

Board of Examiners of Assisted Living Administrators



Functional Analysis & Records Disposition Authority

**Presented to the
State Records Commission
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Functional and Organizational Analysis of the Board of Examiners of Assisted Living Administrators

Sources of Information

- Representatives of the Alabama Board of Examiners of Assisted Living Administrators
- Code of Alabama 1975 § 34-2A-1 through 34-2A-16
- Code of Alabama 1975 § 41-20-1 through 41-20-6 (Sunset Law)
- Code of Alabama 1975 § 41-22-1 through 41-22-27 (Administrative Procedures Act)
- Alabama Administrative Code Sections 135-X-1-.01 through 135-X-14-.01

Historical Context

The board was created in 2001 by the Legislature. There was no agency regulating this profession prior to the creation of the board.

Agency Organization

The board is composed of nine members appointed by the governor. The members include five licensed assisted living administrators, one licensed physician, one licensed nursing home administrator, and two consumers. The consumer members vote on all matters except the licensing and disciplining of licensees or applicants. 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. The Assisted Living Association of Alabama, Inc., serves as an advisory council comprised of the governing body of that organization.

The agency also maintains an education committee. This committee consists of three members: the executive secretary of the board; one assisted living administrator board member who is designated annually by the board; and one member of the advisory council. The board also maintains a hearing committee comprised by board members that is active only when there is a complaint to investigate. An organizational chart is attached.

Agency Function and Subfunctions

The mandated function of the Board of Examiners of Assisted Living Administrators is to regulate and license assisted living administrators. It is one of the agencies responsible for performing the Regulatory function of Alabama government.

In performance of its mandated function, the Board of Examiners of Assisted Living Administrators may engage in the following subfunctions.

- **Promulgating Rules and Regulations.** The agency publishes its rules and

regulations in compliance with the Administrative Procedures Act (Code of Alabama 1975 § 41-22-1 through 41-22-27). The board creates the rules and regulations in order to regulate administrators in assisted living facilities.

- **Licensing Assisted Living Administrators.** Assisted Living administrators manage assisted living facilities. These facilities offer residence and personal care to individuals who are in need of assistance with the activities of daily life. There are two types of licenses issued by the board: Category I assisted living administrator, which licenses the individual to administer an assisted living facility only; and Category II assisted living administrator, licensing the individual to administer an assisted living facility, a specialty-care assisted living facility, or a combination facility. In order to be eligible for examination, the applicant must show that s/he is at least 19 years old, a citizen of the United States, of good moral character, a high school graduate or the accepted equivalent, and has completed any additional education requirements requested by the board which may include a license from another professional licensure board by the State of Alabama devoted to health care. The examination was created by a professor of the University of Alabama. Each applicant must submit an application and supplementary documentation required by the board. Licenses are renewed annually. Continued education hours are required by the board for license renewal. Licenses may be declared inactive by the licensee. At the end of five years, this inactive license expires, and the ex-licensee will need to apply as a new applicant.
- **Approving Continuing Education Courses.** The board approves courses offered for continuing education. Any course of study regarding assisted living administrators offered by an educational institution, association, professional society, or organization for the purpose of providing continuing education must submit the required documents to the board's education committee for approval.
- **Enforcing.** The board may revoke, refuse to issue, or suspend any license that has been issued by the board. The board has the jurisdiction to hear all charges and issue disciplinary action to fit the infraction.
- **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.

Managing Human Resources: Activities involved in managing human resources may include the following: recruiting and hiring eligible 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.

Analysis of Record Keeping System and Records Appraisal of the Board of Examiners of Assisted Living Administrators

Agency Record Keeping System

The Board of Examiners of Assisted Living Administrators 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 Board of Examiners of Assisted Living Administrators: 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 Board of Examiners of Assisted Living Administrators are discussed below:

- **Licensure Files.** These files include the initial application, supporting documentation, a copy of the license, correspondence, and any disciplinary action taken against the licensee. The retention is five years after the license has lapsed as that is when an inactive license expires.
- **Continuing Education Approval Files.** These are the files of the courses that are approved by the education committee for continuing education credit. The applicant submits a form, which includes the course agenda, speaker's background, and the course objective. The information is resubmitted every time a course is offered even if it is the same course. The retention is three years after the end of the fiscal year in which the records were created.

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

Promulgating Rules and Regulations

- **Meeting Minutes and Orders of the Board.** The meeting minutes summarize the complaint and the ruling on the complaint and new rules and regulations the board decides to enact. This series contains documentation not found elsewhere in the agency's records. **(Bibliographic Title: Meeting Minutes)**
- **Published Rules and Regulations.** This series covers the rules and regulations for the career field of assisted living administrators published by the board. **(Bibliographic Title: State Publications)**

Licensing Assisted Living Administrators

- **Examination Questions.** The licensing examination was created specifically by the board to test applicants about their knowledge of the assisted living field. The examination questions should be preserved to document the skills and qualifications required by the board. **(Bibliographic Title: Licensing Examination Questions)**
- **Roster of Licensees.** The board maintains the licensee roster via the agency's computer system. Information included is the license number, expiration date, home address, serial number, license status, and social security number. The roster contains information about the licensees that identifies individuals who were assisted living administrators at a particular time, so permanent retention is required. **(Bibliographic Title: State Publications)**

Approving Continuing Education Courses

The agency currently creates no permanent records under this subfunction.

