

POLICY CLARIFICATION REQUEST FORM

REGIONAL OR DIVISION USE ONLY	
Regulation Title/Chapter: Title 55 PA Code Chapter 20 Licensure or Approval of Facilities and Agencies, Chapter 3130 Administration of County Children and Youth Social Service Programs, Chapter 3140 Planning and Financial Reimbursement Requirements for County Children, Youth Social Service Programs, Chapter 3170 Allowable Costs and Procedures for Children and Youth Social Service Programs, Chapter 3350 Adoption Services, Chapter 3490 Protective Services, Chapter 3680 Administration and Operation of a Children and Youth Social Service Agency, Chapter 3700 Foster Family Care Agency and Chapter 3800 Child Residential and Day Treatment Facilities	Date: August 2019 Request Prepared By: OCYF Central Regional Office
Issue: What original forms must be maintained in a paper format when an electronic system is used to maintain forms when uploaded?	
CENTRAL OFFICE OF CHILDREN & YOUTH PROGRAMS ONLY	
Date: August 2021	Response Prepared By: Rebecca Moore
<p>Background: A request for a policy clarification was received to determine whether private agencies are required to maintain records in their original form. Specifically, the Bair Foundation is seeking review and clarification of what, if any, original forms must be maintained in a paper format when an electronic system is used to maintain forms when uploaded. The Bair Foundation inquired about the maintenance of the Individual Service Plan (ISP) signature page in original paper format. The Department of Human Services (Department) identified the need to extend the policy clarification to all county and private agencies as the need for efficiency develops.</p> <p>Clarification: The Department supports county and private agencies in becoming more efficient and encourages agencies whenever practicable to collect, transmit, and store information in open and machine-readable formats rather than in closed formats or on paper.</p> <p>The transfer of original paper copies to electronic versions for storage is permissible, per federal guidance from the May 2013, Executive Order on Making Open and Machine Readable the New Default for Government Information found at 2 CFR section 200.335 (relating to methods for collection, transmission, and storage of information). When selecting an electronic transfer method, county and private agencies must select a method or system that is able to be queried/searched for the purpose of audits and case reviews. County and private agencies must develop a written protocol for the storage process to ensure consistency in storing and naming the electronic files. Furthermore, county and private agencies must maintain documentation in a way that allows the Department access upon request and continues to meet all regulations, laws and requirements that address maintenance and retention of records. To ensure compliance with</p>	

maintenance, retention and access laws and regulations, refer to the non-inclusive list below:

- Adoption Act (23 Pa C.S. §2915)
- 55 Pa. Code §3680.33
- 55 Pa. Code §20.34
- Article IX of the Human Services Code (62 P.S. §911)
- Article X of the Human Services Code (62 P.S. §1016)
- Child Protective Services Law (23 Pa.C.S §6335, §6337- §6341)

Official documents, such as birth records must be maintained in original form. Documents similar to baptismal certificates and those with watermarks may be best kept in original paper form, especially if the document does not scan well. The agencies must ensure the accessibility and availability of documents that must be provided to children and parents at the time of discharge.

County and private agencies who anticipate maintaining records in an electronic format and are using a system outside of the county case management system must consider the following factors:

- the various methods or systems used for electronic storage;
- the development of a written protocol for the storage and back up of electronic files;
- the use of a consistent naming convention for electronic files;
- the implementation and maintenance cost;
- the need of the agency to search, store and retrieve the records;
- the need of outside entities that conduct audits and case reviews to search and retrieve the documents;
- the functionality of the electronic system;
- the inventory of existing records;
- the security of the system and method used for electronic storage;
- the development and implementation of an operational disaster recovery plan; and
- the long-term sustainability of the system.

The request for clarification specifically asked about the maintenance of the Individual Service Plan (ISP) signature page in original paper format. This document may be maintained electronically assuming it is maintained in accordance with the retention schedule and the agency has considered all factors listed above.

County and private agencies selected for federal audit shall present copies of agency case records to the auditing agency unless access to the electronic copies and systems can be arranged.

Bureau Director: _____ *Amanda Dorris* _____ Date: 11/19/2021 _____

cc: OCYF Bureau Directors
OCYF Regional Directors
OCYF Division Directors

NEXT STEP: Regions disseminate copies of this clarification to affected agencies.