DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
HEALTH AND PUBLIC ASSISTANCE

Program Records Retention and Disposition Schedule

The Program Records Retention and Disposition Schedule and retention periods governing the records series listed herein are hereby approved. In accordance with the provisions of Chapters 121 and 132 of the General Statutes of North Carolina, it is agreed that the records of the

HEALTH AND PUBLIC ASSISTANCE

do not and will not have further official use or value for administrative, research, or reference purposes after the respective retention periods specified herein. The N.C. Department of Cultural Resources consents to the destruction or other disposition of these records in accordance with the retention and disposition instructions specified in this schedule. However, records subject to audit or those legally required for ongoing official proceedings must be retained until released from such audits or official proceedings, notwithstanding the instructions of this schedule. **Public records including electronic records not listed in this schedule or in the *General Schedule for State Agency Records* are not authorized to be destroyed. The**

HEALTH AND PUBLIC ASSISTANCE

agrees to destroy, transfer or dispose of records in the manner and at the times specified herein. This schedule is to remain in effect until superseded.

APPROVAL RECOMMENDED

Scarlette Hargis, Chief Records Officer
Department of Justice

Gayl Manthei, Special Deputy Attorney General
Health and Public Assistance

David Brook, Director
Division of Historical Resources

APPROVED

Kristi Hyman, Chief of Staff
Department of Justice

Lisbeth C. Evans, Secretary
Department of Cultural Resources

March 14, 2008

RCP

PROGRAM RECORDS RETENTION AND DISPOSITION SCHEDULE AMENDMENT

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
HEALTH AND PUBLIC ASSISTANCE

Amend the program records retention and disposition schedule approved March 14, 2008 by changing the disposition instructions for item 30537 as shown on the included schedule. No other items on this schedule have been amended, added, or removed.

APPROVAL RECOMMENDED

Scarlett Hargis, Chief Records Officer
Department of Justice

Gayl M. Manthel, Special Deputy
Attorney General
Health and Public Assistance

David Brook, Director
Division of Historical Resources

APPROVED

Kristi Hyman, Chief of Staff
Department of Justice

Linda A. Carlisle, Secretary
Department of Cultural Resources

June 15, 2011

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DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
HEALTH AND PUBLIC ASSISTANCE

ITEM 2381. CLOSED HEALTH SERVICES CASE FILE.

Records concerning closed cases involving Health Services. Each file may include correspondence, depositions, legal briefs, working papers, opinions, medical examiner files, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center when all litigation, claims, or other official action involving the records have been completed. Records will be held for agency in the State Records Center for 10 additional years and then destroyed.

ITEM 29724. GENERAL CORRESPONDENCE FILE.

General correspondence and memorandums written and received by the office.

DISPOSITION INSTRUCTIONS: Item discontinued. Superseded by the General Schedule for state Agency Records.

ITEM 29725. ADVISORY LETTERS FILE.

Advisory letters in paper and electronic formats written by the section attorneys to state and local government officials or their attorneys regarding routine legal matters. File also includes copies of the requests.

DISPOSITION INSTRUCTIONS: Print and interfile electronic records with related paper records. Destroy in office electronic versions of records when administrative value ends. Destroy in office remaining records when administrative value ends.

ITEM 29726. ATTORNEY GENERAL'S FORMAL OPINIONS FILE.

Records concerning opinions provided to state or local government officials or their attorneys having statewide significance. File includes response to opinions, and reference copies of opinions.

DISPOSITION INSTRUCTIONS: Transfer inquiry and response to the Central Files Section, Attorney General's Combined Opinions and Correspondence for State Agencies File (Item 2353) when response has been completed. Retain in office reference copy of response permanently.

ITEM 29727. ACTIVE HEALTH SERVICES CASE FILE.

Records in paper and electronic formats concerning each active Health Services case assigned to this section. File includes correspondence and all legal working papers used in preparing and presenting each case. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Print and interfile electronic records with related paper records. Destroy in office electronic versions of records when reference value ends. Transfer records considered by the section as "landmark" cases to the Closed Archival Health Services Case File (Item 48174) when case or dispute is closed. Transfer remaining records to Closed Health Services Case File (Item 2381) when case or dispute is closed.

ITEM 29728. CRIMINAL BRIEFS FILE.

