

# **Alabama Board of Examiners in Counseling**

## **Functional Analysis & Records Disposition Authority**

**Revision  
Presented to the  
State Records Commission  
April 25, 2007**

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# **Functional and Organizational Analysis of the Alabama Board of Examiners in Counseling**

## **Sources of Information**

Representatives of the Alabama Board of Examiners in Counseling

Code of Alabama 1975, Sections 34-8A-1 through 34-8A-23

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

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

Alabama Administrative Code, Chapters 630-X-1 through 630-X-13

Alabama Government Manual (2002)

Alabama Board of Examiners in Counseling Newsletters

Government Records Division, State Agency Files (1989-ongoing)

## **Historical Context**

In 1979, the legislature created the Alabama Board of Examiners in Counseling to regulate the private practice of counseling in Alabama (Acts of Alabama 1979, No. 79-423, Section 1). The board consists of seven members appointed by the governor. The board is legally authorized to make rules and establish policies for the proper performance of its duties and to provide standards regarding the morals, education, and experience for all persons who desire to practice counseling within the State of Alabama. The board is also legally authorized to assist in the prosecution of violations of the originating act, to make annual reports to the governor, and to appoint/employ all personnel deemed necessary for the discharge of the board's legally mandated duties and functions (Acts of Alabama 1979, No. 521, Section 3). The board will automatically terminate on October 1, 2000, and every four years thereafter, unless a bill is passed that it be continued, modified, or reestablished (Acts of Alabama 1979, Number 79-423, Section 4; Acts of Alabama 1997, Number 97-154, Section 3).

## **Agency Organization**

The Alabama Board of Examiners in Counseling is composed of seven members who serve staggered terms of five years. The members are appointed by the governor from a list of names submitted by the executive committee of the Alabama Counseling Association, or its successor organization. The board consists of two citizens from the general public, two counseling educators, and three counselors in private practice. A college or university shall have only one counselor educator representative, as a member of the board at any one time. In addition, no more than one practitioner from the same practice setting or corporation shall be members of the board at any one time. Board members are ineligible for reappointment for a period of three years following the completion of their terms. The board annually elects a chair and vice chair. The board shall hold at least one regular meeting each year. Additional meetings may be held at the discretion of the chair

or at the request of any three members of the board. The executive officer is responsible for the administration of the agency in accordance with the directives of the board. The executive director employed by the board may be a practicing licensee of the board. Currently the executive officer is a part-time, contract employee. Other staff members are hired as needed. An organizational chart is attached.

## **Agency Function and Subfunctions**

The mandated function of the Alabama Board of Examiners in Counseling is to provide for the regulation and licensure of the practice of counseling in Alabama. The board conducts examinations to ascertain qualifications of applicants for licenses, prescribes rules for conducting examinations, institutes and hears charges against licensed counselors, establishes standards of continuing education, and maintains a register of counselors. The board is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government. In the performance of its mandated function, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** The Code of Alabama 1975, Section 34-8A-5, authorizes the board to adopt and revise rules and regulations necessary for the performance of its duties. This subfunction encompasses activities pertaining to the development of rules and regulations, procedures for licensure, standards for continuing educational programs, and other official policies needed by the board for carrying out its duties and responsibilities.
  
- **Licensing.** The Code of Alabama 1975, Sections 34-8A-7 through 34-8A-8, authorizes the board to screen and examine applicants for licensure as a licensed professional counselor or associate licensed counselor in the state. The board issues a license as a licensed professional counselor to each applicant who files an application and furnishes satisfactory evidence that s/he has fulfilled all of the board's qualifications for licensure. Each applicant must be at least 19 years of age, be of good moral character, have received a master's degree in counseling from an accredited school of higher learning, have completed at least 48 graduate semester hours based primarily in professional counseling, have three thousand hours of supervised experience in professional counseling, and have passed all examinations prescribed by the board. When these requirements have been met by the applicant and approved by the board, the board grants a license to the applicant.

