

**TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS
MINUTES**

DATE: April 19, 2013
TIME: 9:00 a.m., CDT
LOCATION: Health Related Boards
Poplar Room
227 French Landing, Suite 150
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Richard Terry Kinnaman, LADAC, Chair
Susan Cunningham, LADAC
Sherry Butler, LADAC
Karen Dennis, LADAC
Major McNeil, Citizen Member

STAFF PRESENT: Melody Spitznas, Board Administrator
Stacy Tarr, Interim Unit Director
Teddy Wilkins, Unit Director
Caroline Tippens, Assistant General Counsel
John R. Smith, Chief Deputy Counsel

Mr. Kinnaman, Chair, called the meeting to order at 9:05 a.m. and declared a quorum to be present.

Minutes

Ms. Butler made a motion, seconded by Ms. Dennis, to approve the January 18, 2013 minutes as written. The motion carried.

OGC Report

Ms. Tippens discussed Senate Bill 424, which clarifies the functions that may be performed by alcohol and drug abuse counselors, as described below.

Under present law, the primary functions which may be performed by licensed alcohol and drug abuse counselors are client intake, client screening, client orientation, client assessment and placement, treatment planning, counseling, case management, crisis intervention, client education, referrals, reports and record keeping, and consultation.

This bill rewrites this provision to instead specify that the professional practice domains and

transdisciplinary competencies in which licensed alcohol and drug abuse counselors may engage are clinical evaluation; treatment planning; referral; service coordination; counseling; client, family, and community education; documentation; and professional and ethical responsibilities. Ms. Tippens stated that the rules must be changed from the twelve (12) primary functions to the eight (8) domains.

Ms. Tippens discussed Senate Bill 493, which extends the present law mechanism for expediting the issuance of professional and occupational licenses to certain spouses of military service members to also apply to certain military service members who leave active duty in good standing. This bill requires the health related boards and the boards attached to the division of regulatory boards to accept military education, training or experience toward professional and occupational licensure requirements. This bill also requires the health related boards and the boards attached to the division of regulatory boards to keep active service members' licenses temporarily renewed under certain circumstances.

This bill requires the state's public higher education institutions to implement a system of awarding academic credit for certain military education, training or experience.

This bill requires the health related boards and the boards attached to the division of regulatory boards, along with the board of trustees of the University of Tennessee system and the board of regents, to promulgate rules to effectuate the purposes of this bill.

Ms. Tippens discussed the Board's rule 1200-30-01-.01(16) regarding the definition of a Qualified Supervisor, which as amended will read: "Qualified Clinical Supervisor. A person who provides licensure training supervision for Alcohol and Drug Abuse Counselors. Such a person must hold a current license in the State of Tennessee, in good standing, as a level II Alcohol and Drug Abuse Counselor, have held said license for at least five (5) years and must have either at least two (2) years' experience supervising Alcohol and Drug Abuse Counselors or have completed at least thirty-six (36) contact hours of supervised supervisory work, and subsequently be approved by the Board as a Qualified Clinical Supervisor. Ms. Dennis made a motion, seconded by Mr. McNeil, to include the word "clinical" within "qualified supervisors" throughout the rules. The motion carried. The rules discussion was tabled to move forward with the other board reports.

Investigative Report

Ms. Stone stated that there are currently three (3) open complaints in the Office of Investigations.

Disciplinary Report

Ms. Stone stated there are two (2) practitioners are currently being monitored.

Administrator Report

Ms. Spitznas reviewed the administrator report with the Board and stated that there are currently 429 actively licensed alcohol and drug abuse counselors.

From January 4, 2013 to April 8, 2013, seven (7) new licenses were issued, nine (9) new applications were received and nine (9) licenses were retired.

Seventeen (17) licensees renewed their license online between January 4, 2013 and April 8, 2013.

Newly Licensed

Mr. McNeil made a motion, seconded by Ms. Butler to approve the following newly licensed Alcohol and Drug Abuse Counselors:

Whitney L. Balliett
Alton Jack Dills
Bob Thomas Elsensohn
Cynthia Vanessa Gray
Sheila C. Nickell
James Thomas Nihan
Julie A. Sutter

The motion carried.

Reinstatements

Ms. Dennis made a motion; seconded by Ms. Butler to approve the following reinstated Alcohol and Drug Abuse Counselors:

Robert Chapman
Michael D. Coupe
Beth A. Easter
Bonnie M. McColpin

The motion carried.

