

Alabama State Board of Respiratory Therapy

Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Table of Contents

Functional and Organizational Analysis of the Alabama State Board of Respiratory Therapy	
Sources of Information	1-1
Historical Context.	1-1
Agency Organization	1-1
Agency Function and Subfunctions	1-2
Promulgating Rules and Regulations	1-2
Licensing	1-2
Enforcing	1-2
Administering Internal Operations	1-2
Organizational Chart	1-4
Analysis of Record Keeping System and Records Appraisal of the Alabama State Board of Respiratory Therapy	
Agency Record Keeping System	2-1
Records Appraisal	2-1
Temporary Records	2-1
Permanent Records	2-1
Permanent Records List	2-3
Alabama State Board of Respiratory Therapy Records Disposition Authority	
Explanation of Records Requirements	3-1
Records Disposition Requirements	3-2
Promulgating Rules and Regulations	3-2
Licensing	3-2
Enforcing	3-3
Administering Internal Operations	3-3
Requirement and Recommendations for Implementing the Records Disposition Authority	3-5

Functional and Organizational Analysis of the Alabama State Board of Respiratory Therapy

Sources of Information

Representatives of the Alabama State Board of Respiratory Therapy
Code of Alabama 1975, Section 34-27B-1 through 34-27B-14
Alabama Administrative Code, Chapters 798-X-1 through 7746-X-8
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)
Alabama State Board of Respiratory Therapy website

Historical Context

Although the first attempt to regulate the practice of respiratory therapy was initiated in the early 1980s, the State Legislature did not pass a bill to that effect until 2004. The Respiratory Therapy Practice Act (Act 2004-518), passed by the Legislature in 2004, created the Alabama State Board of Respiratory Therapy to administer the act.

Agency Organization

The board is composed of five members appointed by the governor. Members are appointed as follows: (1) three respiratory therapists, who are selected from a list of six names submitted by the Alabama Society for Respiratory Care. They must be registered or certified by the National Board for Respiratory Care or its successor organization. Respiratory therapists selected for subsequent appointments must be licensed by the state; (2) a chief executive officer of a hospital, who is selected from a list of names submitted by the Alabama Hospital Association; and (3) a physician, who is licensed to practice medicine in Alabama and a member of at least one of the following: the American Thoracic Society, the American College of Chest Physicians, the American Society of Anesthesiologists, or the American Academy of Pediatrics. The physician member must be selected from a list of two names submitted by the Medical Association of the State of Alabama. With the exception of the initial appointments, members of the board serve a four-year term. No member can serve for more than three consecutive full terms. The board elects a chair and a vice-chair annually. Board meetings are held at least twice a year. A majority of the members of the board constitutes a quorum for the transaction of business. The board may employ an executive director and other personnel to carry out the administrative duties of the board. Currently, the board has established a contract with the Leadership Alliance 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 Respiratory Therapy is to create/enforce regulations governing the operation of respiratory therapists and the safety/quality of respiratory therapy services for the protection of the public. 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 Respiratory Therapy may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** Code of Alabama, Section 34-27B-4 (4) 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 respiratory therapists.
- **Licensing.** Code of Alabama, Section 34-27B-4 (3) authorizes the board to "examine for, approve, deny, revoke, suspend, and renew licensure of duly qualified applicants." In order to obtain a respiratory therapist license, an applicant must demonstrate to the board that he or she is at least 18 years of age, is a high school graduate (or equivalent), and meets one of the following requirements: (1) holds credentials as a registered respiratory therapist (RRT) or a certified respiratory therapist (CRT) granted by the National Board for Respiratory Care or its successor organization; (2) holds a valid respiratory therapist license from another state, whose requirements for licensure are considered as similar to those of Alabama; or (3) holds a temporary license, issued by the board to an applicant who has graduated from an accredited respiratory therapy educational program for a period of six months, and passed the competency examination leading to the CRT or RRT credential. A holder of a temporary license may provide respiratory therapy or care services under the direct supervision of a licensed respiratory therapist or physician. All licenses must be renewed every two years.
- **Enforcing.** In accordance with Code of Alabama, Section 34-27B-8, the board may refuse to renew a license, suspend or revoke a license, impose probationary conditions, or impose an administrative fine if a licensee or applicant for licensure has been found guilty of unprofessional conduct that would endanger the health, welfare, or safety of the public. 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 Respiratory Therapy

