

Alabama State Board of Prosthetists and Orthotists

**Functional Analysis
&
Records Disposition Authority**

**Presented to the
State Records Commission
July 21, 2004**

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Functional and Organizational Analysis of the Alabama State Board of Prosthetists and Orthotists

Sources of Information

Representatives of the Alabama State Board of Prosthetists and Orthotists
Code of Alabama 1975, Section 34-25A-1 through 34-25A-14
Alabama Administrative Code, Chapters 746-X-1-.01 through 7746-X-1-.15
Code of Alabama 1975, Sections 41-20-1 through 41-20-6 (Sunset Law)
Code of Alabama 1975, Sections 41-22-1 through 41-22-27 (Administrative Procedures Act)

Historical Context

The board was created in 2002 by the Legislature (Act 2002-527). There was no agency regulating this profession prior to the creation of the board.

Agency Organization

The board is composed of 11 members. Members are appointed as follows: (1) four by the governor: one of whom is certified by the American Board for Certification in Orthotics and Prosthetics, Inc., one of whom is certified by the Board of Orthotic Certification; one of whom is a private consumer of orthotic or prosthetic services; and one of whom is a physician licensed to practice in the state; (2) three by the lieutenant governor: two of whom are certified by the American Board for Certification in Orthotics and Prosthetics, Inc., and one of whom is certified by the Board of Orthotic Certification; (3) three by the speaker of the House of Representatives: one of whom is a licensed chiropractor from the list presented by the Alabama State Chiropractic Association, one of whom is a registered orthotics supplier and a representative of the National Orthotics Manufacturers Association from a list which may be submitted by the association, and one of whom is a licensed podiatrist; and (4) one by the president pro tempore of the Senate: who is certified by the Board of Orthotic Certification, from the list presented by the Alabama Prosthetic and Orthotic Association. Members serve a three-year term. The governor can remove any board member for disciplinary reasons and fill vacancies on the board. The board annually elects a chair and a vice-chair. Board meetings are held quarterly. The chair appoints an executive secretary to carry out the administrative duties of the board. Currently, the board has established a contract with the Miller Development Group to handle the board's administrative duties. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the Alabama State Board of Prosthetists and Orthotists is to protect the public safety, health, and welfare by setting standards for licensure in the practice of prosthetists and orthotics. It is one of the agencies responsible for performing the Regulatory function of Alabama government. In performance of its mandated function, the Alabama State Board of Prosthetists and Orthotists may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** Code of Alabama, Section 34-25A-7 mandates the board to promulgate and publish rules and regulations in accordance with the Administrative Procedures Act to administer provisions of the board’s enabling act. This subfunction covers activities relating to the development and adoption of administrative rules and procedures defining the scope of practice or permissible activities of licensed orthotists/prosthetists or registered orthotic suppliers.
- **Licensing / Registering / Accrediting.** Code of Alabama, Section 34-25A-7 (2) authorizes the board to “examine for, approve, deny, revoke, suspend, and renew licensure of registration of qualified applicants.” The board may license applicants as orthotists, prosthetists, orthotists/prosthetists, orthotists assistants, prosthetists assistants, or orthotists /prosthetists assistants. In addition, the board is empowered to register orthotic suppliers, defined as persons who are employed by or have contractual relationship with manufacturers of orthoses or orthosis components. Activities of this subfunction may include screening and testing applicants, issuing licenses, monitoring continuing education activities, and renewing licenses. In accordance with Code of Alabama, Sections 34-25A-1 to 14, all facilities where prosthetic, orthotic, or prosthetic/orthotic care is provided to patients needing such care must apply to the board for accreditation. The purpose of accreditation is to identify for patients, referral sources, and third-party payers which prosthetic and/or orthotic facilities meet the board’s requirements as specified in the Alabama Administrative Code, Chapter 746-X-6-.05.
- **Enforcing.** In accordance with Code of Alabama, Section 34-25A-6, the board may refuse to renew, suspend/revoke, impose probationary conditions, or impose an administrative fine if a licensee or registrant has been found guilty of unprofessional conduct that would endanger the health, welfare, or safety of the public. Serious violators of provisions of the board’s rules and regulations may be imprisoned for not more than six months per violation by a court of competent jurisdiction in the state. This subfunction encompasses activities such as investigating alleged violations, obtaining pre-hearing discovery, conducting hearings, processing appeals, and executing the board’s orders.
- **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 work 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 include budgeting (preparing and reviewing a budget package, submitting the budget package to the state Finance Department; 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; assisting in the audit process; investing; and issuing bonds.

