



COMMONWEALTH OF VIRGINIA
DEPARTMENT FOR AGING AND REHABILITATIVE SERVICES

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TO: Virginia Centers for Independent Living Directors

FROM: Marcia DuBois, Deputy Commissioner, Department for Aging and Rehabilitative Services *ms*

SUBJECT: Electronic Storage of Consumer Service Records

BACKGROUND:

Virginia regulations require Centers for Independent Living (CILs) maintain consumer service records (CSRs) for each applicant for and individual who receives independent living (IL) services other than information and referral services.

Specifically, [22VAC30-30-31](#) states:

“A DSU may carry out the functions and responsibilities described in this section, except as otherwise provided, or may delegate them to the appropriate service provider with which the DSU subgrants or contracts to provide IL services. The [CIL] shall maintain a CSR for each applicant for, and each individual receiving, IL services other than information and referral services. A CSR may be maintained either electronically or in written form, except that the IL plan and waiver must be in writing. The CSR shall include:

1. Documentation concerning eligibility or ineligibility for services;
2. The services requested by the consumer;
3. Either the IL plan developed with the consumer or a waiver signed by the consumer stating that an IL plan is unnecessary;
4. The services actually provided to the consumer;
5. The IL goals or objectives established with the consumer, whether or not in the consumer's IL plan, and the goals or objectives achieved by the consumer; and
6. The individual's participation in the cost of any IL services, including the individual's financial need.”

GUIDANCE:

The regulation cited above permits CILs to maintain CSRs “either electronically or in written form, except that the IL plan and waiver must be in writing.” This regulatory requirement does

not prohibit CILs from moving to fully paperless or electronic CSR storage by maintaining written IL plans and waivers as electronic documents in a secure network or cloud storage system. For example, a CIL choosing to store a CSR electronically may complete a written IL plan or waiver jointly with a consumer (inclusive of the consumer's signature), scan it to an electronic document format, and upload it to a secure network or cloud storage system that would allow for hard-copy retrieval as needed. Once stored securely, hard-copy documents may be destroyed in accordance with the CIL's document destruction policy. CILs should employ measures to protect electronically-stored documents against loss, including regularly backing up files.

If stored in this format, all required CSR elements, including the IL plans or waivers described in [22VAC30-30-70](#), must be clearly discernable and a hard-copy version must be easily retrievable from the secure network or cloud storage system. Each electronic CSR must be kept up-to-date and easily located by the individual's name. When implementing electronic CSRs, CILs must take steps to prevent unnecessary or unauthorized access to CSRs.

Electronically stored CSRs must be maintained in accordance with DARS regulations, contractual obligations, and policies, as well as any internal CIL policies. CSRs must be retained for at least five (5) years following closure or inactivity. If a CIL chooses to store CSRs electronically, once any hard copies are converted to electronic copies, the hard copies may be destroyed in accordance with the CIL's document destruction policy. CILs must develop and maintain policies and procedures for the implementation of electronic CSRs. Such policies and procedures must include, but are not limited to: storage of electronic CSRs, access to electronic CSRs by employees, volunteers, and DARS monitoring staff; release of personal information contained in the CSRs; electronic CSR record retention; and hard-copy document destruction (if applicable).

This guidance shall only apply to the delivery of IL services by CILs. This guidance does not cover the delivery of other services by CILs, including but not limited to Vocational Rehabilitation services, Pre-Employment Transition services, and Medicaid services, or the completion of the Voter Registration Agency Certification.