The board also issues a license as an associate licensed counselor in the state to each applicant who files an application and furnishes satisfactory evidence that he/she has fulfilled all of the board's requirements for an associate licensed counselor. Each applicant must be at least 19 years of age, of good moral character, have received a master's degree in counseling from an accredited school of higher learning, and have completed at least 48 graduate semester hours based primarily in professional counseling. The associate licensed counselor cannot practice without the direct supervision of a licensed professional counselor approved by the board. After three thousand hours of supervised experience in professional

counseling and the passing of the standard examinations, the associate licensed counselor may petition the board for licensure as a professional counselor. In addition, the board issues licenses to any individuals who furnish satisfactory evidence to the board that they are licensed as a professional counselor or as a counselor associate by another state, if the requirements for licensure in that state are substantially equivalent to those of the State of Alabama.

The board issues provisional licenses to individuals who hold a current license in another state and are attempting to meet the requirements of the State of Alabama. A provisional license is issued for the period of one year and may be renewed for an additional one-year period. All licensees must renew their respective licenses biennially and complete the required continuing education contact hours prior to license renewal. The number of hours required may vary and is determined by the board. Licensees must also pay biennial renewal fees. Any licensee whose license has lapsed beyond six years must reapply under the current regulations for initial licensure.

- **Approving Counseling Educational Programs.** At the request of an academic institution, the board may review curricula to determine whether or not it meets academic requirements for licensure.
- **Investigating Complaints or Violations.** The Code of Alabama 1975, Section 34-8A-16, authorizes the board to conduct investigations, hearings, and proceedings concerning alleged violations of its rules and regulations. Depending on the findings following investigation, the board may dismiss the case, make an informal disposition, or conduct a formal disciplinary proceeding. In the event that a disciplinary proceeding is needed, the board conducts the hearing in accordance with the Alabama Administrative Procedures Act. As a result of the hearing, the board may deny, suspend, or revoke the license. The board may levy and collect an administrative fine for each violation, and may assess all legal costs for the preparation and execution of a disciplinary action. In addition, the board may issue written reprimands to licensees as an alternative to a formal hearing.
- **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); accounting 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.

**Managing Human Resources:** Activities involved in managing human resources may include the following: recruiting and hiring qualified individuals to fill vacant positions within the agency; providing compensation and benefits to employees; supervising employees (evaluating performance, disciplining, granting leave, and monitoring the accumulation of leave); and providing training and continuing education for employees.

**Managing Properties, Facilities, and Resources:** Activities involved in managing properties, facilities, and resources may include the following: inventorying and accounting for non-consumable property and reporting property information to the appropriate authority; leasing and/or renting offices or facilities; providing for security and/or insurance for property; and assigning, inspecting, and maintaining agency property, including vehicles.

# **Analysis of Record-Keeping System and Records Appraisal of the Alabama Board of Examiners in Counseling**

## **Agency Record Keeping System**

The Alabama Board of Examiners in Counseling currently operates a hybrid record-keeping system composed of paper-based and electronic records.

Paper-based Systems: Most of the board's records are maintained in paper form and stored on-site.

Computer Systems: The board currently has a PC-based system that operates in a client-server environment. The board has two individual work stations. The board has a server and utilized Microsoft Access, which is a database program. The database software is customized by Cabinet Next Generation. Databases are backed up each day on magnetic tape and stored off-site. Four tapes are used on a rotating basis. The board has a website at [www.abec.state.al.us](http://www.abec.state.al.us). The website is maintained by the Information System Division of the Department of Finance.

## **Records Appraisal**

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

**I. Temporary Records.** Temporary records should be held for what is considered to be their active life and disposed of once all fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the board are discussed below:

- **Alabama Board of Examiners in Counseling Licensure Files.** The board is responsible for examining and licensing applicants as counselors. A typical licensure file documents the licensee's licensure history in Alabama and may contain a completed application form, examination records, recommendation forms, copies of diplomas and transcripts, and evidence of continuing education. The retention for these files is six years after the end of fiscal year in which the license lapses. Any licensee whose license has lapsed beyond six years must reapply under the current regulations for initial licensure.