Enforcing

Permanent records providing summary documentation of this subfunction are found in the board's meeting minutes and orders of the board as described in the Promulgating Rules and Regulations subfunction.

Administering Internal Operation

- **Newsletters.** The board creates a newsletter in order to spread information throughout the assisted living administrators' community. The newsletter is also used by the board to announce meeting times and examination schedules. **(Bibliographic Title: State Publications)**

Permanent Records List

Board of Examiners of Assisted Living Administrators

Promulgating Rules and Regulations

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

Licensing

1. Roster of Licensees
2. Examination Questions

Administering Internal Operations

1. Newsletters

Board of Examiners of Assisted Living Administrators 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 § 41-13-5 and § 41-13-20 through 21. It was compiled by the Government Records Division, Alabama Department of Archives and History (ADAH), which serves as the commission's staff, in cooperation with representatives of the Board of Examiners of Assisted Living Administrators. The RDA lists records created and maintained by the Board of Examiners of Assisted Living Administrators 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 § 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.

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 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; (5) honorary materials, plaques, awards, presentations, certificates, and gifts received or maintained by the agency staff. They may be disposed of without documentation of destruction.

Records Disposition Requirements

This section of the RDA is arranged by subfunctions of the Alabama Board of Examiners of Assisted Living Administrators 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 MINUTES AND ORDERS OF THE BOARD

Disposition: PERMANENT RECORD.

PUBLISHED RULES AND REGULATIONS

Disposition: PERMANENT RECORD.

Licensing

EXAMINATION QUESTIONS

Disposition: PERMANENT RECORD.

ROSTER OF LICENSEES

Disposition: PERMANENT RECORD.

Licensure 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.

Approving Continuing Education Courses

Continuing Education Approval Files

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

Enforcing

Complaint Files

Disposition: Temporary Record. Retain 10 years after the license has lapsed.

Administering Internal Operations: Managing the Agency

NEWSLETTERS

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, 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 in the agency and all permanent records have been migrated to a new system.

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

Disposition: Temporary Record. Retain 3 years.

Administering Internal Operations: 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 1975 § 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.

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 (where 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.

Administering Internal Operation: Managing Human Resources**Records documenting an employee's work history (non-merit)- generally maintained as a case file**

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

Records documenting an employee's hours worked, leave earned, and leave taken (including time sheets)

Disposition: Temporary Record. Retain 3 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 § 41-13-21, “no state officer or agency head shall cause any state record to be destroyed or otherwise disposed of without first obtaining approval of the State Records Commission.” This Records Disposition Authority constitutes authorization by the State Records Commission for the disposition of the records of the Board of Examiners of Assisted Living Administrators (hereafter referred to as the agency) as stipulated in this document.

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

The agency should designate a records liaison, who is responsible for: ensuring the development of quality record keeping systems that meet the business and legal needs of the agency, coordinating the transfer and destruction of records, ensuring that permanent records held on alternative storage media (such as microforms and digital imaging systems) are maintained in compliance with national and state standards, and ensuring the regular implementation of the agency’s approved RDA.

Permanent records in the agency’s custody should be maintained under proper intellectual control and in an environment that will ensure their physical order and preservation.

Destruction of temporary records, as authorized in this RDA, should occur agency-wide on a regular basis. For example, after the successful completion of an audit, at the end of an administration, or at the end of a fiscal year. Despite the RDA’s provisions, no record should be destroyed that is necessary to comply with requirements of the state Sunset Act, audit requirements, or any legal notice or subpoena.

The agency should maintain full documentation of any computerized record-keeping system it employs. It should develop procedures for: (1) backing up all permanent records held in electronic format; (2) storing a back-up copy off-site; and (3) migrating all permanent records when the system is upgraded or replaced. If the agency chooses to maintain permanent records solely in electronic format, it is committed to funding any system upgrades and migration strategies necessary to ensure the records’ permanent preservation and accessibility.

The staff of the State Records Commission or the Examiners of Public Accounts may examine the condition of the permanent records maintained in the custody of the agency and inspect records destruction documentation. Government Records Division archivists are available to instruct the agency staff in RDA implementation and otherwise assist the agency in implementing its records management program.

The State Records Commission adopted this records disposition authority on October 24, 2003.

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

Date

Receipt acknowledged:

Theresa Jordan, Executive Secretary
Board of Examiners of Assisted Living Administrators

Date