Agency Record Keeping System

The Alabama State Board of Respiratory Therapy 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 Respiratory Therapy: 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 Respiratory Therapy are discussed below:

- **Licensure Files.** A typical licensure file may include completed application, supporting documentation, a copy of a 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 Code of Alabama, Section 34-27B-4 (6), the board must create and maintain an up-to-date list of every person licensed to practice respiratory therapy in Alabama. This list should include the last known place of residence and the license number. 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

- **Website.** The board has a website at: www.asbrt.alabama.gov. Information on the website includes membership and staff of the board, the Respiratory Therapy Practice Law, board rules and regulations, and calendar of events. The website should be preserved as it serves as an important medium for communication with the public. (RDA pg. 3-3) **(Bibliographic Title: Website)**
- **Informational and Promotional Publications.** From time to time, the board may prepare and distribute publications for informational and public relations purposes. This series may include published rules and regulations, newsletters, or brochures issued in print designed to communicate with licensees and the public about the board's activities. These publications should be preserved permanently as part of the state publications. (RDA pg. 3-3) **(Bibliographic Title: State Publications)**
- **Original bid records maintained in the purchasing office of the agency for contracts over \$7500.** Code of Alabama 1975, Section 41-16-24 requires that "all original bids together with all documents pertaining to the award of the contract shall be retained and made a part of the permanent file or records and shall be open to public inspection." These files need to be maintained in the agency's office. (RDA pg. 3-4)

Permanent Records List

Alabama State Board of Respiratory Therapy

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. Website
2. Informational and Promotional Publications
3. Original bid records maintained in the purchasing office of the agency for contracts over \$7500*

*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 Respiratory 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 Alabama State Board of Respiratory Therapy. The RDA lists records created and maintained by the Alabama State Board of Respiratory 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 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 supersedes any previous records disposition schedules governing the retention of the Alabama State Board of Respiratory Therapy records. Copies of superseded schedules are no longer valid and may not be used for records disposition.
- 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 other record-like materials are not actually regarded as official records and 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; (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 Respiratory 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 Regulation**

MEETING AGENDAS, MINUTES, AND PACKETS

Disposition: PERMANENT RECORD.

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.

■ **Licensing**

DIRECTORIES OF LICENSEES

Disposition: PERMANENT RECORD.

Temporary License Files

Disposition:

(1) Applicants Who Passed the Examination for Licensure:

Temporary Record. Transfer Files to Licensure Files for Retention.

(2) Applicants Who Did Not Pass the Examination for Licensure:

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

Licensure Files

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

Licensure Database

Disposition: Temporary Record. Retain until superseded.

Licensee Continuing Education Evidence Files

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

Licensee Renewal Files

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

■ **Enforcing**

Complaint/Violation Files

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

■ **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.

INFORMATIONAL AND PROMOTIONAL PUBLICATIONS

Disposition: PERMANENT RECORD.

Board Member Appointment 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.

Administrative Reference Files

Disposition: Temporary Record. Retain for useful life.

Mailing Lists

Disposition: Temporary Record. Retain until superseded.

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 requests for authorization for board members/staff 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 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: PERMANENT RECORD. Retain in Office. (Code of Alabama

1975, Section 41-16-24).

- 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 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.

Insurance Policies / Risk Management Records

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

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 Respiratory 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 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 August 3, 2005.

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

Date

Receipt acknowledged:

Paula Scout McCaleb, Executive Director
Alabama State Board of Respiratory Therapy

Date