

Alabama State Board of Chiropractic Examiners

Functional Analysis & Records Disposition Authority

**Revision
Presented to the
State Records Commission
October 25, 2000**

Table of Contents

Functional and Organizational Analysis of the Alabama State Board of Chiropractic Examiners	<u>1-1</u>
Sources of Information	<u>1-1</u>
Agency Organization	<u>1-1</u>
Historical Context	<u>1-1</u>
Agency Function and Subfunctions	<u>1-2</u>
Promulgating Rules and Regulations	<u>1-2</u>
Licensing	<u>1-2</u>
Investigating Complaints or Violations	<u>1-2</u>
Administering Internal Operations	<u>1-2</u>
Organizational Chart	<u>1-4</u>
Analysis of Record Keeping System and Records Appraisal of the Alabama State Board of Chiropractic Examiners	<u>2-1</u>
Agency Record Keeping System	<u>2-1</u>
Records Appraisal	<u>2-1</u>
Temporary Records	<u>2-1</u>
Permanent Records	<u>2-1</u>
Permanent Records List	<u>2-3</u>
Alabama State Board of Chiropractic Examiners Records Disposition Authority	<u>3-1</u>
Explanation of Records Requirements	<u>3-1</u>
Records Disposition Requirements	<u>3-2</u>
Promulgating Rules and Regulations	<u>3-2</u>
Licensing	<u>3-2</u>
Investigating Complaints and Violations	<u>3-3</u>
Administering Internal Operations	<u>3-3</u>
Approval of Records Disposition Authority	<u>3-7</u>

Functional and Organizational Analysis of the Alabama State Board of Chiropractic Examiners

Sources of Information

Representative of the Alabama State Board of Chiropractic Examiners:

Sheila Bolton, executive secretary

Code of Alabama 1975, Sections 34-24-120 through 34-24-176

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 190-X-1 through 190-X-7

Alabama Government Manual (1998)

Alabama State Board of Chiropractic Examiners Directory of Licensees (1998-1999)

Newsletters of the Alabama State Board of Chiropractic Examiners (1998-1999)

Government Records Division, State Agency Files (1985-ongoing)

Agency Organization

The board consists of eight members. Seven members of the board must be active licensed chiropractors elected from each congressional district as the congressional districts existed on July 25, 1995. The other member of the board is a consumer appointed by the governor. Members serve four-year staggered terms, with no more than two consecutive terms. Members elect a president, vice president, and secretary/treasurer. The board meets at least two times a year to conduct business. Five licensed members constitute a quorum. The board appoints an executive secretary and other staff members to carry out its operations. An organizational chart is attached.

Historical Context

The legislature created the Alabama State Board of Chiropractic Examiners in 1960 and continued its existence following sunset reviews in 1985 and 1997. The creating legislation defines the term “chiropractic” as the science and art of locating and removing, without the use of drugs or surgery, any interference with the transmission and expression of nerve energy in the human body by any means or methods. The law also defines a chiropractor as a person who may examine, analyze, and diagnose the human body and its diseases by the use of any physical, clinical, thermal or radonic method, and X-ray (Code of Alabama 1975, Section 34-24-120). Prior to 1960, the profession was regulated by the Board for Healing Arts.

Agency Function and Subfunctions

The mandated function of the Alabama State Board of Chiropractic Examiners is to regulate the practice of chiropractic and to enforce chiropractic laws in the state. The board is one of the agencies primarily involved in carrying out the Regulatory function of Alabama government. In the performance of its mandated functions, the board may engage in the following subfunctions:

