

STATE OF VERMONT
GENERAL RECORD SCHEDULE (GRS)
GRS- 1181.1059: Licensing Records

How to Use GRS-1181.1059 for Licensing Records and Files

General Record Schedules (GRS) are developed by the Vermont State Archives and Records Administration to provide consistency in recordkeeping by Vermont public agencies for common functions and activities. Any Vermont public agency may adopt any or all of the requirements in any general record schedule approved by the Vermont State Archivist. Adopting an approved GRS means that the agency agrees to implement the retention and disposition requirements outlined in the GRS (where applicable). An agency does NOT have to create or receive all of the records listed in the GRS to adopt the GRS; however, an agency must create an internal policy on how this schedule is to be used.

To use this GRS, state agencies MUST submit a Notice of Adoption form (VSARA-11) to the Vermont State Archives and Records Administration. Use of a GRS to destroy records is not permitted until a completed VSARA-11 form has been acknowledged by the Vermont State Archivist. Municipal agencies do not need to submit this notice.

All public agencies are responsible for developing their own internal policies and procedures to assure that the requirements outlined in this GRS are being applied across the the agency. Record ID numbers must be cited in all policies (the record ID is located under each record listed on the GRS). Records listed on the record schedule that need to be retained until OBSOLETE must be supported by an internal policy that clearly states a specific retention requirement that best meets the agency or department's administrative needs.

The minimum retention requirements listed in this GRS may only be applied if there are no specific laws or regulations that require a longer period of retention.

Records custodians, officers and liaisons are responsible for evaluating this GRS in concert with business, legal, and information technology staff to ensure that the GRS (1) meets legal requirements specific to the agency and its records and (2) can be effectively carried out by agency employees. If laws or regulations require a longer retention, the internal policy created by the agency for use of this GRS must explicitly state the longer retention. Agencies shall not develop an internal policy with retention requirements lower than the minimum requirements listed in the GRS.

Transferring records to the State Records Center or State Archives requires a transfer agreement (VSARA-12) from the Vermont State Archives and Records Administration and additional documentation. See the ARCHIVES AND RECORDS MANAGEMENT HANDBOOK for related forms, definitions and additional procedures.

The Targeted Assistance Program (TAP) is the proper venue to seek agency specific record schedules if a GRS cannot be effectively applied. Records scheduled to be retained as ARCHIVES are not eligible for transfer into the State Records Center unless they will be transferred to the State Archives when retention requirements have been met.

Archives and Records Management Handbook <http://vermont-archives.org/records/handbook>

GRS-1181.1059: Licensing files

Classification: Professional services (Licensing)

Scope: Reserved for activities and transactions that relate to or affect, in a specific manner, the licensing, certifying or registering of individuals and/or organizations to perform professional services that are regulated by the State of Vermont.

Directive: Retain decisions and any critical supporting documents until the applicant or licensee has passed away or 50 years from the date of denial or license expiration, whichever is less. Registries are to be retained permanently.

Applications shall be retained until they are no longer needed administratively and then destroyed. Authorizations shall be retained until superseded by a final decision or one year after the authorization expires, whichever is less. Renewal certifications shall be retained until expired plus one year, then destroyed.

Any application, authorization or certificate that is also considered as evidence of a final decision shall follow the retention requirements for decisions. Incomplete or withdrawn applications shall be retained until the calendar year ends plus one year, then destroyed.

Procedural records, such as legal notices, pleadings and reports shall be retained until the process or procedure by which they were created is completed or closed, then destroyed. Reports required by law to be generated shall be retained for one year following the date of issuance, then destroyed.

Review Laws: **Yes** *If yes, review legal references for possible exemptions to public use and inspection.*

RECORDKEEPING REQUIREMENTS (see APPENDIX for any related legal references)

Record:	Applicability/Use:	Minimum Retention/Disposition:
Applications <i>ID: 1181.1059.8</i>	Use for applications for a license, temporary license, license amendment, or a license reinstatement. Includes additional documentation submitted by the applicant. Retain until the application is no longer needed administratively then destroy. If original application is considered part of the decision, follow retention requirements for decisions.	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (Shred)
Authorizations <i>ID: 1181.1059.141</i>	Use for temporary licenses and related authorizations issued by the licensing agency that allow an individual to perform a professional service, in a limited capacity, prior to a final decision to grant or deny a license. Retain until superseded by final decision or one year after authorization expires, whichever is less, then destroy. If the authorization is considered part of the decision, follow retention requirements for decisions.	RETAIN UNTIL: Expired PLUS: 1 Year(s) THEN: Destroy (Shred)
Certificates <i>ID: 1181.1059.21</i>	Use for written documents submitted by a licensee as official verification that conditions or requirements for continued licensure have been met. Includes applications for renewals. Retain until one year after certificate expires, then destroy. If the certificate is considered part of the decision, follow retention requirements for decisions.	RETAIN UNTIL: Expired PLUS: 1 Year(s) THEN: Destroy (Shred)
Correspondence (Routine) <i>ID: 1181.1059.28</i>	Use for routine correspondence that is not otherwise specified on this schedule.	RETAIN UNTIL: Obsolete PLUS: 0 Year(s) THEN: Destroy (Shred)

