GENERAL INFORMATION		
Item Title	Case Files	
Item Description	Case Files that consist of court pleadings, correspondence, memorandums, studies, appraisals, court decisions, settlement agreements, corporate integrity agreements, voluntary disclosures, exclusion appeals, administrative sanctions, and similar documents. These files relate to primary program areas of HHS.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3 c.	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	
Cutoff Instructions	Other: Cut off at end of fiscal year in which case is terminated.	
Retention Period	Destroy 20 year(s) after cutoff	
ADDITIONAL INFORMATION		
Are any of the records covered by this item national security classified?		
GAO Approval Required	No	

Group Title	Legal Counsel Case Files : Industry Guidance Branch Case Files
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Group Description	The mission of the Industry Guidance Branch is to provide clear, useful, and timely guidance to industry and government stakeholders on how to comply with Federal health care laws.	
DAA-0468-2013-0011-0005	STATUS: Active	
ITEM GENERAL INFORMATION		
Item Title	Case Files	
Item Description	Case Files relating to advisory opinions, fraud alerts, safe harbors, legal updates, or similar documents.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3.a	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
Final Disposition	Temporary	
Cutoff Instructions	Other: Cutoff at the end of Fiscal Year when case is closed.	
Retention Period	Destroy 7 year(s) after cutoff	
ADDITIONAL INFORMATION		
Are any of the records covered by this item national security classified?		
GAO Approval Required	No	

Group Title	Legal Counsel Case Files	
Group Description	These files include advice and opinions on HHS programs and operations and providing all legal support for OIG's internal operations. Files are created by HHS-OIG staff attorneys.	
DAA-0468-2013-0011-0006	STATUS: INACTIVE - NOT FOR USE	
ITEM GENERAL INFORMATION		
Item Title	Significant Legal Case Files	

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Item Description	Office of the Counsel of the Inspector General legal case files that result in stories by national media outlets, Congressional investigations, or result in substantive changes in HHS policies and procedures.	
Is this item media neutral?	Yes	
Is this item a Big Bucket?		
SUPERSEDED AGENCY DISPOSITION AUTHORITIES AND GRS DEVIATIONS		
Does this item supersede existing disposition authorities?	Yes	
	Superseded Items	
Superseded Item	Item Superseded in Part?	Explanation
N1-468-00-1, Item 3 d.	No	
Is this item a deviation from the GRS?	No	
DISPOSITION INSTRUCTION		
DO NOT USE. Schedule is being updated. During rescheduling and review by the program office/ARO identified it as obsolete with no records ever scheduled under it, they requested it be inactivated. on 03/28/2025.		
Final Disposition	Permanent	
Cutoff Instructions	Other: Cut off files at end of fiscal year in which case is closed	
Are there multiple instructions for this item?	No	
Transfer Instruction	Transfer to the National Archives 15 year(s) after cutoff	
ADDITIONAL INFORMATION		
Frequency of transfer	4	
Are any of the records covered by this item subject to a FOIA exemption?		

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Signatory Information

Action	User	Date
Approve	David Ferriero	09/04/2014