NCAC (Written) Examination Results

During the March 2013 test period, two (2) candidates sat for the written examination. One (1) of the two (2) candidates passed the exam. Ms. Butler made a motion, seconded by Mr. McNeil, to approve the exam results, permitting the applicant who passed deemed eligible to sit for the oral examination. The motion carried.

Oral Examination Results

On February 15, 2013, the oral exam team examined five (5) candidates. Out of the five (5) examined, two (2) candidates passed and three (3) candidates failed.

On March 8, 2013 the oral exam team examined six (6) candidates. Out of the six (6) examined, four (4) candidates passed and two (2) candidates failed. Ms. Butler made a motion, seconded by Ms. Dennis, to approve the candidates that passed deemed eligible for licensure. The motion carried.

Agreed Citation

The Board reviewed an Agreed Citation regarding Mary Avery for non-compliance of her continuing education requirement. Ms. Avery made up the deficient hours, but did them all online. The Board only accepts six (6) online hours per year. Nine (9) hours must be direct classroom hours. Ms. Butler made a motion, seconded by Mr. McNeil, to not accept the Agreed Citation at this time and allow Ms. Avery to make up the deficient hours within ninety (90) days, and consider the Agreed Citation at the next board meeting. The motion carried.

Continuing Education Requests for Approval

Lori McCarter submitted a request for continuing education approval for a workshop for 6 continuing education hours in counseling to be held June 21, 2013 in Knoxville, TN. Mr. McNeil made a motion, seconded by Ms. Dennis to approve the workshop. The motion carried.

Lori McCarter submitted a request for continuing education approval for a workshop for 6 continuing education hours in counseling to be held May 24, 2013 in Knoxville, TN. Ms. Dennis made a motion, seconded by Mr. McNeil to approve the workshop. The motion carried.

The Board reviewed a request from Nichelle Foster requesting approval of 8 hours of continuing education to count toward the 270 hours of formal classroom training for a course titled "Prescription Drug Abuse" sponsored by the Tennessee Hospital Education and Research Foundation and the National Center for Emergency Preparedness and Vanderbilt University Medical Center in Nashville, TN on January 30, 2013. Ms. Butler made a motion, seconded by Ms. Dennis to approve the course. The motion carried.

Toby Abrams, President of TAADAC

Ms. Abrams asked to address the Board and stated she was prepared to talk about the rulemaking hearing, but since that was not going to happen wanted to bring another issue to the Board's attention concerning Certified Peer Specialists. Ms. Tippens asked Ms. Spitznas if this issue had been put on the Public Notice and Ms. Spitznas stated that it had not. Mr. Smith stated since the issue had not been put on the Public Notice, the Board could not vote on this issue. Ms. Butler made a motion, seconded by Ms. Dennis, for the Board to have a special meeting to discuss this issue within two weeks and invite the Commissioner of the Department of Mental Health. The motion carried.

Task Force regarding Qualified Clinical Supervisors(QCS)

Kim Burchett, LADAC and Task Force member stated that the Task Force recommended changes to the existing rules and regulations regarding QCS. The Task Force would like the

Board to recognize in all areas of the rules, the status as Qualified Clinical Supervisors. On page 16 of the rules, #2 reflects QCS' clinical work as stating "Qualified Clinical Supervision". The letters issued to Qualified Clinical Supervisors by the LADAC Licensure Board reflects being a Qualified Clinical Supervisor. In addition, clinical work is recognized under #4, letters a and b. The Task Force is requesting the following areas in the rules reflect "Qualified Clinical Supervisor":

- 1200-30-01-.01(16)
- 1200-30-01-10(2)(b)
- 1200-30-01.10(4)
- 1200-30-01.10(6)
- The new tiered licensure rules should use the term Qualified Clinical Supervisor, not Qualified Supervisor

The Task Force is recommending the following standards be enacted in order for the following groups to become a QCS:

To become a QCS if a LADAC

- Minimum of five (5) years as a LADAC
- The supervisor has two (2) years' experience supervising alcohol and drug abuse counselors
Or
Has received at least thirty-six (36) contact (clock) hours of supervision (by a Qualified Clinical Supervisor) of his supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counselors
- Has obtained a minimum of thirty (30) hours of training specific to Alcohol and Drug Clinical Supervision including six (6) hours of supervision ethics

