

# CHAPTER 5

## RECORD KEEPING, REPORTING, & DATA MANAGEMENT

### BOARD OF HEALTH ROLE AT A GLANCE

- The board of health is required by law to collect and retain accurate and complete records of all its meetings, decisions, activities, and inspections. These records are considered legal documents, and, with very limited exceptions, the law requires them to be made available to the public.
- Adequate record keeping by the board of health guarantees that public health policy and programs will be informed and enhanced through reliable sources of data, and that there is sufficient information available to explain, justify, and track policies, programs, and expenditures.

### OVERVIEW

There are many different categories of information to be retained by the board of health (BOH), including all records of licenses and permits granted, records of communicable diseases, medical records, annual reports, and local regulations. For both legal and programmatic reasons, it is important for the BOH to maintain complete records of all important activities and decisions it makes. Documentation is essential, as most information kept by the BOH is accessible by the public, and no records may be destroyed without requesting authorization from the Records Conservation Board at the Massachusetts Archives facility.

### BOARD OF HEALTH RESPONSIBILITIES

- Maintain standard records and retain them for their legal retention period as specified in the Massachusetts General Laws (MGL) and the Code of Massachusetts Regulations (CMR).
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- The Board of Health Disposition Schedule included as an appendix (RS-7-82, revised as of 9/13/91) lists all standard records with the appropriate statutory reference, retention period, and instructions for requesting permission to destroy records. Refer to the relevant statutory code or regulation for detailed information on what must be included in each record.

While the board may, at its own discretion, retain records beyond the minimum time required by law, some records must, by law, be kept permanently. For specific instructions, simply consult the Retention Schedule.

The board should request authorization to destroy records that have been held the required length of time by contacting:

The Records Conservation Board  
Telephone: (617) 727-2816  
Massachusetts Archives at Columbia Point  
220 Morrissey Boulevard  
Boston, MA 02125

- Receive reports, notify the Massachusetts Department of Public Health (DPH), and take required action in matters such as cases of disease dangerous to the public health and deaths from such diseases, and persons who have certain other diseases monitored by DPH such as food and water-borne diseases.
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- Receive death certificates.
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- Send notices of certain licenses and permits granted to the appropriate agency or authority as required in Massachusetts general law or regulations.
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- Submit proposed local regulations to appropriate state agencies for review, as required by law or by request of the board. Examples of proposed local rules and regulations that must be reviewed by DEP include those relating to air pollution control and those regarding special waste management and disposal.
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- Make a full and comprehensive annual report to the town select board or city council on the

activities of the board of health and the sanitary conditions of the city or town during the preceding year. Boards frequently prepare an annual report to be incorporated in the annual town report.

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- Maintain a cash book and a record of expenses and income until such time as a state or other official fiscal audit is completed. Keep summary information, as needed, for budgetary analysis.
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- Maintain medical records if providing school health services, community clinic services, or home health care in accordance with all applicable state and federal statutes and regulations governing the maintenance and retention of medical records.
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- Make public records kept by the board of health available to the public under the provisions of the Massachusetts Public Records Law.
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## **FREEDOM OF INFORMATION: PUBLIC RECORD REQUESTS**

The Massachusetts Public Records Law requires boards of health to provide access to public records. "Public records" are broadly defined to include all books, papers, maps, photographs, recorded tapes, financial statements, and data, regardless of physical form or characteristics, made or received by the board unless these documents fall within one of twelve narrow exemptions specified in the definition of public records contained in M.G.L. c. 4 §7 (26).

The right of access to public records includes the right to inspect, copy, or have copies provided upon payment of a reasonable fee. An individual's reason for requesting access to records is not relevant; the board of health must respond to a request for public records even if the request is made for

commercial purposes or to assist the requester in a law suit against the board of health or the municipality.

Refer to the Public Records Law (M.G.L. c. 66 §10) and the Public Records Access Regulations (950 CMR 32.00) which set out the board's responsibility to provide access to public records in its custody.

A detailed explanation of the Public Records Law is contained in "A Review of the Provisions of the Massachusetts Public Records Law" which is available from the office of the Massachusetts Secretary of State at (617) 727-2832.

