

## TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

**DATE:** May 12, 2016  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Room, 665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Susan Cunningham, LADAC, Chair  
Hilde Phipps, LADAC, Secretary  
Karen Dennis, LADAC  
Major McNeil, Citizen Member

### **STAFF**

**PRESENT:** Latonya Shelton, ASA 3  
Teddy Wilkins, Unit Director  
Caroline Tippens, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations  
Barbara Maxwell

Ms. Cunningham called the meeting to order at 9:00 a.m. A roll call vote was conducted and a quorum was present.

### **Minutes**

Upon review of the October 15, 2015 minutes, Ms. Phipps requested that corrections be made to the acronyms for TAADAC and NAADAC. Ms. Cunningham asked that under the Task Force Report it be noted that she was a non-voting member of that force.

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve the minutes as corrected. The motion carried.

### **Investigative Report**

Ms. Dorroh reviewed the Investigative Report stating they currently have four (4) complaint cases against Alcohol and Drug Abuse Counselors and are currently monitoring one (1) licensee.

### **Office of General Counsel**

Ms. Tippens stated there is one consent order in the Office of General Counsel to be ratified by the Board at today's meeting.

Ms. Tippens said the 109<sup>th</sup> General Assembly adjourned April 22, 2016 with no legislation affecting the Board.

Ms. Tippens said the amendment to the rules to delete the oral examination has been drafted, reviewed by her office and sent to the Governor's Office for review. If there are no changes from the Governor's Office they will be sent to the Administrative Procedures Division.

### **Consent Order**

Ms. Tippens presented a Consent Order for **James Robinson, LADAC License #985**. Ms. Tippens said Mr. Robinson engaged in an inappropriate relationship with a client which is a violation of the NAADAC Code of Ethics. Ms. Tippens said Mr. Robinson agreed to voluntarily surrender his license to practice A & D counseling in Tennessee, pay a \$500 civil penalty within twenty-four months and incur costs not to exceed \$500.

Ms. Phipps made a motion, seconded by Mr. McNeil, to ratify the consent order. The motion carried.

### **Financial Report**

Ms. Wilkins stated the year-end financial report should be available by the next meeting.

### **Administrative Report**

Ms. Shelton reviewed the Administrative Report stating there are currently three-hundred and ninety-six (396) licensees; fourteen (14) new applications; nine (9) new licenses; twelve (12) expired licenses; and, two (2) retired licenses.

Ms. Shelton said of the fifty-three (53) renewals from January to May, twenty-four (24) renewed online for a total of forty-five percent (45%) of online renewals.

Ms. Shelton stated the next scheduled board meetings are:

July 15, 2016

October 7, 2016

### **Discuss Oral Exam**

Ms. Cunningham said at the last meeting the Board voted to eliminate the oral exam as it could lead to potential litigation.

Ms. Tippens stated that the Board members determined the oral exam is not in the statute and decided to eliminate the requirement from the rules.

Ms. Tippens said she deleted all reference to the oral exam from the rules and explained the steps leading up to the rulemaking hearing. Ms. Tippens said the AG's office reviews the rules for the purpose of constitutionality, after which it is posted on the Administrative Procedures Division web site for ninety (90) days before becoming final.

Ms. Tippens said they cannot delay the licensure process and the difference between level one and level two is strictly based on education, licensure requirements, and passage of the written exam.

Ms. Cunningham said LAADAC has a performance competency exam which is a nationally accredited exam.

Ms. Tippens stated implementing a national exam could be discussed at the rulemaking hearing and, if the Board decides to adopt the national exam, it would be voted on at the rulemaking hearing and incorporated in the rules at that time.

Upon discussing using the LAADAC competency exam, Ms. Cunningham invited Ms. Benson to the podium to discuss the LAADAC exam.

Ms. Benson, representing LAADAC/NCAP, said when they became aware of the recommendation to eliminate the oral exam due to possible litigation they discussed how they could assure a level 2 licensee is knowledgeable, skilled and prepared to work in a private practice setting.

Ms. Benson asked LAADAC what were some of the factors they felt was most needed when issuing a NCAC 2 or MAC level to assure the licensee had knowledge and skill in working with co-incurring issues.

Ms. Benson also asked how the Board could bring in another level of testing for the LAADAC 2 to make sure the person has the ability to work in a private practice, without clinical supervision, and to address a multitude of issues.

Ms. Benson suggested that applicants with a master's degree ask for the MAC exam on the national level which in itself holds the co-incurring exam. Ms. Benson said they also have the co-incurring exam for those who do not have a master's degree and could simply program the process to require a LAADAC exam.

Ms. Benson said she has an offer from NAADAC and the National Certification Commission to make the co-incurring exam part of the LADAC Level 2.

Ms. Tippens asked Ms. Benson to explain the co-incurring testing.