To become a QCS if a non- LADAC

- Minimum of five (5) years as a Tennessee Board Licensed Professional by a Behavioral Health Related Board
- The supervisor has two (2) years' experience supervising alcohol and drug abuse counselors
Or
Has received at least thirty-six (36) contact (clock) hours of supervision (by a Qualified Clinical Supervisor) of his supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counselors
- Has a passing score on the NAADAC MAC examination to demonstrate competency in addiction
- Must complete above documentation/testing within two (2) years of standards approval date

To Maintain QCS

- Minimum of five (5) additional contact hours of training annually, specific to Alcohol and Drug Clinical Supervision (total of 20 contact hours of continuing education per year for any QCS)
- Minimum of three (3) hours annually of ethics, specific to clinical supervision concurrent with current requirements

In addition to addressing how the previously listed groups become a QCS, the Task Force recommends the following changes in the rules in order to provide consistency in the approach:

- Add to proposed rules regarding the new tiered system under Level II LADAC requirements: “Supervision toward any other Behavioral Health license and a LADAC can occur concurrently. LADAC supervision must be provided by a QCS.”
- Grandfathering: All existing QCS should be grandfathered into this system, but must follow the same standards in order to maintain QCS status.
- Consider adding standardized supervision forms to the rules

Paul Hart stated that the eight (8) domains should be included in the minimum of thirty (30) training hours specific to Alcohol and Drug Clinical Supervision.

Ms. Dennis made a motion, seconded by Ms. Butler to accept the Task Force’s report in its entirety. The motion carried.

Discussion of Rules

Rule 1200-30-01-.02 (1), Scope of Practice, as amended shall read: “A Level I licensed alcohol and drug abuse counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program or a recovery support program. Such services shall include the primary functions listed in T.C.A. §68-24-606.” Ms. Dennis made a motion, seconded by Ms. Butler, to approve the rule as amended, but add in after recovery support program, “that provides alcohol and drug abuse services” and “which excludes private practice”, delete the reference to “primary functions” and replace with the “eight (8) domains”. The motion carried.

Rule 1200-30-01-.02 (2), Scope of Practice, as amended shall read: “A Level II licensed alcohol and drug abuse counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program or a recovery support program or in private practice. Such services shall include the primary functions listed in T.C.A. §68-24-606. A Level II licensed alcohol and drug abuse counselor may apply to the Board to become a qualified supervisor after meeting the Board’s requirements for such credential.” Ms. Cunningham made a motion, seconded by Ms. Butler to approve the rule as amended, but add in “clinical” after qualified. The motion carried.

Rule 1200-30-01-.02 (3), Scope of Practice, as amended shall read: “Counseling for alcohol and other drugs of abuse includes: the evaluation and treatment of problems, misperceptions and misconceptions of persons who abuse mood-altering chemicals within the context of individual, group, familial and significant other relationships and of those persons who have had their lives significantly impacted by another person’s abuse of alcohol and other drugs. Counseling for

alcohol and other drugs of abuse includes the provision of the primary functions listed in T.C.A. §68-24-606.” Ms. Cunningham made a motion, seconded by Ms. Butler, to approve the rule as amended, but change “primary functions” to the eight (8) domains. The motion carried.

Rule 1200-30-01-.02 (4), Scope of Practice, as amended shall read: “A licensed alcohol and drug abuse counselor may evaluate and treat persons who have been significantly affected by compulsive gambling disorder as long as the licensee has completed no less than sixty (60) additional hours of specialized Board-approved education related to compulsive gambling disorder, annual continuing education hours or a combination thereof. The licensee’s clinically supervised counseling experience must have included contact with no less than ten (10) patients impacted by a compulsive gambling disorder under the supervision of a supervisor who had obtained no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder. Ms. Butler made a motion, seconded by Mr. McNeil, to approve the rule as amended. The motion carried.

Rule 1200-30-01-.02 (5), Scope of Practice, as amended shall refer to the eight (8) domains of the licensed alcohol and drug abuse counselor instead of the primary functions. Ms. Butler made a motion, seconded by Ms. Cunningham, to approve the rule as amended. The motion carried.

Rule 1200-30-01-.02 (6), Scope of Practice, which states, “Nothing in this chapter shall be construed as permitting an individual licensed as an Alcohol and Drug Abuse Counselor to administer, dispense, or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee law.” Only the rule number changes. Ms. Cunningham made a motion, seconded by Ms. Butler to approve the amendment. The motion carried.

Rule 1200-30-01-.02 (7), Scope of Practice , as amended shall refer to the eight (8) domains of the licensed alcohol and drug abuse counselor instead of the primary functions. Ms. Dennis made a motion, seconded by Ms. Cunningham to approve the rule as amended. The motion carried.

