

Board of Massage Therapy

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Board of Massage Therapy

Sources of Information

Representatives of the Board of Massage Therapy

Code of Alabama 1975, Sections 34-43-1 through 34-43-21

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 532-x-1 through 532-x-8

Board of Massage Therapy Audit Report (1996-1999)

Historical Context

The Board of Massage Therapy was established in 1996 by the legislature in order to regulate the practice of massage therapy. The profession was not regulated prior to the creation of this board.

Agency Organization

The board consists of seven members appointed by the governor. Five of the members must be licensed massage therapists and the others are public members. Members serve two-year terms of office. The board elects a chairperson and a vice-chairperson annually. Meetings are held biannually usually in October. 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 secretary. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the board is to license and regulate the practice of massage 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 licensure in and the practice of massage therapy. The board also develops the appropriate procedures or techniques for the promulgation of rules and regulations.

- **Licensing.** The board licenses massage therapists and massage therapy instructors, as well as registers massage therapy schools. An applicant who is applying for licensure for massage therapy must complete 650 hours of education in anatomy, pathology, physiology, massage techniques, clinical practices, ethics, health, hygiene, and other related subjects. The applicant must pass an examination in order to be eligible for licensure. This examination is the National Certification Examination for Therapeutic Massage and Bodywork which is offered by the National Certification Board for Therapeutic Massage and Bodywork or an examination given by the National Committee for Certifying Agencies.

The board also licenses establishments. Two kinds of establishments seek licensure from the board: an on-site establishment and an on-call establishment. The owner, lessee, or legal possessor of the establishment is the only one who can apply for licensure of an establishment. If the establishment switches ownership, then the new owner must reapply for a new license. When the application is received by the board, the board can choose to inspect the establishment in order to make sure the establishment is in compliance.

In order to be registered as a massage therapy school, the school must complete the following tasks: file a completed application, pay a registration fee, and provide documentation of its curriculum. All instructors must be licensed massage therapists. Schools must register with the board annually.

Licenses are renewed every two years. The licensee must fulfill a requirement of sixteen hours of continuing education courses before renewing his/her license.

- **Enforcing/Monitoring.** The board hears and tries charges against licensed massage therapists/instructors for any violation. The board may deny, revoke, or suspend a license. The board conducts hearings to decide which action to impose. The licensee may seek a judicial review through the Circuit Court of Montgomery County if s/he 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 the programmatic areas of the agency.

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 an 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 Massage Therapy

Agency Record Keeping System

The Board of Massage Therapy operates a hybrid system composed of paper and electronic records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Board of Massage 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.

- **Licensure Files.** Included in these records are applications and written notifications that applicants were licensed. The application contains important information on the massage therapists. Also included is a photograph of the licensee sent when s/he applied for the license. The recommended retention for these records is five years after the license has become inactive.
- **Renewal Files.** These are records created when a licensee renews his/her license. Licenses are renewed every two years. 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. The recommended retention is five years after the record has been created.
- **Investigation Files.** When a complaint is filed and the board has reason to believe that a licensee is failing to comply with the law, the board conducts an investigation. When the investigation indicates that a licensee is not complying with rules and regulations, then the board may conduct a hearing. If a licensee is not in compliance, the board may suspend, revoke, or refuse to renew the license. The recommended retention is five years after the license becomes inactive.

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

Promulgating Rules and Regulations

- **Published Rules and Regulations.** The board publishes a 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 massage therapists in Alabama.
(RDA page 3-2)(**Bibliographic Title: Rules and Regulations**)
- **Meeting Minutes and Orders of the Board.** These records document decisions of the board. They provide important information and documentation of the board’s actions that may not be found elsewhere. (RDA page 3-2) (**Bibliographic Title: Meeting Minutes**)

Licensing:

- **Roster of Licensees.** The board maintains a roster of licensees. The board publishes the roster annually. This roster includes names and addresses of the licensees. The roster should be maintained permanently due to the documentation of the profession of massage therapists.
(RDA page 3-2) (**Bibliographic Title: Roster of Licensees**)

Enforcing/ Monitoring:

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

Administering Internal Operations:

- **Website.** The board has a website at www.almtd.state.al.us. Information on the web includes a list of board members, rules and regulations, and application forms. The disposition statement calls for retaining a “snap shot” of all website information annually, or as often as significant changes are made to the site. (RDA page 3-3)(**Bibliographic Title:)**
- **Newsletters.** The board publishes newsletters to serve as a communication tool. The newsletter contains information about the board. The newsletter is available on the board’s website. (RDA page 3-3) (**Bibliographic Title: Newsletters**)

Permanent Records List Board of Massage Therapy

Promulgating Rules and Regulations

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

Licensing

1. Roster of Licensees

Administering Internal Operations

1. Website
2. Newsletters

Board of Massage 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 Massage Therapy. The RDA lists records created and maintained by the Board of Massage 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 Massage 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 also 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 Massage Therapy's records. Copies of superseded schedules and RDAs are no longer valid and may not be used for records disposition.
- 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 Massage 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**

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

MEETING MINUTES AND ORDERS OF THE BOARD

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.

Roster of Approved Massage Therapy Schools

Disposition: Temporary Record. Retain until superceded.

Licensure Files

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

Renewal Files

Disposition: Temporary Record. Retain 5 years after the records were created.

Continuing Education Evidence Files

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

Massage Therapy School Files

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

■ **Enforcing/Monitoring**

Inspecting/Monitoring Files

Disposition: Temporary Record. Retain for 5 years after inspection.

Investigation Files

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

■ **Administering Internal Operations**

Managing the Agency:

WEBSITE

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

NEWSLETTERS

Disposition: PERMANENT RECORD

Routine Correspondence

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

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.

Board Appointment Letters

Disposition: Temporary Record. Retain 3 years after board member has left office.

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.

**Requirement and Recommendations for Implementing the Records
Disposition Authority**

Under the Code of Alabama 1975, Section 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Board of Massage Therapy (hereafter referred to as the agency) as stipulated in this document.

One condition of this authorization is that the agency submit an annual Records Disposition Authority (RDA) Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in October of each year. In addition, the agency should make every effort to establish and maintain a quality record-keeping program through the following activities:

- The agency should designate a records liaison, who 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, and ensuring the regular implementation of the agency’s approved RDA.
- Permanent records in the agency’s custody should 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 staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 23, 2002.

Edwin C. Bridges, Chairman
State Records Commission

Date

Receipt acknowledged:

Keith Warren, Executive Secretary
Board of Massage Therapy

Date