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Correspondence (Substantive) <i>ID: 1181.1059.53</i>	Use for correspondence that has significant administrative value and/or is essential to supporting a final decision. Includes executive-level correspondence.	RETAIN UNTIL: Expired PLUS: 50 Year(s) THEN: Destroy (Shred)
Decisions <i>ID: 1181.1059.133</i>	Use for recorded evidence of the licensing agency's final decision to grant or deny a license, including any critical supporting documentation, that is in addition to, or in lieu of, a registry entry. In the event of an appeal, include the final decision of the authoritative body that adjudicated the appeal. If decisions are recorded in official minutes of a public body, use GRS-1000.1102.59 (Administrative Policy Records: Minutes) for retention requirements.	RETAIN UNTIL: Expired PLUS: 50 Year(s) THEN: Destroy (Shred)
Notices, Legal <i>ID: 1181.1059.50</i>	Use for notices of decisions, evidence of service of process, and related records. Retain until the process or procedure by which they were created is completed or closed, then destroy.	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Destroy (Shred)
Pleadings <i>ID: 1181.1059.126</i>	Use for petitions, and other written statements of claims and defenses, including any recorded evidence, filed with the license agency regarding the agency's decision to deny, grant or reinstate a license. Includes oaths, transcripts and other recorded material captured as part of an oral proceeding. Retain until the process or procedure by which they were created is completed or closed, then destroy.	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Destroy (Shred)
Registers <i>ID: 1181.1059.81</i>	Use for systems that track licensees, including license status and other relevant information.	RETAIN UNTIL: Completed/Closed PLUS: 0 Year(s) THEN: Archives
Reports <i>ID: 1181.1059.144</i>	Use for reports of the names of persons licensed by licensing agency and the status of their licensure that are required to be compiled and distributed by Federal or State law. If reports are generated as part of a larger requirement, use GRS-1000.1102.144 (Administrative Policy Records: Reports) for retention requirements.	RETAIN UNTIL: Completed/Closed PLUS: 1 Year(s) THEN: Destroy (General)

See attached APPENDIX for legal references.

LEGAL REFERENCES

APPENDIX TO GRS-1181.1059

Disclaimer: Please Read.

State and Federal laws and regulations used in the development of GRS-1181.1059 are listed below. Legal references listed in this appendix do not constitute legal advice and shall not be used as a substitute for the legal advice of legal counsel qualified to give advice on the applicability of this general schedule for an agency's records.

GRS-1181.1059: Licensing files

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| > 04 030 CVR 004 (Administrative rules for procedures to enforce child support orders by suspension of professional licenses) | <i>Review for Exemption:</i> No |
| > 04 030 CVR 005 (Administrative rules of practice) | <i>Review for Exemption:</i> Yes |
| > 1 V.S.A. § 317 (Definitions; public agency; public records and documents) | <i>Review for Exemption:</i> Yes |
| > 10 V.S.A. § 1975 (Designer licenses) | <i>Review for Exemption:</i> No |
| > 12 033 CVR 001 (Wastewater System and Potable Water Supply Rules) | <i>Review for Exemption:</i> No |
| > 13 V.S.A. § 7043a (Licenses or governmental contracts) | <i>Review for Exemption:</i> No |
| > 15 V.S.A. § 795 (Licenses or governmental contracts) | <i>Review for Exemption:</i> No |
| > 16 V.S.A. § 1696 (Licensing [related to professional educators]) | <i>Review for Exemption:</i> No |
| > 18 V.S.A. § 4209 (Supervision, revocation and reinstatement of licenses and certificates) | <i>Review for Exemption:</i> No |
| > 21 V.S.A. § 1378 (Requirements for obtaining license or governmental contract) | <i>Review for Exemption:</i> No |
| > 21 V.S.A. § 145 (Elevator mechanic license and lift mechanic license) | <i>Review for Exemption:</i> No |
| > 21 V.S.A. § 146 (Elevator inspector license) | <i>Review for Exemption:</i> No |
| > 21 V.S.A. § 148 (Issuance and renewal of licenses; fees) | <i>Review for Exemption:</i> No |
| > 26 V.S.A. § 2091 (Director of the office of professional regulation; duties [relating to physical therapists]) | <i>Review for Exemption:</i> No |
| > 26 V.S.A. § 2661 (Director [of the office of professional regulation]; duties [relating to the state board of opticians]) | <i>Review for Exemption:</i> No |
| > 26 V.S.A. § 2676 (License; renewal; reinstatement [for opticians]) | <i>Review for Exemption:</i> No |
| > 26 V.S.A. § 3203 (Director of the office of professional regulation; duties [relating to clinical social work]) | <i>Review for Exemption:</i> No |