#### **WEB RESOURCE**

**Supervisor of Public Records Bulletins**

[www.magnet.state.ma.us/sec/arc/arcrmu/arcpub.htm](http://www.magnet.state.ma.us/sec/arc/arcrmu/arcpub.htm)

**See Appendix for:      Board of Health Records Retention Schedule/Information and  
Procedure RS-7-82  
Rev-9-13-91**

# Appendices

## Record Keeping

BOARD OF HEALTH Records Retention Schedule

SAMPLE LETTER TO REQUEST PERMISSION TO DESTROY RECORDS

SAMPLE LETTER TO REQUEST PERMISSION TO DESTROY RECORDS WHICH  
HAVE BEEN MICROFILMED

OF HEALTH Records Retention Schedule

BOARD

Secretary of the Commonwealth Supervisor of Public Records/Records Management Unit

RS-7-82 REV-9-13-91  
Records Retention Schedule

NUMBER	TITLE	STATUTORY REFERENCE	RETENTION PERIOD
7.1	Dental Examination Records		One year after inactive status.
7.2	Direct Patient Care Service, Records of (Including Primary Care Center)		30 years.
7.3	Health Assessments		One year after referral to physician or inactive status.
7.4	Immunization, Records of (excluding influenza, see below)		Seven years, unless provisions of c. 111, s.70 apply (See note below)
7.5	Influenza Immunization, Records of		Seven years, unless regulated by other statutory requirements.
7.6	Physician's Orders		Seven years, unless provisions of C. 111, s.70 apply (See Note).
7.7	Screening, Records of (including tuberculosis, lead poisoning, and related testing programs)		If tests are negative: After use. If tests are positive: One year after referral to physician or inactive status.
7.8	Well Child Clinic, Records of (including preschool immunization)		Retain until child reaches age 21
GENERAL			
7.9	Animal, Notice of Quarantine of Domestic	c. 129, ss	One year (provided copy recorded permanently in records of Animal Inspector See 7.11)
7.10	Animal, Certificate of Healthy Condition	c. 129, ss.21,22,24	One year (provided copy recorded permanently in records of Animal Inspector)
7.11	Animal Inspector, Records of Inspection by	c.129, s.25	Permanent
7.12	Food Establishments and Bakeries, Floor Plans of	S.S.C. Art. X; c. 129, s.9M	One year after closing or change of owner (if no litigation pending).
7.13	Burial or Removal Permit (R-309)	c.114, ss.45, 46	Permanent

7.14	Inspection Reports	c.94, ss.10C, 16K, 36,37, 249A, 305C; c.111, ss. 127A-J, 128C; c 130, s. 81; c. 140, s.32B;	Retain until superseded by subsequent report.
7.15	Building Report Animal Inspector to Director	c.129 s. 23	One year (provided copy recorded permanently in records of Animal Inspector. See 7.11)
7.16	Annual Report	c.111, s.28	After use (provided a published copy is retained permanently elsewhere)
7.17	Cash Book		Following completion of satisfactory audit.
7.18	Cemeteries, Approval of Public (including plans thereof)	c.114, s.34	Record Permanently in Meeting Records
7.19	Communicable Disease, Records of (ledger)	c. 111, s. 113	Permanent
7.20	Communicable Disease, Notice of Carcass Infected with	c.94, s.146	One year, record permanently.
7.21	Communicable Disease Among Animals, Notice of	c.129, s.28	One year, record permanently.
7.22	Communicable Disease History Sheet		Three years following inactive status.
7.23	Communicable Disease, Weekly Report of Deaths	c.111,s.29	One year, record permanently.
7.24	Contract Files	c.30B	Seven years after termination, except contracts under seal, then twenty-one years unless original executed copy retained by Accountant or City Clerk, or by central purchasing officer, then after termination of contract.
7.25	Correspondence		Three years if no informational or legal value.

7.26	Licenses and Permits, Applications for	c.94, ss. bA-C, 40, 48A, 6511, 89, 118, 144, 303A, 330B; c.111, ss.31A, 59, as amended, 155;c.140, ss.32A, B, F, 51; c.142, sil S.S.C., Art IV, VII, X	One year after closing or change of owner (if no litigation pending).
7.27	Licenses and Permits Issued, Record of		Permanent.
7.28	Licenses and Permits Issued, Stubs for		Following completion of satisfactory audit.
7.29	Nuisance, Notice/Order to Abate	c111, s.122 (et seq.)	One year (if no litigation is pending).
7.30	Meeting, Notice of		One year.
7.31	Meetings Records		Permanent
7.32	Occupancy, Certificate of		Retain until next certificate is issued
7.33	Payments to Treasurer, Schedule of	c.41, s.35	Following completion of satisfactory audit.
7.34	Milk Inspector, Records of	c.94, s.35	Permanent.
7.35	Noisome Trades, Assignment of Place for (approved plan must exist with a letter and map)	c.111, s.143	Record Permanently in Meeting Records.
7.36	Rules and Regulations	c.111,s.31 (et passim)	Permanent (one mint copy)
7.37	Sanitary Landfill, Assignment of Plans for		Record permanently in Meeting Records.
7.38	Sanitary Landfill, Plan for		Permanent