Ms. Benson said it is testing an individual's knowledge of mental health issues with the use of therapeutic models. Ms. Benson stated if a person takes the NCAC 2 they would also have to take the co-incurring exam also.

Ms. Wilkins said the qualifications to take the MAC exam is three (3) years of full time experience or 3,000 hours of experience and the Board only requires 2,000 hours of experience with a master's degree. Ms. Wilkins said the NCAC 2 exam requires three years of full time experience or 10,000 hours.

Ms. Tippens said if they change the requirements it would take major changes to the rules.

Ms. Benson stated the information Ms. Wilkins shared is accurate; however, you only have to meet the criteria to be nationally certified, but not for licensure as a LADAC.

Ms. Phipps asked if there could be a third option.

Ms. Tippens said if the Board is going to add a level 2 exam and MAC exam the applicant won't know which exam to take and the Board may want to add a third level.

Ms. Tippens said it would be very confusing for the applicant reading the rules and qualifications for licensure and that the Board must be consistent with the number of hours.

Upon discussion, the Board asked Ms. Benson to attend the next meeting to give a presentation on the NCAC 1 and 2 exam.

Mr. Charlie Hyatt, TAADAC, said there is a movement by the American Counseling Association to standardize licensure across the nation where essentially only LPC's will be specialized in addiction treatment and the LADAC license will no longer be in effect. Mr. Hyatt encouraged the Board to bring in something to replace the oral exam to be assured licensees have met the qualifications.

Cindy Stewart-Freeman, LADAC 2, Cumberland Heights, said she supports the addition of something to replace the oral exam. Ms. Freeman said Cumberland Heights is entering into a partnership with Lipscomb University to offer a master's degree in mental health counseling with addiction studies.

Toby Abrams, LADAC 2, asked if the applicants who have met all licensure requirements, but failed the oral exam, are considered automatically passed.

Ms. Tippens said the Board will have to grant licensure based on the fact that they have passed the written exam and met all other requirements.

Ms. Tippens stated the Board cannot put up barriers where there are no rules and penalize applicants for something out of their control.

Ms. Phipps stated she doesn't think it's appropriate to hold people hostage for not being able to take, or retake, the oral exam and need to look at that very carefully.

Ms. Tippens said the Board cannot go back and reinstitute the exam as the Board voted and ratified eliminating the oral exam.

Ms. Phipps it is a perception that the exam is a cause for litigation and they need to be fair, maintain their ethics and hold steadfast in their profession.

Ms. Benson said that NAADAC went to Kryterion Testing Company in August of last year and now offers on-line testing allowing applicants to test at their choice of time and obtain immediate test results.

Ms. Michelle Squires, LADAC 2/QCS, Clinical Director for Grace House in Memphis and teaches a NAADAC approved counseling program in Memphis stated there appears to be barrier after barrier to be licensed. Ms. Squires said she agrees that the process must be streamlined.

Ms. Tammy Stone, LADAC 2, said she has students who have passed all licensure requirements with the exception of the oral exam and asked if they can be licensed as a level 1 and then upgraded to a level 2.

Ms. Tippens said she would hate to penalize applicants who applied for Level 2 licensure.

Ms. Pamela Spindel said she applied for the level 2 licensure and failed the oral in December. Ms. Spindel said she had to obtain a license to keep her job and, therefore, applied for the level 1 license.

Nan Casey, LADAC 2/ QCS stated she has students getting ready to apply and asked if they would qualify for a level 2 licensure with a bachelor's degree in social work?

Ms. Tippens stated yes they would qualify for a level 2.

Upon discussion, Mr. McNeil made a motion, seconded by Ms. Phipps, to post the oral exam information on the Board's web site. The motion carried.

### **Applicants that passed the written exam in January, February and March 2016**

Ms. Dennis made a motion, seconded by Mr. McNeil, to approve **Charles Harper** for a Level 1 license. The motion carried

Mr. McNeil made a motion, seconded by Ms. Phipps, to approve **Reico Hopewell** for a Level 2 license by grandfathering. The motion carried.

Ms. Dennis made a motion, seconded by Ms. Phipps, to approve **Angela Hosteller** for a Level 2 license. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve **Ann Lavecchia** for a Level 2 license. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Phipps, to approve **Shaun McComas** for a Level 1 license. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Phipps, to approve **Shilo Satran** for a Level 2 license. Ms. Dennis recused herself. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve **Charles Stallings** for a Level 2 license. The motion carried.

#### **Revisit ratifying applicants who failed the oral examination December 12, 2015.**

Mr. McNeil made a motion, seconded by Ms. Cunningham, to approve **Charles Brewster** for a Level 2 license. Ms. Phipps recused herself. The motion carried.