> 26 V.S.A. § 3288 (Director of the office of professional regulation; duties)	<i>Review for Exemption:</i> No
> 26 V.S.A. § 3353 (Director of the office of professional regulation; duties [relating to occupational therapists and assistants])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 3383 (Director [of the office of professional regulation]; duties)	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4054 (Director of the office of professional regulation; duties [relating to psychoanalysts])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4082 (Definitions [relating to a roster of psychotherapists who are nonlicensed and noncertified])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4103 (Director [of the office of professional regulation]; function; commissioner of health; rules [relating to tattooists and body piercers])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4125 (Director [of professional regulation]; duties [relating to naturopathic physicians])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4154 (Office of professional regulation [relative to athletic trainers])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4185 (Director [of the office of professional regulation]; duties [relating to midwives])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4404 (Director [of professional regulation]; duties)	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4604 (Director [of the office of professional regulation]; duties [relating to auctioneers])	<i>Review for Exemption:</i> No
> 26 V.S.A. § 4704 (Director of the office of professional regulation; duties [relating to respiratory care])	<i>Review for Exemption:</i> No
> 3 V.S.A. § 122 (Office of professional regulation)	<i>Review for Exemption:</i> No
> 3 V.S.A. § 123 (Duties of office [of professional regulation])	<i>Review for Exemption:</i> No
> 3 V.S.A. § 126 (Agent for process; nonresident licensees)	<i>Review for Exemption:</i> No
> 3 V.S.A. § 129 (Powers of boards; discipline process)	<i>Review for Exemption:</i> Yes
> 3 V.S.A. § 129a (Unprofessional conduct)	<i>Review for Exemption:</i> No
> 3 V.S.A. § 130a (Appeals from board decisions)	<i>Review for Exemption:</i> No
> 3 V.S.A. § 132 (Board quorums)	<i>Review for Exemption:</i> No
> 3 V.S.A. § 814 (Licenses [in relation to the Administrative Procedures Act])	<i>Review for Exemption:</i> No
> 3 V.S.A. § 816 (Exemptions [relating to the administrative procedure act])	<i>Review for Exemption:</i> No
> 31 V.S.A. § 1102 (Director [of office of professional regulation]; powers; duties)	<i>Review for Exemption:</i> No
> 32 V.S.A. § 3113 (Requirements for obtaining license or governmental contract)	<i>Review for Exemption:</i> No

> 4 V.S.A. § 1110 (Licenses or governmental contracts [related to the Judicial Bureau])	<i>Review for Exemption:</i> No
> 42 CFR 431.710 (Provisional [nursing home administrator] licenses)	<i>Review for Exemption:</i> No
> 6 V.S.A. § 2721 ([Milk] Handlers' licenses)	<i>Review for Exemption:</i> No
> 6 V.S.A. § 2722 (Application [related to milk handlers])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 2722a (Hearings, and action upon applications [related to milk handlers])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 2723a (Distributors' licenses [related to fluid dairy])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 2724 (Technicians' licenses [related to dairy products])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 564 (Licensing; application [related to industrial hemp])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 6 (Combined licenses)	<i>Review for Exemption:</i> No
> 6 V.S.A. § 762 (License; fee [related to livestock dealers, auctions, and sales rings])	<i>Review for Exemption:</i> No
> 6 V.S.A. § 764 (Bond [related to livestock dealers, auctions, and sales rings])	<i>Review for Exemption:</i> No
> 7 V.S.A. § 226 (Bottlers' license)	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2201 (Licenses required)	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2502 (License required [related to money services])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2506 (Application for license [related to money services])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2507 (Security)	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2508 (Issuance of license [related to money services])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2509 (Renewal of [money services] license and annual report)	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2516 (Application for license [related to money services])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2517 (Issuance of license [related to money services])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2518 (Renewal of [money services] license and annual report)	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2532 (Reports [related to money services licensees])	<i>Review for Exemption:</i> No
> 8 V.S.A. § 2533 (Change of control [related to money services licensee])	<i>Review for Exemption:</i> No
> 9 V.S.A. § 2440 (Social security number protection)	<i>Review for Exemption:</i> Yes