

Board of Examiners in Marriage and Family Therapy

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Board of Examiners in Marriage and Family Therapy

Sources of Information

Representative of the Board of Examiners in Marriage and Family Therapy

Code of Alabama 1975, Sections 34-17A-1 through 34-17A-26

Code of Alabama 1975, Sections 41-20-1 through 41-20-16 (Sunset Law)

Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Alabama Administrative Code 536-x-1 to 536-x-8

Board of Examiners in Marriage and Family Therapy Audit Report (1997-1999)

Historical Context

The agency was established in 1997 by the legislature as a regulatory agency (Acts of Alabama, 1997, No. 97-170 1). The legislature declared that the practice of marriage and family therapy affects public safety and welfare. Before the creation of this board, the practice of marriage and family therapy was not regulated by a state agency.

Agency Organization

The board consists of five members appointed by the governor. One member is appointed from the general public; another member is a marriage and family therapy educator; and three members are practicing marriage and family therapists. The length of term for board members is five years. The board elects a chair and a vice chair annually. The board employs an executive director, a secretary and others as needed to more efficiently accomplish its duties. If a vacancy occurs on the board, the governor will appoint another person to fill the vacant position. The board meets at least once annually. The board contracts with the management firm of Warren & Company to handle its business. It also appoints an employee of Warren & Company to function as executive director. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the board is to license therapists in marriage and family therapy. It also enforces rules and regulations to protect the public from unscrupulous therapists. It is one of the agencies responsible for performing the Regulatory function of Alabama government. In the performance of its mandated function, the agency may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** In accordance with the Administrative

Procedures Act (Code of Alabama 1975, Section 41-22-3), the board has the authority to prescribe rules and regulations for certification in and the practice of marriage and family therapy. The board also develops the appropriate procedures for the promulgation of rules, regulations, and procedures.

- **Licensing.** The board is authorized to license marriage and family therapists. Individuals who are seeking a license in marriage and family therapy must first work as interns. Interns are those who are enrolled in a marriage and family therapy educational program or have recently graduated. An intern works at a training institution or facility or is under a board approved supervisory agreement.

An associate must have graduated from his/her educational program and completed his/her internship. Individual associates wishing to apply for a therapist's license must submit an application to the board. All applicants must fulfill the requirements stated in the Code of Alabama 1975, Section 34-17A-10. Applicants must maintain a good moral standing and have completed the level of experience specified in the Code. Educational requirements include a masters or doctoral degree from an accredited college/university and two years experience under a qualified supervisor who has been approved by the board.

All applicants must successfully complete an examination administered by the board. The examination tests on theoretical and applied fields that the board deems suitable. This is a national examination endorsed by the Association for Marital and Family Therapy Regulatory Board and created by Professional Examination Service. When the applicant passes the examination, the board votes on whether or not the applicant is acceptable. Any applicant who fails the examination cannot reapply for six months.

Licenses are valid for two years. The fee charged for the renewal of the license is determined by the board in accordance with the Administrative Procedures Act. The licensee is contacted by the board when his/her license is due to expire. The licensee must submit an application renewal form. In order to obtain a renewal, the licensee must prove completion of the required number of work and continuing education hours.

- **Enforcing.** The board hears and tries charges against any licensed marriage and family therapist for any violation. The board may deny, revoke, or suspend a license. The board institutes hearings to decide which action to impose. The licensee may seek a judicial review through the Circuit Court of Montgomery County if he/she is dissatisfied with the board's decision.
- **Administering Internal Operations.** A significant portion of the agency's work includes general administrative, financial, and personnel activities performed to support its programmatic areas.

Managing the Agency: Activities include internal office management activities common to most government agencies such as corresponding and communicating; scheduling; meeting; documenting policy and procedures; reporting; litigating; drafting, promoting, or tracking legislation; publicizing and providing information; managing records; and managing information systems and technology.

Managing Finances: Activities involved in managing finances may include the following: budgeting (preparing and reviewing the budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget); purchasing (requisitioning and purchasing supplies and equipment, receipting and invoicing for goods, and authorizing payment for products received); accountings for the expenditure, encumbrance, disbursement, and reconciliation of funds within the agency's budget through a uniform system of accounting and reporting; authorizing travel; contracting with companies or individuals; bidding for products and services; and assisting in the audit process.

Analysis of Record Keeping System and Records Appraisal of the Board of Examiners in Marriage and Family Therapy

Agency Record Keeping System

The Board of Examiners in Marriage and Family Therapy operates a hybrid system composed of paper and electronic records.