Rule 1200-30-01-.03(1) Necessity of Licensure, which states, “only persons who are licensed by the Board may represent themselves as licensed Alcohol and Drug Abuse Counselors or hold themselves out to the public as being licensed by means of using a title on signs, mailboxes, address plates, letterheads, announcements, telephone listings, business cards, or other instruments of professional identification. Ms. Cunningham made a motion, seconded by Mr. McNeil, to add “or practice” after “themselves”. The motion carried.

Rule 1200-30-01-.04(1)(a) Qualifications for Licensure, as amended shall read, “Prior to submitting an application to become a Level I licensed alcohol and drug abuse counselor, each of the following minimum qualifications must be met:

1. The applicant must have attained twenty-one (21) years of age.
2. The applicants must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.

3. The applicant must have a high school diploma or a general equivalency diploma.
4. The applicant must have completed six thousand (6,000) hours of work where the applicant has performed all of the primary functions listed in T.C.A. §68-24-606 while providing alcohol and drug abuse counseling services under the direct supervision of a qualified supervisor as deemed under the rules of the board.
5. The applicant must have completed two hundred seventy (270) hours of formal classroom training in chemical dependency, with a minimum number of ten (10) contact hours documented on each primary function listed in T.C.A. §68-24-606. Six (6) of the two hundred seventy (270) total hours of education shall be on alcohol and drug abuse professional ethics.
6. The applicant must have completed a written case study.
7. The applicant must have completed a written philosophy of treatment.
8. The applicant must have passed a jurisprudence examination approved by the Board,
9. The applicant must have passed the National Certified Addiction Counselor Level I written examination that is administered by the National Commission of Addiction Professionals.”

Mr. McNeil made a motion, seconded by Ms. Dennis, to delete the reference to primary functions in # 5 and replace with the eight (8) domains and remove #6 in its entirety. The motion carried.

Rule 1200-30-01-.04(1)(b), as amended shall read, “Prior to submitting an application to become a Level II licensed alcohol and drug abuse counselor, each of the following minimum qualifications must be met:

1. The applicant must have attained twenty-one years of age.
2. The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.
3. The applicant must:
 - i. Have a bachelor’s degree or higher level college degree from an accredited institution of higher learning, submit an official transcript, have completed two (2) years of full-time experience under the direct supervision of a qualified supervisor as deemed under rules of the board or four thousand (4,000) hours of experience as an alcohol and drug abuse counselor under the direct supervision of a qualified supervisor as deemed under the rules of the board, and have completed two hundred seventy

(270) hours of Board-approved education and training in the primary functions listed in T.C.A. §68-24-606.

- ii. Have a master's degree or higher level college degree from an accredited institution of higher learning, submit an official transcript, have completed one (1) year of full-time experience under the direct supervision of a qualified supervisor as deemed under rules of the board or two thousand (2,000) hours of experience as an alcohol and drug abuse counselor under the direct supervision of a qualified supervisor as deemed under the rules of the board, and have completed one hundred twenty (120) hours of Board-approved education and training with a minimum of five (5) contact hours documented on each primary function listed in T.C.A. §68-24-606.
4. Six (6) hours of the applicant's total Board-approved education shall be on alcohol and drug abuse professional ethics.
 5. The applicant must have passed a jurisprudence examination approved by the Board.
 6. The applicant must have passed the National Certified Addiction Counselor Level II written examination that is administered by the National Certification Commission of Addiction Professionals.
 7. The applicant must have passed an oral examination demonstrating competency in the primary functions listed in T.C.A. §68-24-606.
 8. Each person licensed as an alcohol and drug abuse counselor on **(date)** shall be licensed as a Level II licensed alcohol and drug abuse counselor. The Board may not impose any additional fee or require any additional application for the issuance of a license pursuant to this section.

Ms. Butler made a motion, seconded by Ms. Cunningham, to accept the rule amendments as written, but delete the reference to the "primary functions" in #7 and replace with the eight (8) domains. The motion carried.

Rule 1200-30-01-.06(1)(g) Fees, as amended shall read, "Renewal (Biennial) Fee - \$300.00. Mr. McNeil made a motion, seconded by Ms. Butler, to not change the rule and keep the biennial renewal fee at \$325.00. The motion carried.