Records in paper and electronic formats presented to the Supreme Court and Court of Appeals by counsel for the State in criminal action cases. File includes briefs, motions, orders, correspondence, and other related records.

DISPOSITION INSTRUCTIONS: Print and interfile electronic records with related paper records. Destroy in office when legal and reference values end.

DEPARTMENT OF JUSTICE
OFFICE OF THE ATTORNEY GENERAL
HEALTH AND PUBLIC ASSISTANCE

ITEM 30536. ACTIVE PUBLIC ASSISTANCE CASE FILE.

Records in paper and electronic formats concerning each active Public Assistance case assigned to this section. File includes correspondence, briefs, motions, judgments, and all legal working papers used in preparing and presenting each case. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Print and interfile electronic records with related paper records. Destroy in office electronic versions of records when reference value ends. Transfer records considered by the section as "landmark" cases to the Closed Archival Public Assistance Case File (Item 48175) when case or dispute is closed. Transfer remaining records to Closed Public Assistance Case File (Item 30537) when case or dispute is closed.

ITEM 30537. CLOSED PUBLIC ASSISTANCE CASE FILE.

Records concerning closed cases involving Public Assistance. Each file may include correspondence, depositions, legal briefs, working papers, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.) Amended 06-15-2011

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center when all litigation, claims, or other official action involving the records have been completed. Records will be held for agency in the State Records Center for 10 additional years and then destroyed. Destroy records currently being held for agency in the State Records Center 10 years from date received.

ITEM 36677. ATTORNEY GENERAL'S ADVISORY OPINIONS FILE.

Opinions provided to state or local government officials or their attorneys regarding legal issues significant to the operation or administration of state agencies or local governments. Amended 2-21-94

DISPOSITION INSTRUCTIONS: Transfer original inquiry and response to the Central Files Section, Attorney General's Combined Opinions and Correspondence for State Agencies File (Item 2353) when response has been completed.

ITEM 36678. INFORMATIONAL LETTERS FILE.

Letters in paper and electronic formats to and from private citizens and organizations requesting legal assistance. File includes reference copies of responses.

DISPOSITION INSTRUCTIONS: Destroy in office paper and electronic records when reference value ends.

ITEM 48174. CLOSED ARCHIVAL HEALTH SERVICES CASE FILE.

Records concerning Health Services cases that currently are, or that with reasonable certainty, are deemed by the section's attorneys as "landmark" cases. (A landmark case has at least one of the following characteristics: a statutory change resulted from the case or petition; the state or federal constitution was changed or reinterpreted as a result of the case or dispute; a significant issue in the case was decided on its merits, not simply reviewed, by the North Carolina Supreme Court or the United States Supreme Court; the controversy sustained state-wide or national interest for a prolonged period; or the result was an abrupt departure from well established past policies or practices concerning matters of significant public interest.) Each file may include correspondence, depositions, legal briefs, working papers, opinions, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 3 years. Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

ITEM 48175. CLOSED ARCHIVAL PUBLIC ASSISTANCE CASE FILE.

Records concerning Public Assistance cases that currently are, or that with reasonable certainty, are deemed by the section's attorneys as "landmark" cases. (A landmark case has at least one of the following characteristics: a statutory change resulted from the case or petition; the state or federal constitution was changed or reinterpreted as a result of the case or dispute; a significant issue in the case was decided on its merits, not simply reviewed, by the North Carolina Supreme Court or the United States Supreme Court; the controversy sustained state-wide or national interest for a prolonged period; or the result was an abrupt departure from well established past policies or practices concerning matters of significant public interest.) Each file may include correspondence, depositions, legal briefs, working papers, and other related records. (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Transfer to the State Records Center after 3 years. Records will be held for agency in the State Records Center 10 additional years and then transferred to the custody of the Archives.

ITEM 48176. HEALTH AND PUBLIC ASSISTANCE CASE TRACKING (ELECTRONIC) DATABASE FILE.

Electronic records concerning each case involving Health Services. Data includes case number, disposition of case, case name, court, hearing dates, reference number, attorney, opposing counsel, and other related data. (File maintenance and backup performed by the Department of Justice Information Technology Division.) (Comply with applicable provisions of G.S. 122C-52 regarding confidentiality of patient records.)

DISPOSITION INSTRUCTIONS: Update in office routinely. Retain in office permanently.