Analysis of Record Keeping System and Records Appraisal of the Alabama State Board of Prosthetists and Orthotists

Agency Record Keeping System

The Alabama State Board of Prosthetists and Orthotists currently operates a hybrid record keeping system composed of paper records and electronic records.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama State Board of Prosthetists and Orthotists: 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 their fiscal, legal, and administrative requirements have been met. Some of the temporary records created by the Alabama State Board of Prosthetists and Orthotists are discussed below:

- **Licensure Files.** A typical licensure file may include completed application, supporting documentation, a copy of license, correspondence, and any disciplinary action taken against the licensee. The board recommends a retention of five years after the license has lapsed for reference and audit purposes.

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

Promulgating Rules and Regulations

- **Meeting Agendas, Minutes, and Packets.** These records summarize proposed and executed proceedings of the board. This series usually contains meeting agendas, minutes, and supporting documents. They are the core records created/maintained by the board in documenting the official business transaction and, to a larger extent, the history of the board. (RDA pg. 3-2) **(Bibliographic Title: Meeting Minutes)**
- **Register of Administrative Procedures Rule Filings.** Code of Alabama 1975, Section 41-22-6 mandates each state agency should keep a permanent register of its rules and/or regulations promulgated, whether the original or a revision, and open them to public inspection. (RDA pg. 3-2)

Licensing

- **Directories of Licensees.** In accordance with the Alabama Administrative Code, Chapter 746-X-1-.13, the board compiles a directory listing all persons registered or licensed to practice in Alabama as prosthetists, orthotists, or prosthetists/orthotists assistants. Currently, the board maintains information on all licensees in its computer database. The board should print out a copy of the directory every year for permanent preservation in the Archives as the directory may be useful for genealogical and historical research. (RDA pg. 3-2) **(Bibliographic Title: State Publications)**

Administering Internal Operation

- **Annual Reports.** The board publishes an annual report to document its important accomplishments and activities for the previous year. This series should be maintained as permanent documentation of the board. (RDA: pg. 3-3) **(Bibliographic Title: State Publications)**

Permanent Records List

Alabama State Board of Prosthetists and Orthotists

Promulgating Rules and Regulations

1. Meeting Agendas, Minutes, and Packets
2. Register of Administrative Procedures Rule Filings*

Licensing

1. Directories of Licensees

Administering Internal Operations

1. Annual Reports

*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 State Board of Prosthetists and Orthotists 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 State Board of Prosthetists and Orthotists. The RDA lists records created and maintained by the Alabama State Board of Prosthetists and Orthotists 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 agency to implement records destruction.

Alabama law required 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 establishes retention and disposition instructions for records listed below, 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.
- Certain records and record-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 requires 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 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.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama State Board of Prosthetists and Orthotists 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 Regulation**

MEETING AGENDAS, MINUTES, AND PACKETS
Disposition: PERMANENT RECORD.

Recordings of Meetings

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

REGISTER OF ADMINISTRATIVE PROCEDURES RULE FILINGS

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

Administrative Procedures Rule Filings

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

Administrative Procedures Rule Hearing Files

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

■ **Licensing / Registering / Accrediting**

DIRECTORIES OF LICENSEES

Disposition: PERMANENT RECORD.

Licensure Files (for Orthotists, Prosthetists, Orthotists/Prosthetists, Orthotists/Prosthetists Assistants)

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

Orthotic Supplier Registration Files

Disposition: Temporary Record. Retain 5 years after the registration has lapsed.

Facility Accreditation Files

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

Renewal Files

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

■ **Enforcing**

Complaint Files

Disposition: Temporary Record. Retain 5 years after the final settlement of the case.

■ **Administering Internal Operations**

Managing the Agency:

ANNUAL REPORTS

Disposition: PERMANENT RECORD.

Board Member Files

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.

Records documenting the implementation of the agency's RDA (copies of transmittal forms to Archives or State Records Center, destruction notices or other evidence of obsolete records destroyed, annual reports to State Records Commission)

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

Copy of RDA

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

System 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 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 of original entry such as journals, registers, and ledgers; and records of funds deposited outside the state treasury, including bank statements, deposit slips, and canceled checks

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).

Agency Audit Reports

Disposition: Temporary Record. Retain 6 years after the 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 Alabama State Board of Prosthetists and Orthotists (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 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 July 21, 2004.

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

Date

Receipt acknowledged:

Glenn Crumpton, Presiding Officer
Alabama State Board of Prosthetists and Orthotists

Date