Rule 1200-30-01-.08(1) Examinations, as amended shall read, "In addition to having filed an application, an individual seeking licensure by examination as a Level I licensed alcohol and drug abuse counselor shall be required to successfully complete the Board's written and jurisprudence examinations, and an individual seeking licensure by examination as a Level II licensed alcohol and drug abuse counselor shall be required to successfully complete the Board's oral, written, and jurisprudence examinations.

Ms. Cunningham made a motion, seconded by Ms. Butler, to approve the rule as amended. The motion carried.

Rule 1200-30-01-.10 (1) Supervision, as amended shall read, “Pursuant to Rule 1200-30-01-.04, an applicant for licensure as an alcohol and drug abuse counselor shall present documentation, at the time the application is submitted, of completion of clinical experience hours that have been supervised by a supervisor who meets the requirements of paragraphs (2) or (3).”

Rule 1200-30-01-.10 (2)(a), as amended shall read, “The supervisor has been a Level II licensed alcohol and drug abuse counselor for at least five (5) years. The supervisor’s license must be currently active, unencumbered, and unconditioned, and the supervisor must cease supervising if it becomes encumbered and/or conditioned; and”

Ms. Butler made a motion, seconded by Ms. Dennis, to approve the rules as amended and to also include the language from the Task Force committee’s report. The motion carried.

Rule 1200-30-01-.12 Continuing Education, as amended shall read, “Level I licensed alcohol and drug abuse counselors, and Level II licensed alcohol and drug abuse counselors must complete fifteen (15) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 – December 31). Nine (9) hours must be face to face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics.”

Ms. Butler made a motion, seconded by Ms. Dennis, to approve the rule as amended. The motion carried.

Rule 1200-30-01-.12(5)(c)2., as amended shall read, “A maximum of six (6) contact hours may be granted for multi-media courses during each calendar year.”

Ms. Butler made a motion, seconded by Ms. Cunningham, to approve the rule as amended. The motion carried.

Rule 1200-30-01-.12(6)(a)1., as amended shall read, “Any individual requesting reactivation of a license which has been retired one or more years shall so indicate on a Board provided form which indicates the attendance and completion of fifteen (15) continuing education hours. The continuing education hours must have been begun and successfully completed within twelve (12) months preceding the date of the requested reinstatement.

Ms. Butler made a motion, seconded by Ms. Cunningham, to approve the rule as amended. The motion carried.

Application Review

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve **David Sappington** to sit for the written examination. The motion carried.

Ms. Cunningham made a motion, seconded by Ms. Butler, to approve **Brandon Davis** to sit for the written examination. The motion carried.

Ms. Butler made a motion, seconded by Mr. McNeil, to approve **Forrest Dykes** to sit for the written examination, pending receipt of his criminal background check. The motion carried.

Ms. Butler made a motion, seconded by Ms. Dennis, to approve **David Hofstetter** to sit for the written examination. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve **Teresa Worthington** to sit for the written examination. Ms. Cunningham recused herself. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Butler, to approve the application of **G. Michael Pilcher** by reciprocity and upon receipt of the \$50 license fee, issue his certificates. The motion carried.

Ms. Butler made a motion, seconded by Ms. Cunningham, to approve **Betty Winningham** to sit for the written examination. The motion carried.

Ms. Dennis made a motion, seconded by Ms. Cunningham, to approve the application of **David Crager** by reciprocity, and pending receipt of Mr. Crager's exam score from the state of Minnesota and the \$50 license fee, issue his certificates. The motion carried.

Election of Officers

Mr. McNeil made a motion, seconded by Ms. Cunningham, to nominate Ms. Butler as Chair. The motion carried. Mr. Kinnaman made a motion, seconded by Ms. Cunningham, to nominate Mr. McNeil as Secretary. The motion carried.

Other Board Business

Mr. Kinnaman made a motion, seconded by Ms. Cunningham, for Ms. Spitznas to do a mass mailing inviting licensees, TAADAS, TAADAC, TAMHO and the Commissioner of the Department of Mental Health to a special meeting of the Board of Alcohol and Drug Abuse Counselors regarding the purpose of and discussion of the impact of Certified Peer Recovery Specialists on the functions of an Alcohol and Drug Abuse Counselor and take action if needed. The motion carried. The meeting was scheduled for April 29, 2013 in the Poplar conference room.

With no other Board business to conduct, Mr. McNeil made a motion, seconded by Ms. Dennis, to adjourn the meeting at 1:15 p.m. The motion carried.

Ratified by the Board on July 19, 2013.