7.39	School Health Records		Five years after graduation or departure from school system.
7.40	Subdivision Plan, Definitive	c.41, s.81U	Record permanently in Meeting Records.
7.41	Subdivision Plan, Preliminary	c.41, s.81S	Record permanently in Meeting Records.
7.42	Subdivision Plan, Notice of Approval/Disapproval	c.41, s.81S	Record permanently in Meeting Records.
7.43	Subdivision Plan to Planning Board, Report of Definitive	c.41, s.81U	Record permanently in Meeting Records.
7.44	Subsurface Sewer Disposal System, Inspection Report Records	DEP Environmental Code Title 5	Record permanently in Meeting Records.
7.45	Subsurface Sewer Disposal System	DEP Environmental Code Title 5	Permanent or until new system is installed
7.46	Slaughter House, Approval of Operation of	c. 111, s. 151	Record permanently in Meeting Records
7.47	Veterans, Affidavit Relative to Burial	c. 114, s. 46A	One year
<b>TUBERCULOSIS RECORDS</b>			
7.48	Contacts with Living Patients		Seven years, if the contact is in good health, unless the provisions of 111, s. 70 apply. (See note)
7.49	Deceased Contacts, records of		Seven years, if the contact is in good health, unless the provisions of 111, s. 70 apply. (See note)
7.50	Deceased Patients, Records of		Seven years, if the contact is in good health, unless the provisions of 111, s. 70 apply.

Note:

Many records on this schedule under the categories of Board of Health Programs and Tuberculosis Records may fall under the provisions of Chapter III, Section 70 of the Massachusetts General Laws which states:

"Hospitals, or clinics, licensed by the department of public health or supported in whole or in part by the commonwealth shall keep records of the treatment of the cases under their care including the medical history and nurses notes...Such records shall be in the possession of the licensee. Any such record or any part or portion thereof may be destroyed thirty years after the discharge or the final treatment therein of the patient to whom it relates."

Though this statute prohibits destruction of medical records for a period of thirty years, it places this burden upon the licensee of a hospital or clinic or the operator of a state supported facility. It is our understanding that the local boards formerly "organized" the outpatient services. Since the local boards just had arrangements with independently-licensed hospitals or clinics, section 70 does not apply to the records of the local board of health during such an arrangement. However, if any local board of health was the licensee of the hospital or clinic or the operator of a hospital or clinic supported in part by the commonwealth, then the records of such a clinic or hospital cannot be destroyed for thirty years. The definition of "medical records" in section 70 is "records of the treatment of the cases under their care including the medical history and nurses notes."

If a local board is subject to section 70, the records concerning "contacts" and people "notified as having active tuberculosis" can fall under section 70's definition of medical records if these people were under the "care" or "treatment" of the hospital or clinic, or if the records are part of other patients' records which must be retained.

SAMPLE LETTER TO REQUEST PERMISSION TO DESTROY RECORDS  
Letterhead (Board of Health)

DATE: \_\_\_\_\_

Secretary of the Commonwealth  
Supervisor of Public Records  
Archives Division-Records Management Unit  
Massachusetts Archives at Columbia Point  
220 Morrissey Boulevard  
Boston, MA 02125

Dear Supervisor:

This is to request authorization for the destruction of records included on the Board of health Records Retention Schedule as follows:

SCHEDULE NUMBER	INCLUSIVE DATES
7.12	January 5, 1981 to January 5, 1982
7.23	January 2, 1981 to February 15, 1982
7.28	January 5, 1978 to February 5, 1981

Estimated volume: 9 cubic feet

The last audit of the accounts of this office was completed on \_\_\_\_\_, 20\_\_\_\_, and all special to which these records were subject were completed on \_\_\_\_\_ 20\_\_\_\_. I certify that, to the best of my knowledge these records do not pertain to any current or pending public records requests or litigation to which this office is a party.

Very truly yours.

(signature of legal custodian)

APPROVED:

Supervisor of Public Records

DATE \_\_\_\_\_

SAMPLE LETTER TO REQUEST PERMISSION TO DESTROY RECORDS WHICH HAVE BEEN

MICROFILMED

Records Custodian's Letterhead

DATE: \_\_\_\_\_

Secretary of the Commonwealth  
Supervisor of Public Records  
Archives Division-Records Management Unit  
Massachusetts Archives at Columbia Point  
220 Morrissey Boulevard  
Boston, MA 02125

Dear Supervisor:

This is to request authorization to destroy the paper original of the following records listed on the records disposal schedule which have been microfilmed:

SERIES NUMBER

INCLUSIVE DATES

I certify that these records have been microfilmed and inspected in accordance with the provisions of 950 CMR 39.00. and that they do not pertain to any current or pending litigation to which this office is a party.

I understand that the permission of the Supervisor is required prior to the disposal of any of the master microfilms should the records they contain become obsolete.

Very truly yours,  
(signature of custodian)

APPROVED: