

Report on the

**Board of Examiners in
Marriage and Family Therapy
State of Alabama
Montgomery, Alabama**

October 1, 2017 through September 30, 2019

Filed: June 26, 2020



**Department of
Examiners of Public Accounts**

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Rachel Laurie Riddle, Chief Examiner



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Honorable Rachel Laurie Riddle
Chief Examiner of Public Accounts
Montgomery, Alabama 36130

Dear Madam:

An examination was conducted on the Board of Examiners in Marriage and Family Therapy, Montgomery, Alabama, for the period October 1, 2017 through September 30, 2019. Under the authority of the *Code of Alabama 1975*, Section 41-5A-19, I hereby swear to and submit this report to you on the results and findings of the examination.

Respectfully submitted,

Troy A. Eastman
Examiner of Public Accounts

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Department of
Examiners of Public Accounts

SUMMARY

**Board of Examiners in Marriage and Family Therapy
October 1, 2017 through September 30, 2019**

The Board of Examiners in Marriage and Family Therapy (the “Board”) operates under the authority of the *Code of Alabama 1975*, Sections 34-17A-1 through 34-17A-26. By law, the Board exercises license and regulatory authority over the practice of marriage and family therapy in Alabama.

This report presents the results of an examination of the Board and a review of compliance by the Board with applicable laws and regulations of the State of Alabama. This examination was conducted in accordance with the requirements of the Department of Examiners of Public Accounts under the authority of the *Code of Alabama 1975*, Section 41-5A-12. Our examination was performed for the purpose of determining whether the public officers, agents, and employees of the Board properly and lawfully accounted for all money and other public assets or resources received, disbursed, or in the custody of the Board. Our examination included determining compliance by the Board with state laws and regulations that pertain to financial transactions; personnel; safeguarding of state-owned assets, property, and resources; information dissemination, processing, and retention; and official actions, rulemaking procedures, and meetings. As a part of our examination, we also reviewed internal control policies and procedures relating to the areas listed above. Our examination did not encompass managerial and operational matters, such as whether the Board accomplished its mission or its regulatory, enforcement, investigative, or other oversight activities in an efficient, fair, timely, or legal manner.

Findings are numbered and reported by the examination period in which the finding originally occurred.

The following instances of noncompliance with State laws and regulations and other matters were found during the examination as shown on the Schedule of State Legal Compliance and Other Findings and they are summarized below.

CURRENT FINDINGS

- 2019-01 Relates to the Board establishing a license that is not authorized by law.
- 2019-02 Relates to the Board charging fees not authorized by statute.

- 2019-03 Relates to receipts not being deposited in a timely manner.
- 2019-04 Relates to the Board not posting a notice of a meeting to the Secretary of State's website.

Board members and the Executive Director were invited to an exit conference held on June 9, 2020. Individuals in attendance were: Keith Warren, Executive Director; Hope Childers, Administrator, along with Robin Hutcheson and Troy A. Eastman from the Department of Examiners of Public Accounts. Luciana Silva and Douglas Cook, Board members; and Betty Carmack, Legal Counsel, participated via telephone.



Department of
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COMMENTS

**Board of Examiners in Marriage and Family Therapy
October 1, 2017 through September 30, 2019**

The Board of Examiners in Marriage and Family Therapy (the "Board") operates under the authority of the *Code of Alabama 1975*, Sections 34-17A-1 through 34-17A-26. By law, the Board licenses and regulates the profession of marriage and family therapy in Alabama.

The Board is comprised of five members appointed by the Governor. The Board includes three marriage and family therapy practitioners, one marriage and family therapy educator and one public member. The Governor appoints members from a list of candidates submitted by the Alabama Association for Marriage and Family Therapy. Board members serve five-year staggered terms and may continue to serve until their successors are appointed and qualified. Members are ineligible for reappointment within three years of the completion of their terms.

The Board contracts with Warren & Company, Inc. for clerical services, administrative facilities, and office space. Keith Warren, President of Warren & Company serves as the Board's executive director.

The Board operates from Special Revenue Fund 0945 maintained in the State Treasury. The Board's operating funds are derived from fees collected by the Board in carrying out its statutory mission. The Board is subject to the State's normal budget procedures and cannot expend funds without legislative appropriation. The Board retains all unexpended funds at year-end.

The Board owns no nonconsumable personal property.

