

TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: April 17, 2015

TIME: 9:00 A. M., CDT

LOCATION: Health Related Board Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Sherry Butler, LADAC, Chair
Karen Dennis, LADAC
Susan Cunningham, LADAC
Hilde Phipps, LADAC

BOARD MEMBERS

ABSENT: Major McNeil, Citizen Member

STAFF PRESENT:

Latonya Shelton, Unit Manager
Teddy Wilkins, Unit Director
Caroline Tippens, Esq., Office of General Counsel
Nichelle Dorroh, Office of Investigations
Barbara Maxwell

Ms. Butler called the meeting to order at 9:10. The Board members introduced themselves. A quorum was present.

Mr. Major McNeil was absent.

Minutes

Upon review of the April 25, 2014 minutes, Ms. Dennis made a motion, seconded by Ms. Cunningham, to approve the minutes as written. The motion carried.

Upon review of the January 16, 2015 minutes, Ms. Phipps made a motion, seconded by Ms. Dennis, to approve the minutes upon amending the language under fee increase to read “by \$20” instead of “to \$20”. The motion carried.

Upon review of the March 5, 2015 Teleconference meeting, Ms. Dennis made a motion seconded by Ms. Cunningham, to approve the minutes upon amending the language to read “teleconference”; adding Ms. Dennis’ name under members present; and, stating that Megan Newton’s request to sit for the written examination was denied due to discrepancies in her application and pending receipt of a corrected supervision hours report submitted from her supervisor to the administrative office. The motion carried.

Office of General Report

Ms. Tippens stated there are no cases against A & D Counselors in OGC, nor specific legislation pertaining to Alcohol and Drug Abuse Counselors.

Ms. Tippens said the rules have been returned from the Attorney General's Office and submitted to the Secretary of State's Office on March 27, 2015. The rules will become effective on June 25, 2015, at which time applicants can apply for the Level 1 or Level 2 counselor, and current Level 1 licensees can be grandfathered to Level 2 counselors.

Ms. Tippens discussed the U. S. Supreme Court case, North Carolina Dental Board vs. FTC. The North Carolina Board issued cease and desist letters to forty-six (46) non-dental kiosks and individuals to stop the practice of teeth whitening.

Pursuant to the FTC, the definition of teeth whitening was not defined in the Board rules and the Board is in violation of the Sherman Anti-Trust Act, which prevents a private force for acting in their own self-interest by promoting a monopoly. The U.S. Supreme Court agreed with the FTC.

Ms. Tippens said OGC is looking closely at all Health Related Board's rules and policies and may consider pursuing potential legislation next year.

Ms. Wilkins complimented Ms. Tippens on her excellent explanation of this issue.

Ms. Wilkins introduced Barbara Maxwell to the Board stating that she is working in unit one and will be working with the Board until a board administrator is appointed.

Office of Investigations

Ms. Dorroh stated there are two (2) complaints in Investigations pertaining to Alcohol and Drug Abuse Counselors, which are both in the field. Ms. Cunningham said the names on the Monitored Practitioners report have been on the list a long time and asked what constituted the names being removed. Ms. Dorroh said the disciplined licensee must become compliant with the order and petition the Board to be removed from the list.

Administrative Report

Ms. Shelton stated there are 403 active licensed Alcohol and Drug Abuse Counselors, 194 retired and 266 expired. From January 1, 2015 to March 31, seven (7) of the fourteen (14) renewals received were online renewals. There were seven (7) licenses issued, two (2) licenses retired and four (4) new applications during this time.

Ms. Shelton said twelve (12) licensees were audited for continuing education. Six (6) were compliant and six (6) were non-compliant. Those non-compliant will be required to make up the hours. The three (3) that did not response will be issued agreed citations and, if they do not response, their name will be

send to the Office of General Counsel for discipline on their license. Ms. Wilkins said this is not reportable discipline to the national database.

Ms. Cunningham asked how Board members could attend conferences. Ms. Wilkins stated the Board members must vote and approve attendance at conferences. Ms. Wilkins said in-state travel goes through one level of approval and out-of-state travel goes through F & A and Board members travel goes through the Governor's office. The Board asked that this be placed on the agenda for the next meeting.

Newly Licensed

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

Patty Faye Brewer
Lynca Marie Loftis
Cynthia Teixeira Moody
Barry R. Peterson
Betty Elaine Winningham

The motion carried.

Other Board Business

Ms. Melinda Mendes-Scott, A & D Counselor applicant, stated that she took and failed the oral examination last fall but has been unable to contact someone on the Board, or Ms. Kathy Benson, since October to make arrangements to retake the oral exam. Ms. Scott requested an extension of time to sit for the oral examination as her three (3) years were up to sit for the exam. Ms. Dennis made a motion, seconded by Ms. Phipps, to give Ms. Scott a six (6) month extension and contact Ms. Benson to schedule her for the oral examination. The motion carried.

Oral Examination Results

Ms. Cunningham made a motion to approve the March 15, 2015 oral exam results for the following applicants:

Kristen Robinson - Pass
Rodney Brewer - Fail

The motion carried.

National Certification Examination for Addiction Counselors

The board reviewed the results of seven (7) applicants who sat for the National Certification written examination.

Request to Provide Continuing Education

The Board reviewed a letter and continuing education documentation from Michele Squires, LADAC, and Clinical Director for Grace House of Memphis. Ms. Squires addressed the Board stating she has submitted training of the eight (8) domains from Grace House of Memphis to be reviewed and approved by the Board, which is a thirty-two (32) hour course. Ms. Squires said the training will be presented over a period of ten (10) months.

Ms. Cunningham asked Ms. Squires if she attended the training to aid to facilitate the eight (8) domains. Ms. Squires stated she did attend and would furnish that information to the Board. Ms. Dennis made a motion, seconded by Ms. Phipps, to approve the continuing education for Grace House of Memphis submitted by Ms. Squires. The motion carried.

File Review

Upon review of the application of **Damaris Crumley**, Ms. Dennis made a motion, seconded by Ms. Phipps, to approve Ms. Crumley to sit for the written examination. The motion carried.

Upon review of the application of **Joseph Dabbs**, Ms. Phipps made a motion, seconded by Ms. Cunningham, to approve Mr. Dabbs to sit for the written examination. The motion carried.

Upon review of the application of **Kenneth Garber**, Ms. Dennis made a motion, seconded by Ms. Cunningham, to deny Mr. Garber's request for reciprocity. Ms. Dennis stated Mr. Garber holds a registered alcohol specialist title from the college he attended in California and would like for him to submit proof that he is registered by the California Board, a copy of the Board's rules, confirmation that the college he attended is not an on-line facility and that his supervisors meet the requirements for Tennessee supervision. The motion carried.

Upon review of the application of **James Hudgens**, Ms. Dennis made a motion, seconded by Ms. Cunningham, to approve Ms. Hudgens to sit for the written examination. The motion carried.

Upon review of the application of **Katherine Lewis**, Ms. Dennis made a motion, seconded by Ms. Cunningham, to deny Ms. Lewis' application as her supervisors are not all licensed A & D Counselors. The motion carried.

Upon review of the application of **Israel Melton**, Ms. Cunningham made a motion, seconded by Ms. Phipps, to deny Mr. Melton's application pending receipt of his criminal background check to be reviewed at the next meeting and to ask Mr. Melton to attend the meeting. The motion carried.

Upon review of the application of **Lacinda Moore**, Ms. Cunningham made a motion, seconded by Ms. Dennis, to approve Ms. Moore to sit for the written examination. The motion carried.

Upon review of the application of **Magan Newton**, Ms. Cunningham made a motion, seconded by Ms. Dennis, to approve Ms. Newton to sit for the written examination. The motion carried.

Upon review of the application of **Trina Reed**, Ms. Phipps made a motion, seconded by Ms. Cunningham, to approve Ms. Reed to sit for the written examination. The motion carried.

Upon review of the application of **Bobbie Yokley**, Ms. Cunningham made a motion, seconded by Ms. Dennis, to approve Mr. Yokley to sit for the written examination. The motion carried.

New Business

Ms. Butler asked the Board members if they had any new business to discuss.

Ms. Cunningham stated that she would like for the jurisprudence exam and certain aspects of the practice act be reviewed by an Ad Hoc Committee or Task Force for validity and stated she would be willing to ask for volunteers for the Task Force. Ms. Cunningham made a motion, seconded by Ms. Dennis, to have a community based committee to review and possibly amend the jurisprudence examination and practice act. The motion carried.

Ms. Dennis asked how the numbers of hours were going to be determined under each of the eight (8) domains. Charlie Hyatt said it was his understanding that Ms. Benson was to head up that committee and unfortunately she isn't here today.

Ms. Phipps made the motion, seconded by Ms. Cunningham, to send Ms. Benson a letter, asking for the report, or to appear before the Board to give that report. The motion carried.

Mr. Kinnaman asked the Board to consider a task force to address issues in the rules. Mr. Kinnaman said he was part of the Board when the rules were written and volunteered to head up the task force and report back to the Board. Ms. Cunningham suggested having representation across the state. Mr. Kinnaman said he would be happy to present names across the state, including the organization they represent. Ms. Dennis made a motion, seconded by Ms. Cunningham, to appoint a Task Force. The motion carried.

Ms. Wilkins discussed how the Board pays fees in stages, stating other boards pay their fees with the application. Ms. Wilkins said the Board currently has an applicant who has met the qualifications for licensure, with the exception of the oral exam fee, causing her go to work letter and license being held until the fee is paid.

Upon discussion, Ms. Cunningham made a motion, seconded by Ms. Phipps, to amend the fee collection process to require all fees be paid with the initial licensure. The motion carried.

Ms. Butler asked if the application would be amended after the rule amendments. Ms. Wilkins said the application needs minor updating.

Ms. Cunningham asked how they can determine who the qualified supervisors were. Ms. Wilkins said the new licensure program is scheduled to be effective on Monday and should include that information.

Mr. Charlie Hyatt extended an invitation for Board members to attend the NAADAC National Conference October 9, 2015 in Washington DC.

Election of Officers

Ms. Dennis made a motion, seconded by Ms. Phipps, to nominate Ms. Cunningham as Chair. The motion carried.

Ms. Dennis made a motion, seconded by Ms. Cunningham, to nominated Ms. Phipps as secretary. The motion carried.

Ms. Cunningham thanked Ms. Butler for her work on the Board, as a Board member, Board Chair, and LADAC practice in Tennessee.

With no other board business to conduct the board adjourned at 11:58 a.m.