Ms. Phipps made a motion, seconded by Ms. Dennis, to approve **Damaris Crumley** for a Level 2 license. The motion carried.

Ms. Dennis made a motion, seconded by Mr. McNeil, to inform **Melinda Mendez-Scott** that she must reapply for a Level 1 license. The motion carried.

Ms. Shelton stated that Pamela Spindel appeared before the Board stating she initially applied through grandfathering for a Level 2 license and, after failing the oral exam December 12, 2015, requested to be granted a Level 1 license to keep her current job and is now requesting to be grandfathered in as a Level 2.

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve **Pamela Spindel** for a Level 2 license. The motion carried.

## **Applicant Interview**

**Mr. Spencer Phillippi**, Level 2 applicant, attended the meeting at the Board's request to discuss the results of his criminal background check.

Mr. Phillippi stated he was currently on unrestricted probation which will end on July 21, 2020.

Mr. Phillippi said he completed treatment in 2009, obtained a bachelor's degree in psychology and currently works for Samaritan Recovery Community in Nashville.

Upon discussion, Ms. Dennis made a motion, seconded by Ms. Phipps, to approve Mr. Phillippi to sit for the Level 2 written examination. The motion carried.

Ms. Dennis stated that she was very proud of Mr. Phillippi for working so hard and knows he will be able to help a lot of people.

Ms. Phipps said Mr. Phillippi is an example of why the Board is here and appreciates his integrity to pursue a future as a LADAC.

Mr. McNeil asked that he go on the record stating that after they approve the Level 2 licensure the licensees must adhere to that level of licensure and, if they don't, will have to be dealt with accordingly. Mr. McNeil stated they need counselors to be effective and strongminded.

## **Discuss legislation and take action if needed**

Ms. Wilkins introduced Ms. Lacy Blair, Legislative Liaison, to give the Legislative Report.

Ms. Blair stated there are two pieces of legislation that may affect the Board, Public Chapter 763 and Public Chapter 990.

Ms. Blair said PC763 which permits licensees whose licenses have expired due to non-payment to reinstatement upon payment of past due renewal fees, which are capped at twice the normal renewal fees, and who have completed the required continuing education. Ms. Blair said the licensee must pay the reinstatement fee, if applicable, and becomes effective July 1, 2016.

Ms. Blair said PC990 which requires an insurer to reimburse and provide coverage of telehealth services provided by a practitioner licensed in Tennessee, regardless of the patient's location, becomes effective July 1, 2017.

Ms. Benson asked Ms. Blair to discuss the new bill that allows for refusal to treat patients.

Ms. Blair stated this applies to one area, Licensed Professional Counselors, and are downplaying the legislation so as not to bring more attention to encompass all counseling professions.

Ms. Blair said the Board is a creation of the statute by the legislature and any authority they have is from the legislature.

**Discuss and take action regarding rulemaking, hearings, rule amendments and policies**

Ms. Tippens stated this has been discussed at length and are waiting to the next Board meeting to receive additional information.

Mr. Kinnaman asked if the Board will look at the recommendations of the Task Force, as there are more changes other than grammatical errors that the task force is recommending. Mr. Kinnaman said the Task Force is waiting to see when the Board is going to take action on their recommendations.

Ms. Tippens said the Board can address the recommendations made by the committee and make decisions at the rulemaking hearing.

Ms. Wilkins said the next rulemaking is for very short rules and stated that the suggestions will take a longer discussion than the rulemaking hearing.

Mr. Kinnaman said the recommendations made by the Task Force should be addressed at a separate Board meeting and not the rulemaking hearing.

Ms. Tippens asked Ms. Wilkins to provide the Board members a hard copy of the recommendations for review at the next meeting.

**Ratify Newly Licensed and Reinstated**

Ms. Dennis made a motion, seconded by Ms. Phipps, to ratify the following newly licensed:

Newly Licensed

**Jamey Burnette**  
**James Casey**  
**Walter Henderson**  
**James Hudgens**  
**Israel Melton**  
**Jennifer Organ**  
**Mary Rodgers**  
**Pamela Spindel**

The motion carried.



Mr. McNeil made a motion, seconded by Ms. Dennis, to approve the following reinstated license.

### Reinstatement

#### **Kimberly Burchett**

The motion carried.

### **Review, discuss and consider approval of continuing education programs**

**Michelle Lancaster**, LADAC, II, QCS submitted a request for approval of the Eight Domain Training (12 Core Functions) program she would like to offer applicants.

Ms. Lancaster stated the training is for 130 hours, which includes ethics.

Upon review, Ms. Dennis made a motion, seconded by Ms. Phipps, to approve Ms. Lancaster's training. The motion carried.

Ms. Lancaster asked if she must submit annual requests for the training.

Ms. Tippens stated the rules indicate she is an approved continuing education provider and is not required to submit an annual request.