Computer Systems: The agency maintains an Access database where various records are stored.

Paper: The agency maintains most of its records in paper form in Warren & Company's office.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Board of Examiners in Marriage and Family Therapy: Temporary Records and Permanent Records.

I. Temporary Records. Temporary records should be held for what is considered their active life and be disposed of once all fiscal, legal, and administrative requirements have been met.

- **Examination Files.** Before applicants can qualify for a license, they must successfully complete an examination. Examination questions are designed to test the applicant's knowledge of ethics, marriage and family studies, marriage and family therapy and human development. These records are retained for five years after the end of the year in which the records were created.
- **Intern Files.** The intern files are created when an intern begins his/her internship. Information included is the intern's application and the supervisory agreement. These records are maintained by the agency for five years following the completion of the internship.
- **Renewal Files.** These are records created when a licensee renews his/her license. In cases in which a license is subject to renewal, the licensee may renew before the license expires. The board uses these files to keep track of renewals but also to see if the licensee is following the rules and regulations of the board. If a licensee commits a violation or a felony it is noted in the renewal file and can be used to deny/revoke the renewal depending on the type of violation. The recommended retention is six years after the record has been created.
- **Investigation Files.** These files include complaint, investigation, and the hearing files. The board recommends a retention of five years after the license becomes inactive.

- **Continuing Education Evidence Files.** In order for an associate or a regular licensee to continue as a licensee, they must provide sufficient evidence to document completion of the required number of education hours. This documentation is retained for five years after license has become inactive.

II. Permanent Records. The Government Records Division recommends the following records as permanent.

Promulgating Rules and Regulations:

- **Annual Reports.** The annual report is submitted to the governor and documents the condition of the agency. (RDA page 3-2) **(Bibliographic Title:)**
- **Meeting Minutes and Orders of the Board.** These records document decisions of the board including final decisions on licensure of applicants. These records provide important information and documentation of the board's actions that may not be found elsewhere. (RDA pages 3-2) **(Bibliographic Title: Meeting Minutes)**
- **Published Rules and Regulations.** The board publishes this booklet for public distribution. Included are excerpts from the Code of Alabama and the board's administrative code. This publication should be retained because it documents all professional rules and procedures governing the practice of marriage and family therapy in Alabama. (RDA pages 3-2) **(Bibliographic Title: Rules and Regulation)**

Licensing:

- **Rosters of Licensees.** The board maintains a roster of licensees on its website at <http://www.mft.state.al.us>. This roster contains a list of licensees, address, license number, license issue date, and license expiration date. The roster provides key documentation of marriage and family therapists; thus, a copy should be printed out annually for permanent retention. (RDA page 3-2) **(Bibliographic Title: Rosters of Licensees)**

Enforcing:

- The board currently creates no permanent records under this subfunction.

Administering Internal Operations:

- **Web Sites.** The board has a website at: www.mft.state.al.us. Information on the web includes a list of board members, rules and regulations, related laws, application procedures, complaint forms, and calendars of events. The website can also be used to search licensed therapists either by last name or license number. The disposition statement calls for retaining a “snap shot” of complete website information annually or as often as significant changes are made to the site. (RDA page 3-3)

Permanent Records List
Board of Examiners in Marriage and Family Therapy

Promulgating Rules and Regulations

1. Annual Reports
2. Meeting Minutes and Orders of the Board
3. Published Rules and Regulations

Licensing

1. Roster of Licensees

Administering Internal Operations

1. Web Sites

Board of Examiners in Marriage and Family Therapy Records Disposition Authority

This Records Disposition Authority (RDA) is issued by the State Records Commission under the authority granted by the Code of Alabama 1975, Sections 41-13-5 and 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Board of Examiners in Marriage and Family Therapy. The RDA lists records created and maintained by the Board of Examiners in Marriage and Family Therapy in carrying out its mandated functions and activities. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Board of Examiners in Marriage and Family Therapy to implement records destruction.

Alabama law requires public officials to create and maintain records that document the business of their offices. These records must be protected from "mutilation, loss, or destruction," so that they may be transferred to an official's successor in office and made available to members of the public. Records must be kept in accordance with auditing standards approved by the Examiners of Public Accounts (Code of Alabama 1975, Sections 36-12-2, 36-12-4, and 41-5-23). For assistance in implementing this RDA, or for advice on records disposition or other records management concerns, contact the ADAH Government Records Division at (334) 242-4452.