- **Promulgating Rules and Regulations.** Code of Alabama 1975, Section 34-24-145, authorizes the board to establish rules and regulations for the implementation of chiropractic law. This subfunction encompasses activities pertaining to the establishment and promulgation of rules and regulations, including due process, licensure procedures, and other official policies needed by the board for carrying out its duties and responsibilities.
- **Licensing.** Code of Alabama 1975, Sections 34-24-160 through 34-24-165, authorizes the board to screen and examine applicants for licenses to practice chiropractic in the state. Each applicant must complete a minimum of a four-year professional study program at an accredited chiropractic college with the doctor of chiropractic (D.C.) degree. All eligible applicants are also required to pass certain combinations of written examinations administered by the National Board of Chiropractic Examinations and/or the Alabama State Board of Chiropractic Examiners. The board issues a license to the applicant upon completion of all requirements for licensure. Licensees must take a minimum of 18 hours of continuing education courses annually for license renewal.
- **Investigating Complaints or Violations.** In accordance with the board's Administrative Code, Chapter 190-X-4-.02, the board may initiate investigations against a licensee either on its own motion or upon complaint of any person. If it is determined that the complaint or other information gathered during the investigation may constitute a violation of the board's rules and /or statutes, the board may resolve the matter informally. In the event that an informal settlement cannot be reached, the board will take formal action by conducting disciplinary hearings. As a result of the hearing, the board may, in addition to the suspension or revocation of the license, impose a fine or institute further legal proceedings.
- **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 including:

Managing the agency: Activities involved in managing the agency include general administration such as corresponding/communicating, meeting, and directing; representing the agency; lobbying on behalf of the agency; reporting; publicizing;

managing records; and managing information systems and technology.

Managing finances: Activities involved in managing finances include the following: budgeting, which encompasses preparing and reviewing a budget package, submitting the budget package to the Department of Finance, documenting amendments and performance of the budget, and reporting in established budget status categories to the Department of Finance; purchasing, which encompasses 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 the Examiners of Public Accounts in the audit process.

Managing human resources: Activities involved in managing human resources include the following: recruiting and hiring eligible individuals to fill vacant positions within the agency; providing compensation to employees; providing benefits to employees such as leave, health insurance, unemployment compensation, worker's compensation, injury compensation, retirement, and death benefits, and administratively supported but employee-funded benefits such as additional life and health insurance and tax-deferral and savings plans; and supervising employees, which includes hiring, promoting, demoting, evaluating performance, granting leave, and monitoring the accumulation of leave.

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 Office of State Auditor; leasing/renting offices if the agency does not own their office space; and securing and maintaining state property in the care of the agency, including vehicles.

Revision Completed: August 2000
Attachment: Organizational Chart

Analysis of Record Keeping System and Records Appraisal of the Alabama State Board of Chiropractic Examiners

Agency Record Keeping System

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

Paper-based Systems: Staff members create and maintain most of the board's records in paper form.

Computer Systems: The board has three stand-alone personal computers (PC). The board utilizes only one PC to maintain several databases created in Microsoft Office Access and Lotus Approach for quick access to information on applicants and licensees. Files are backed up daily on magnetic tapes. Back up tapes are kept in the board's fire-proof cabinet.

Records Appraisal

The following is a discussion of the two major categories of records created and/or maintained by the Alabama State Board of Chiropractic Examiners: 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 State Board of Chiropractic Examiners Licensure Files.** The board is responsible for examining and licensing applicants as chiropractors. These files serve as evidence of the scope of a licensee's professional practice in this state. A typical licensure file may contain a completed application form, examination records, copies of diplomas/transcripts, evidence of continuing education, and renewal documents. Code of Alabama, Section 34-24-172, authorizes the board to issue, at any time after two years of the refusal, revocation, or cancellation of a license, a new license to the person affected upon the showing good moral character and possession of the qualifications. To meet the code requirements, the board must keep all active licensure files at least until the licensee is deceased.