### **Correspondence**

The Board reviewed a request from **Trina Reed** for an extension to take and pass the written exam as her application will expire before she can sit for the next exam.

Ms. Reed said due to the change in the testing agency she was unable to retake the exam in a timely manner.

Ms. Tippens said Rule 1200-30-.01-08 states if an applicant neglects, fails, or refuses to take any of the required examinations or fails to successfully complete the examinations within twelve (12) months after being approved, the application will be deemed abandoned but does not indicate the number of times an applicant can sit for the written exam. Ms. Tippens said the Board can give her a time frame or allow her to take the exam one more time and then must reapply.

Upon discussion, Mr. McNeil made a motion, seconded by Ms. Dennis, to give Ms. Reed ninety (90) days from today's date to sit for the written exam. The motion carried.

Ms. Cunningham stated that they have two (2) questions from the audience that need to be addressed.

Ms. Cunningham said the first question is regarding the 270 hours of education within the eight (8) domains.

**Ms. Tammy Stone**, LADAC, asked how many of the 270 hours can be taken on-line as it is not indicated in the rules.

Ms. Tippens stated that she recalls that the board discussed eliminating classroom hours from the rules as there were complaints about taking classroom hours as they were limited as to how many classes there were and there are many more on-line courses applicants can obtain.

Ms. Phipps said at some point they need to specify what the supervisors are doing and put some of the parameters around what the expectations are.

Ms. Phipps said that most of the on-line courses issue a certificate.

Ms. Stone said there is a LADAC approved eight domain course you can take on-line or by book.

Ms. Phipps said if its LADAC approved course it can be on-line.

Ms. Tippens said the Board does not pre-approve courses and if the Board reviews the course and determines it's appropriate then it's approved.

**Ms. Cindy Stewart-Freeman**, Cumberland Heights, stated they were informed that of the 270 hours, 120 hours must be addiction specific. Ms. Stewart-Freeman said some applicants have a bachelor's and master's degree but do not have the 270 hours within the eight domains.

Ms. Phipps said it still goes back to supervision and if the student doesn't show they have that knowledge, the supervisor doesn't need to sign off of that course.

Upon discussion, Ms. Cunningham made a motion, seconded by Mr. McNeil, to ask the administrative office to send Ms. Benson a letter requesting that she attend the next Board meeting and conduct a presentation of the 270 hours pertaining to training in the eight domains.

Ms. Tippens stated that the Level 2 requirements do not specify the exact number of hours in the eight domains.

**Ms. Teresa Fuqua** states she has a degree in Criminal Justice and a master's degree in Public Service Management and asks what level of licensure she should apply.

Upon discussion, the Board asked Ms. Fuqua to bring her transcript to the July meeting for their review.

### **Application Review**

Upon review of the application from **Patricia Fowler, Level 1**, Ms. Dennis made a motion, seconded by Mr. McNeill, to ask Ms. Fowler to attend the next meeting to explain some of the documentation relating to her education. The motion carried

Upon review of the application from **Terry Barrett, Level 2**, Mr. McNeil made a motion, seconded by Ms. Phipps, to approve Mr. Barrett to sit for the Level 2 written exam. The motion carried.

Upon review of the application from **review Allison Eggleston, Level 1**, Mr. McNeil made a motion, seconded by Ms. Dennis, to request Ms. Eggleston to provide additional information, or certificates, pertaining to her education. The motion carried.

Upon review of the application from **William Copeland, Level 2**, Mr. McNeil made a motion, seconded by Ms. Phipps, to approve Mr. Copeland to sit for the Level 2 written exam. The motion carried.

Upon review of the application from **Aubrey Marange, Level 2**, Ms. Cunningham made a motion, seconded by Mr. McNeil, to approve Ms. Marange to sit for the Level 2 written examination. The motion carried.

Upon review of the application from **Sarah Smiddy, Level 1**, Ms. Cunningham made a motion, seconded by Ms. Phipps, to approve Ms. Smiddy sit for the Level 1 written exam. The motion carried.

Upon review of the application from **Patricia Breeding, Level 2**, Ms. Cunningham made a motion, seconded by Ms. Phipps, to approve Ms. Breeding to sit for the Level 2 written exam. The motion carried.

Upon review of the application from **James Campbell, Level 1**, Ms. Phipps made a motion, seconded by Mr. McNeil, to approve Mr. Campbell to sit for the Level 1 written exam. The motion carried.

Upon review of the application from **Mary Summitt, Level 1**, Ms. Phipps made a motion, seconded by Ms. Cunningham, to approve Ms. Summitt to sit for the Level 1 written exam. The motion carried.

With no other Board business to conduct Ms. Phipps made a motion, seconded by McNeil, to adjourn at 1:45 p.m. The motion carried.