Explanation of Records Requirements

- This RDA supersedes any previous records disposition schedules governing the retention of the Board of Examiners in Marriage and Family Therapy's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept. Electronic mail, for example, is a communications tool that may record permanent or temporary information. As for records in any other format, the retention periods for e-mail records are governed by the requirements of the subfunctions to which the records belong.
- Some temporary records listed under the Administering Internal Operations subfunction of this RDA represent duplicate copies of records listed for long-term or permanent retention in the RDAs of other agencies.
- Certain other records and records-related materials need not be retained as records under the disposition requirements in this RDA. Such materials include: (1) duplicate record copies that do not require official action, so long as the creating office maintains the original record for the period required; (2) catalogs, trade journals, and other publications received that require no action and do not document government activities; (3) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become

obsolete; (4) transitory records, which are temporary records created for short-term, internal purposes, may include, but are not limited to, telephone call-back messages, drafts of ordinary documents not needed for their evidential value, copies of material sent for information purposes but not needed by the receiving office for future business, and internal communications about agency social activities. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Board of Examiners in Marriage and Family Therapy and lists the groups of records created and/or maintained by the agency as a result of activities and transactions performed in carrying out these subfunctions. The agency may submit requests to revise specific records disposition requirements to the State Records Commission for consideration at its regular quarterly meetings.

■ Promulgating Rules and Regulations

ANNUAL REPORTS

Disposition: PERMANENT RECORD.

MEETING MINUTES AND ORDERS OF THE BOARD

Disposition: PERMANENT RECORD.

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

Register of Administrative Rules

Disposition: Temporary Record. Retain in Office (Code of Alabama, 1975 Section 41-22-6)

■ Licensing

ROSTER OF LICENSEES

Disposition: PERMANENT RECORD.

Examination Files

Disposition: Temporary Record. Retain 5 years after the end of the year in which the records were created.

Intern Files

Disposition: Temporary Record. Retain 5 years after the completion of internship.

Associate Files

Disposition: Temporary Record. Retain 5 years after the license has become inactive.

Licensure Files

Disposition: Temporary Record. Retain 5 years after the license has become inactive.

Renewal Files

Disposition: Temporary Record. Retain 6 years after the record has been created.

Continuing Education Evidence Files

Disposition: Temporary Record. Retain 5 years after license has become inactive.

■ **Enforcing**

Investigation Files

Disposition: Temporary Record. Retain for 5 years after license becomes inactive.

■ **Administering Internal Operations**

Managing the Agency:

WEB SITES

Disposition: PERMANENT RECORD. RETAIN A “SNAP SHOT” OF COMPLETE WEB SITE INFORMATION ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE TO THE SITE.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Mailing Lists

Disposition: Temporary Record. Retain for useful life.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the agency’s approved RDA (copies of transmittal forms to Archives or the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Copy of RDA

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the RDA is superseded.

System documentation (hardware/software manuals and diskettes, warranties, Y2K records)

Disposition: Temporary Record. Retain documentation of former system 3 years after the end of the fiscal year in which the former hardware and software no longer exists anywhere in the agency and all permanent records have been migrated to a new system.

Managing Finances:

Records documenting the preparation of a budget request package and reporting of the status of funds, requesting amendments of allotments, and reporting program performance

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting the requisitioning and purchasing of supplies and equipment, receipting and invoicing for goods, and authorizing payment for products

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records of original entry or routine accounting transactions such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and cancelled checks

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Records documenting requests for authorization from supervisors to travel on official business and other related materials, such as travel reimbursement forms and itineraries

Disposition: Temporary Record. Retain 3 years after end of the fiscal year in which the records were created.

Contractual records established for the purpose of services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses

Disposition: Retain in office (Code of Alabama 1975, Sections 41-16-24).

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after end of the fiscal year in which the records were created.

Approval of Records Disposition Authority

By signing this agreement the Board of Examiners in Marriage and Family Therapy acknowledges its responsibilities in the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Board of Examiners in Marriage and Family Therapy will designate a managerial

position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in April of each year, and ensuring the regular implementation of the agency's approved RDA.

- Permanent records in the Board of Examiners in Marriage and Family Therapy's custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis—for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records' permanent preservation and accessibility.
- The Board of Examiners in Marriage and Family Therapy agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the agency and to inspect records destruction documentation. Government Records Division archivists are available to train the agency's staff in RDA implementation and otherwise assist the agency in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____
Paula McCaleb, Executive Director
Board of Examiners in Marriage and Family Therapy

By: _____ Date: _____
Edwin C. Bridges, Chairman
State Records Commission