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 two regular meetings on the second Saturdays of February and September each year. In addition, the board generally holds two more meetings annually. Meeting minutes are the core documentation of the board's policy making and other program related functions. (RDA page 3-2) **(Bibliographic Title: Meeting Minutes)**
- **Advisory Opinions.** In accordance with Alabama Administrative Code, Chapter 190-X-1-.17, the board may issue advisory opinions to any licensee substantially affected by a rule and/or statute enforceable by the board. Board advisory opinions may address, but are not limited to, the applicability of such rule and/or statute to the licensee or a set of facts hypothetically involving the licensee, or they may address the meaning and scope of any order of the board. (RDA page 3-2) **(Bibliographic Title: Advisory Opinions)**

Licensing:

- **Directory of Licensees.** Code of Alabama, Section 34-24-140 (g), mandates the board to publish an annual directory of licensees listing names, mailing addresses, telephone numbers, and license numbers of all licensees. The directory provides the best source of information on the membership of the licensed chiropractors in this state. (RDA page 3-2) **(Bibliographic Title: Directory of Licensees)**

Investigating Complaints or Violations:

- **Orders of the Board.** When the board's hearing officer has determined that a licensee violated one or more of the board's rules and/or statutes, the board will enter a separate order to fine or suspend / revoke the license. The board may also institute further legal proceedings against the licensee. The final outcome of the hearing is documented in the Orders of the Board. The board recommends that the Orders of the Board be kept permanently to document the board's function of enforcement of the state's chiropractic laws. (RDA page 3-3) **(Bibliographic Title: Orders of the Board)**

Administering Internal Operations:

- **Newsletters.** The board publishes a quarterly newsletter. Dubbed as A.S.B.C.E., the official newsletter of the Alabama State Board of Chiropractic Examiners provides information on new or revised rules/regulations, names of new board members, applicants who have passed the board examinations, actions from disciplinary hearings, upcoming seminars, and calendar of events. (RDA page 3-3) **(Bibliographic Title: Newsletters)**

Revision Completed: August 2000

Permanent Records List
Function: Regulatory
Alabama State Board of Chiropractic Examiners

Promulgating Rules and Regulations:

1. Meeting Minutes
- *2. Advisory Opinions

Licensing:

1. Directory of Licensees

Investigating Complaints or Violations:

- *1. Orders of the Board

Administering Internal Operations:

1. Newsletters

*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 Chiropractic Examiners 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 Chiropractic Examiners. The RDA lists records created and maintained by the board 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 Alabama State Board of Chiropractic Examiners 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. Under the Code of Alabama 1975, Section 36-12-40, "every citizen has a right to inspect and take a copy of any public writing in this state, except as otherwise expressly provided by statute." 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 State Board of Chiropractic Examiners's records. Copies of superseded schedules are no longer valid and should be discarded.
- The RDA establishes retention and disposition instructions for records regardless of the medium on which those records may be kept.
- Electronic mail 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 record-related materials need not be retained as records under the disposition requirements in this RDA. They may be disposed of in whatever way the agency determines best. 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 stationary, 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 department social activities, such as a note to a group going to lunch.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama State Board of Chiropractic Examiners and lists the groups of records created and/or maintained by the board as a result of activities and transactions performed in carrying out these subfunctions. The board 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 3 years after the end of the fiscal year in which the tapes were created.

ADVISORY OPINIONS

Disposition: PERMANENT RECORD.

■ Licensing

DIRECTORY OF LICENSEES

Disposition: PERMANENT RECORD.

Alabama State Board of Chiropractic Examiners Licensure Files

Disposition: Temporary Record. Retain 5 years after licensee is deceased.

Alabama State Board of Chiropractic Examiners Application and Licensure Database

Disposition: Temporary Record. Retain for useful life.

License and Renewal License Logs

Disposition: Temporary Record. Retain for useful life.

Voided Licenses

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

Unused Renewal License Cards

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

Incomplete Application Files

Disposition: Temporary Record. Retain 5 years after creation.

Approved Continuing Education Program Course Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the course is no longer effective.

Continuing Education Program Database

Disposition: Temporary Record. Retain for useful life.

■ **Investigating Complaints or Violations**

ORDERS OF THE BOARD

Disposition: PERMANENT RECORD.

Complaint and Violation Investigation Files

Disposition: Temporary Record. Retain 5 years after the license is expired or revoked.

