

<b>REQUEST FOR RECORDS DISPOSITION AUTHORITY</b> <i>(See Instructions on reverse)</i>		<b>LEAVE BLANK (NARA use only)</b>	
TO: NATIONAL ARCHIVES and RECORDS ADMINISTRATION (NIR) WASHINGTON, DC 20408		JOB NUMBER NI-468-98-5	DATE RECEIVED 3-6-98
1. FROM (Agency or establishment) Department of Health and Human Services		NOTIFICATION TO AGENCY	
2. MAJOR SUBDIVISION Office of the Secretary		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request, including amendments, is approved except for items that may be marked "disposition not approved" or "withdrawn" in column 10.	
3. MINOR SUBDIVISION Office for Civil Rights			
4. NAME OF PERSON WITH WHOM TO CONFER Scott Smith	5. TELEPHONE (202) 619-3441	DATE	ARCHIVIST OF THE UNITED STATES WITHDRAWN

**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 \_\_\_\_\_ page(s) are not now needed for the business of 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,

is not required;  is attached; or  has been requested.

DATE FEB 26 1998	SIGNATURE OF AGENCY REPRESENTATIVE <i>A. Prentice Barnes, Sr.</i> A Prentice Barnes, Sr.	TITLE HHS Records Manager
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7. ITEM NO.	8. DESCRIPTION OF ITEM AND PROPOSED DISPOSITION	9. GRS OR SUPERSEDED JOB CITATION	10. ACTION TAKEN (NARA USE ONLY)
	The attached records schedule is a revision to Section 700, Office for Civil Rights, Office of the Secretary, Department of Health and Human Services (HHS) Records Handbook (NCI-235-80-1). Other Office for Civil Rights related NARA Job Numbers are NCI-2354-78-5, NI-468-92-2, and NI-468-92-3.		WITHDRAWN

MAY 26 1999

*Withdrawn*  
*MH*

# Chapter 700. Office for Civil Right (OCR)

## **Record Description**

701.01 Health and Human Service OCR Review Files  
Civil rights reviews of departmental rules and regulations applicable to Health and Human Services programs.

701.02 Health and Human Services Discrimination Files

Investigation case files for complaints filed with OCR and post award reviews of recipients to determine compliance with civil rights statutes administered by OCR such as, Titles VI and IX, Section 504, the Age Discrimination Act, Hill-Burton Community Service Assurance, and Block Grants.

701.03 High Priority Case Files

Comprehensive files maintained by headquarters of complaints that have been designated as high priority and investigated utilizing a headquarters/regional team.

701.04 Age Discrimination Complaint Mediation Referrals

The provisions of the Age Discrimination Act require that age discrimination complaints be referred for mediation before processing. This disposition only covers age discrimination complaints settled through mediation.

701.05 Baby Doe Files

Files on OCR's implementation of Section 504 of the

## **Record Disposition**

Cut off at the end of the fiscal year. Destroy three years after cut off.

Cut off at the end of the fiscal year in which the case is resolved. A case is considered resolved when there are no pending matters related to that case, (e.g. challenges, enforcement actions, litigation, appeals, etc.). Transfer to Federal Records Center (FRC) two years after cut off. Destroy 15 years after cut off.

Cut off at the end of the fiscal year in which the case is resolved. Destroy three years after cut off.

Cut off closed mediation referral cases at the end of the fiscal year. Destroy three years after cut off.

Rehabilitation Act of 1973 as related to the withholding of medical care and nutritional sustenance from disabled infants also known as "Baby Doe".

Public comment files on proposed Baby Doe regulations

Destroy at the close of the fiscal year.

Telephone call log files for the Baby Doe Hot Line

Destroy at the close of the fiscal year.

Baby Doe Investigative Records

**Permanent.** Transfer to National Archives immediately.

These case files were compiled during the investigation of individually filed complaints alleging a denial of medical treatment and nutritional sustenance to a handicapped infant. They include administrative files containing correspondence, the OCR computer tracking (CIMS sheet) and the acknowledgment letter. Also included are investigative files containing the complaint, the investigative plan, investigative report, Letters of Finding and exhibits. Also included are medical records files containing the medical records of injured parties and any other medical records obtained and used in the investigation.

Baby Doe General Subject Files

**Permanent.** Transfer to National Archives immediately.

These files contain information compiled during OCR's administration of the Baby Doe program. Contents include newspaper clippings, articles, memoranda, letters, and legal opinions relating to OCR's implementation of the Baby Doe regulation.

701.06 Civil Rights Directives

Documents issuing (transitory) administrative and program procedures and guidelines, manuals for civil rights investigations and guidance memoranda to assist headquarters and regional staff in determining problems, analyzing data using statistical information, and similar techniques relating to investigations.

Cut off at the end of the fiscal year. Destroy when four years old or when superseded, whichever is earlier.