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

### **Promulgating Rules and Regulations:**

- **Meeting Minutes of the Board.** The board is obligated to hold a minimum of one regular meeting each year. Information in meeting minutes may include regulation changes, formal

motions, board policy changes, reports from the board's officers and various internal committees/task forces, actions of the board on applicants, and disciplinary actions. The minutes of these meetings are necessary to document the actions of the board and its members. (RDA page 3-2) **(Bibliographic Title: Meeting Minutes)**

- **Informational Publications.** These publications document the board's efforts in communicating with the public regarding counseling education and practice, licensure procedures, and other board related services. Publications include, but are not limited to, Administrative Code, Code of Ethics and Standards of Practice, directory, and newsletter. (RDA page 3-2) **(Bibliographic Title: Informational Publications)**

#### **Licensing:**

- **Registers of Licensees.** The board maintains a register of all licensees. The register of licensees is maintained in a database. Information available in the register may include name, address, continuing education courses/credits, application information, and licensure data. Also included in the database is a register for associate licensed counselors. (RDA page 3-2) **(Bibliographic Title: Registers of Licensees)**

#### **Approving Counseling Education Programs:**

- **Counseling Educational Approval Files.** At the request of an academic institution, the board may review curricula to determine whether or not it meets academic requirements for licensure. This series documents essential data on all counseling educational programs from initial approval until closure and provides valuable information on the education required for licensure as a counselor. (RDA page 3-3) **(Bibliographic Title: Approval Files for Educational Programs)**

#### **Investigating Complaints or Violations:**

- **Final Orders Issued in Disciplinary Actions.** This series consists of final orders issued by the board as a result of a disciplinary action against a licensee. These records should be preserved as the board's enforcement documentation. (RDA page 3-4) **(Bibliographic Title: Final Orders Issued in Disciplinary Actions)**

#### **Administering Internal Operations**

- **Website.** The board maintains a website at [www.abec.state.al.us](http://www.abec.state.al.us). Information available on the website includes the board's rules and regulations, list of board members, certain forms, exam dates, fee schedule, board meeting dates, newsletters, and searchable roster. The board should "preserve a complete copy of website annually or as often as significant changes are made." (RDA page 3-4) **(Bibliographic Title: Website)**

## **Permanent Records List**

### **Alabama Board of Examiners in Counseling**

#### **Promulgating Rules and Regulations:**

1. Meeting Minutes of the Board
2. Informational Publications

#### **Licensing:**

1. Registers of Licensees

#### **Approving Counseling Educational Programs:**

- \*1. Counseling Educational Program Approval Files

#### **Investigating Complaints or Violations:**

1. Final Orders Issued in Disciplinary Actions

#### **Administering Internal Operations:**

1. Website

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\*indicates records that ADAH anticipates will remain in the care and custody of the creating agency. (ADAH staff members are available to work with agency staff in determining the best location and storage conditions for the long-term care and maintenance of permanent records.)

# **Alabama Board of Examiners in Counseling 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 Alabama Board of Examiners in Counseling. The RDA lists records created and maintained by the Alabama Board of Examiners in Counseling in carrying out its mandated functions and subfunctions. It establishes retention periods and disposition instructions for those records and provides the legal authority for the Alabama Board of Examiners in Counseling 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 Alabama Board of Examiners in Counseling 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 short-term records that do not materially document the work of an agency may be disposed of under 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; and (2) transitory records, which are temporary records created for internal purposes that 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 social activities. They may be disposed of without documentation of

destruction. Other items that may be disposed of without destruction documentation include: (1) catalogs, trade journals, and other publications received that require no action and do not document government activities; and (2) stocks of blank stationery, blank forms, or other surplus materials that are not subject to audit and have become obsolete.

## **Records Disposition Requirements**

This section of the RDA is arranged by subfunctions of the Alabama Board of Examiners in Counseling 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**

MEETING MINUTES OF THE BOARD

Disposition: PERMANENT RECORD.

Recordings of Meetings

Disposition: Temporary Record. Retain until the official minutes are adopted and signed.

Printouts of Acknowledgment from the Secretary of State Relating to Notices of Meetings Posted by State Agencies

Disposition: Temporary Record. Retain 3 years.

Administrative Procedures Rule Filings

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

Register of Administrative Procedures Rule Filings

Disposition: Retain in office (Code of Alabama 1975, Section 41-22-6)

INFORMATIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

### **■ Licensing**

REGISTER OF LICENSEES

Disposition: PERMANENT RECORD.

Alabama Board of Examiners in Counseling Licensure Files

Disposition: Temporary Record. Retain for 6 years after the end of the fiscal year in which the license lapses.

Alabama Board of Examiners in Counseling Licensure Database  
Disposition: Temporary Record. Retain for useful life.

Alabama Board of Examiners in Counseling License Renewal Applications  
Disposition: Temporary Record. Retain 5 years after the end of the fiscal year in which the records were created.