■ **Administering Internal Operations**

Managing the Agency:

NEWSLETTERS

Disposition: PERMANENT RECORD.

Board Member Files

Disposition: Temporary Record. Retain 5 years after the end of the term.

General Correspondence/Memoranda

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

Reference Files

Disposition: Temporary Record. Retain for useful life.

Copies of Attorney General's Opinions
Disposition: Temporary Record. Retain for useful life.

Records documenting the implementation of the board's approved RDA (copies of transmittal forms to the Archives and the State Records Center, evidence of obsolete records destroyed, and annual reports to the State Records Commission)
Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the records were created.

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

Computer system documentation (hardware/software manuals and diskettes, warranties, records of access/authorities, file naming conventions, 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 into a new system.

Managing Finances:

Records documenting the preparation of a budget 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 or routine accounting transactions, such as journals, registers, ledgers, and funds deposited outside 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 from supervisors to travel on official business either within or outside the state, and other related materials, such as travel reimbursement forms
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 the contract.

Records documenting the bid process, including requests for proposals and unsuccessful responses
Disposition: Retain in office (Code of Alabama 1975, Section 41-16-24)

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:

Position Classification Files

Disposition: Temporary Record. Retain 4 years after position is reclassified.

Application Materials

Disposition: Temporary Record. Retain 1 year.

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

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

Records documenting payroll deductions for tax purposes(including Form 941)

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

Records documenting employee hours worked, leave earned, and leave taken

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

Records documenting employees' daily and weekly work schedules

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

Records documenting leave donations

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

Records of final leave status

Disposition: Temporary Record. Retain record of individual employees' cumulative leave 6 years after separation of employee from the agency.

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

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

Records documenting the employee appeal to the Personnel Board of formal reprimands, personnel suits, demotions, transfers, or terminations

Disposition: Temporary Record. Retain 5 years following decision of Personnel Board.

Employee Flexible Benefits Plan Files (applications and correspondence)

Disposition: Temporary Record. Retain 6 years.

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

Employee Administrative Hearing Files

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

Managing Properties, Facilities, and Resources:

Semiannual Inventory Lists

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

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

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

Inventory Cards

Disposition: Temporary Record. Retain 3 years after end of the fiscal year following the removal of an item from inventory.

Property Inventory Affidavits

Disposition: Temporary Record. Retain 3 years after 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.

Records documenting the lease or rental of office or warehouse space for the department

Disposition: Retain 6 years after expiration of the lease.

Facilities/Buildings Security Records (including visitor logs)

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

Vehicle and Equipment Maintenance Files

Disposition: Temporary Record. Retain 3 years after the end of the fiscal year in which the property is sold or replaced.

Motor Pool Vehicle Use Records

Disposition: Temporary Record. Retain 3 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.

Building Maintenance Work Orders
Disposition: Temporary Record. Retain 1 year.

Approval of Records Disposition Authority

By signing this agreement the Alabama State Board of Chiropractic Examiners acknowledges its responsibilities for the proper management of its records and agrees to abide by the implementation guidelines listed below:

- The Alabama State Board of Chiropractic Examiners will designate a managerial position as the agency records officer. This position is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the board, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, submitting an annual report on records management activities to the State Records Commission in October of each year, and ensuring the regular implementation of the board's approved RDA.
- Permanent records in the Alabama State Board of Chiropractic Examiners' custody will be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.
- Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis--for example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA's provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.
- The board 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 board 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 Alabama State Board of Chiropractic Examiners agrees to allow the staff of the State Records Commission or the Examiners of Public Accounts to examine the condition of the permanent records maintained in the custody of the board and to inspect records destruction documentation. Government Records Division archivists are available to train the board staff in RDA implementation and otherwise assist the board in implementing its records management program.

This records disposition authority is hereby adopted.

By: _____ Date: _____
Sheila Bolton, Executive Secretary
Alabama State Board of Chiropractic Examiners

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