701.07 Assurance of Compliance Statement Forms

Statements from a health facility assuring OCR that the facility is in compliance with Federal laws in federally-funded projects.

Destroy on change of implementing regulation or repeal of enabling legislation, whichever is appropriate.

701.08 Reports of Regional Office Visits

Files containing background evaluation documents and reports developed from interviews with regional officials concerning workload, records, staff needs, and staff efficiency. These reports are used by Headquarters management personnel to analyze problems in the regions and to develop solutions to ensure better management.

Cut off after the report is completed, and destroy three years after cut off.

701.09 Statistical Surveys (Edited and unedited survey forms)

Statistical data submitted to and used by OCR in monitoring compliance of grantees of HHS pursuant to Titles VI and XVI

Cut off at the end of the fiscal year after being superseded by next survey. (One-time surveys will not become inactive until superseded by the next comparable survey of the same or similar data.) Transfer to

of the Public Health Service Act and 45 CFR Section 124.605 (triennial Hill Burton Community Service Assurance compliance reports) and data submitted through other intermittent or one-time compliance surveys/reports pursuant to Title VI of the Civil Rights Act of 1964 or Section 504 of the Rehabilitation Act of 1973, as amended.

Federal Records Center 5 years after cut off. Destroy 15 years after cut off.

701.10 Civil Rights Public Inquiries and Comments Files

General correspondence to public inquiries and comments regarding civil rights laws, regulations, and activities. Included are incoming memoranda, letters, forms, etc.

Cut off at the end of the fiscal year. Destroy when one year old thereafter, or when no longer needed for administrative purposes whichever is earlier.

701.11 Case Management Data Files

Case control forms and reports used for management purposes in monitoring the investigation of civil rights cases.

Cut off at the end of the fiscal year. Destroy two years after cut off.

701.12 Letters of Findings (LOFs) Library

A comprehensive file of all letters of findings for complaints and compliance reviews issued by regional offices. The LOF Library is used by OCR staff nationwide to identify precedent cases and developing trends, to flag problems and for administrative management.

Cut off at the end of the fiscal year after issuance of LOF. Hold for five years or until volume warrants and then transfer to Federal Records Center. Destroy 15 years after cut off.

701.13 General Hospital Civil Rights Survey Forms

Title: 1981 Short Term, General, and Other Special

Cut off at the end of the fiscal year and Transfer to Federal Records Center five years after cut off. Destroy 15 years after cut off.

Hospital Civil Rights Survey  
- This survey contains 7,000 acute care facilities including Hill-Burton facilities, which received federal assistance. The purpose was to rank hospitals by extent and severity of potential compliance problems for purposes of possible compliance reviews or extensions of technical assistance. These facilities are identified by Medicare provider number, and are in State order.

701.14 Annual Operating Plan (AOP) Information

The AOP information includes agency-wide and region specific programmatic priorities. Also included is information on the regions' implementation of their respective plans. The overall AOP document consists of each region's description of its review, investigation, and outreach activities and workload and case closure projections.

701.15 Special Problems and Requirements Survey

Reports developed from interviews with regional officials concerning workload, records, staff needs, and staff efficiency.

701.16 Multiethnic Placement Act (MEPA)

These files contain information compiled by headquarters during OCR's implementation of the Multiethnic Placement Act. Contents include newspaper

Maintain AOP documents and related implementation information for three years or when no longer needed for administrative purposes. Cut off at the end of the fiscal year and destroy five years after cut off.

Cut off at the end of the fiscal year and destroy four years after cut off.

**Permanent.** Cut off two years after effective date of the regulations. Transfer to National Archives three years after cut off.

articles, memoranda, letters, legal opinions, and regional compliance activity.

701.17 Pre-Grant Clearance Reviews

These files were compiled during review of applicants for Medicare certification for compliance with relevant civil rights statutes such as, Titles VI and IX, Section 504, the Age Discrimination Act, Hill-Burton Community Service Assurance, and Block Grants.

701.18 Quality Assurance Information

Includes substantive and procedural QA standards, QA implementation plans for QA reviews, and QA reports for each regional office, as well as a national comprehensive report. These reports are used by management personnel to analyze problems in the regions and to develop solutions to ensure better management. Documentation of findings and copies of certain case files are maintained.

First, remove signed originals of any HHS Assurance of Compliance, Forms 441, 639A, 641, 680, and 690 and handle in accordance with the disposition procedures prescribed in OCR Schedule 701.07, Assurance of Compliance Statement Forms.

Cut off at the close of the fiscal year in which civil rights clearance (without contingency) is granted. Destroy remaining records three years after cut off.

Cut off at the end of the fiscal year. Destroy QA implementation plans when three years old. Send QA reports to the Federal Records Center when three years old. Destroy five years after cut off.