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

Applicant Files Not Resulting in Licensure  
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

■ **Approving Counseling Educational Programs**

COUNSELING EDUCATIONAL PROGRAM APPROVAL FILES  
Disposition: PERMANENT RECORD.

■ **Investigating Complaints or Violations**

Complaint Files Not Resulting in Formal Disciplinary Actions  
Disposition: Temporary Record. Retain 6 years after the end of the fiscal year in which the records were created.

FINAL ORDERS ISSUED IN DISCIPLINARY ACTIONS  
Disposition: PERMANENT RECORD

■ **Administering Internal Operations**

**Managing the Agency:**

WEBSITE

Disposition: PERMANENT RECORD. PRESERVE A COMPLETE COPY OF WEBSITE ANNUALLY OR AS OFTEN AS SIGNIFICANT CHANGES ARE MADE.

Board Appointment Letters

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the term expires.

Routine Correspondence

Disposition: Temporary Record. Retain 3 years after the 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 RDA (copies of transmittals forms to Archives or State Records Center, destruction notices, annual reports)

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

Copies of Approved RDA

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

Computer systems documentation (hardware/software manuals and diskettes, warranties)

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 the 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 the end of the fiscal year in which the records were created.

Records of original entry such as journals, registers, and ledgers; and records of funds deposited with the state treasury

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

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

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

Records documenting contracts for services or personal property

Disposition: Temporary Record. Retain 6 years after expiration of contract. (Code of Alabama, Section 6-2-34).

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

- a. Original bid records maintained in the purchasing office of the agency for contracts over

\$7500

Disposition: Temporary Record. Retain 7 years after the end of the fiscal year in which the bids were opened.

- b. Duplicate copies of bid (originals are maintained by the Finance Department - Division of Purchasing)

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

#### Agency Audit Reports

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

#### **Managing Human Resources:**

Records documenting an employee's work history - generally maintained as a case file

(1) Merit System Employee(s)

Disposition: Temporary Record. Retain 6 years after separation of employee from the agency.

(2) Non-Merit System Employee(s)

Disposition: Temporary Record. Retain 25 years after separation of employee from the agency.

Records documenting payroll (e.g. pre-payroll report, payroll check registers)

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

Records documenting payroll deduction authorizations

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting payroll deductions for tax purposes

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

Records documenting an employee's leave earned and leave taken

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

Records documenting sick leave donations

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

Records documenting final leave status

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

Records documenting verification of accuracy of the agency's personnel records with records maintained by the State Personnel Department

Disposition: Temporary Record. Retain for useful life.

Records documenting Equal Employment Opportunity (Code of Federal Regulations, Title 29)

- a. Compliance Records  
Disposition: Temporary Record. Retain 3 years after the close of the program year.
- b. Complaint Records  
Disposition: Temporary Record. Retain 3 years from the date of resolution of the complaints.

Worker Compensation Injury and Settlement Reports

Disposition: Temporary Record. Retain 12 years after the end of the fiscal year in which the transaction occurred. (Code of Alabama 1975, Section 25-5-4).

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years after termination of participation in program.

Records documenting the State Employee Injury Compensation Trust Fund (SEICTF) Claims

Disposition: Temporary Record. Retain 6 years after separation of the employee from the agency.

**Managing Properties, Facilities, and Resources:**

INVENTORY LISTS

Disposition: PERMANENT RECORD. Retain in office. (Code of Alabama 1975, Section 36-16-8[1]).

Letters of Transmittal

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

Agency Copies of Transfer of State Property Forms (SD-1)

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

Property Inventory Cards and/or Computer Files

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

Receipts of Responsibility for Property

Disposition: Temporary Record. Retain until return of item to property manager.

Insurance Policies/Risk Management Records

Disposition: Temporary Record. Retain 6 years after termination of policy or membership.

## **Requirements and Recommendations for Implementing the Records Disposition Authority (RDA)**

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 Alabama Board of Examiners in Counseling (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 Implementation Report on agency records management activities, including documentation of records destruction, to the State Records Commission in July 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 April 25, 2007.

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Edwin C. Bridges, Chairman, by Tracey Berezansky  
State Records Commission

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Date

Receipt acknowledged

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Dr. Walter H. Cox, Executive Officer  
Alabama Board of Examiners in Counseling

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Date