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*Schedule of State Legal
Compliance and Other Findings*

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2019

Ref. No.	Finding/Noncompliance
2019-01	<p><u>Finding:</u></p> <p>The Board has established a Marriage and Family Therapy Associate license that is not provided by law. The licensing law only provides for the issuance and renewal of one license, a Marriage and Family Therapist license. The Board adopted administrative rules to establish education requirements, work experience, continuing education and licensure renewal requirements.</p> <p>The <i>Code of Alabama 1975</i>, Section 34-17A-5 states, “(a) The following persons shall be exempt from this chapter:</p> <p>(2) A person who is a marriage and family therapy intern or person preparing for the practice of marriage and family therapy under qualified supervision in a training institution or facility or supervisory arrangement recognized and approved by the board, provided, that he or she is designated by title as a "marriage and family therapy intern," "marriage therapy intern," "family therapy intern," or another title clearly indicating a training status. A person who is completing his or her two-year postgraduate supervision shall be designated as <u>an associate</u> before applying for his or her license as a marriage and family therapist.”</p> <p><u>Recommendation:</u></p> <p>The Board should discontinue issuing associate licenses.</p>

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2019

Ref. No.	Finding/Noncompliance
2019-02	<p><u>Finding:</u> The Board adopted administrative rules to charge the following fees that are not authorized by statute:</p> <ul style="list-style-type: none"> • \$ 25.00 - Intern to Associate Transfer • \$150.00 - Intern Renewal • \$200.00 - Associate Renewal • \$200.00 - Supervisor Candidate • \$100.00 - Approved Supervisor • \$100.00 - Approved Supervisor Renewal • \$100.00 - Supervisor Mentor • \$100.00 - Supervisor Mentor Renewal • \$ 25.00 - License Verification <p>The authority to charge specific fees must be included in an agency’s enabling statute. Attorney General’s Opinion Number 87-222 states that, “Where the Legislature established a sufficiently definite policy, standard or rule an administrative agency may be empowered to deal with the issuing of a license or permit and to fix reasonable fees for such issuance; where the Legislature <i>has not</i> established such a sufficiently definite policy, rule or standard the administrative agency may not be empowered to deal with such issuing of licenses or permits or establishing of fees.”</p> <p><u>Recommendation:</u> The Board should discontinue charging the unauthorized fees and amend its administrative rules to delete the fees.</p>
2019-03	<p><u>Finding:</u> Checks and money orders were not deposited in a timely manner. Ten bank deposits consisting of fifty checks and money orders were reviewed for the examination period October 1, 2017 through September 30, 2019. Of the fifty checks and money orders received, sixteen (32%) were deposited 11-29 days after receipt.</p> <p>The Board is responsible for establishing and maintaining a system of internal accounting controls to provide reasonable assurance that receipts are deposited in a timely manner. Failure to promptly deposit checks and money orders unnecessarily increases the risk of loss or misuse of state funds.</p> <p><u>Recommendation:</u> The Board should deposit all receipts in a timely manner.</p>

Schedule of State Legal Compliance and Other Findings
For the Examination Period Ended September 30, 2019

Ref. No.	Finding/Noncompliance
2019-04	<p><u>Finding:</u> The Board did not post notice of a board meeting held on November 6, 2018 to the Secretary of State’s website.</p> <p>The <i>Code of Alabama 1975</i>, Section 36-25A-3(b) states, “Unless otherwise specified by law directly applicable to the governmental body, notice of a meeting, as defined in Section 36-25A-2(6)a.2. and 3. as well as meetings called pursuant to Section 11-43-50 shall be posted as soon as practicable after the meeting is called and in no event less than 24 hours before the meeting is scheduled to begin, unless such notice (i) is prevented by emergency circumstances requiring immediate action to avoid physical injury to persons or damage to property; or (ii) relates to a meeting to be held solely to accept the resignation of a public official or employee. In such situations, notice shall be given as soon as practical, but in no case less than one hour before the meeting is to begin.”</p> <p><u>Recommendation:</u> The Board should post notices of meetings to the Secretary of State’s website as soon as practicable after the meeting is called.</p>

***Schedule of Cash Receipts, Disbursements and Balances
For the Period October 1, 2017 through September 30, 2019***

	2018-2019	2017-2018
Receipts		
License/Permit Fee	\$ 55,675.00	\$ 62,375.00
Disbursements		
Travel-In-State	925.15	1,714.57
Travel-Out-of-State		628.40
Rentals and Leases	947.20	883.20
Utilities and Communications	1,370.87	1,311.27
Professional Services	48,243.67	58,579.16
Supplies, Materials and Operating Expenses	1,501.32	2,469.41
Total	<u>52,988.21</u>	<u>65,586.01</u>
Excess (Deficiency) of Receipts Over Disbursements	2,686.79	(3,211.01)
Cash Balances at Beginning of Year	<u>4,509.37</u>	<u>7,720.38</u>
Cash Balances at End of Year	7,196.16	4,509.37
Reserve for Unpaid Obligations	<u>(7,196.16)</u>	<u>(2,681.99)</u>
Available Cash Balances at Year-End	<u>\$</u>	<u>\$ 1,827.38</u>

Board Members and Official
October 1, 2017 through September 30, 2019

Board Members		Term Expires
Hon. Luciana C. Silva, Ph.D.	Chairman	2021
Hon. Douglas M. Cooke	Member	2023
Hon. J. Mark Westfall, M.D.	Member	2022
Hon. Angela Nelms-Griffin	Membre	2019
Hon. Scott A. Ketring, Ph.D.	Member	2018 (1)
Hon. Jeremy Blair	Member	2018

Official

Mr. Keith Warren

Executive Director
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(1) Continued to serve