

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

**DATE:** October 9, 2020  
**TIME:** 9:00A.M.  
**LOCATION:** Health Related Boards Conference Center  
Iris Room, 665 Mainstream Drive  
Nashville, TN 37243

**BOARD MEMBERS**

**PRESENT:** Ella Britt, Chair  
Dr. Jane Abraham, LADAC, NCAC II, Secretary  
David Brown, LADAC  
Major McNeil, Citizen Member  
Thomas Corman, LADAC

**STAFF**

**PRESENT:** Teddy Wilkins, Unit Director  
LaTonya Shelton, ASA3  
Carolina Tippens, Deputy General Counsel

**WebEx Event: Due to COVID-19 gathering restrictions, please join us in our virtual meeting which is open to the public.**

Ms. Wilkins asked staff to introduce themselves: Teddy Wilkins, Unit Director; Latonya Shelton, ASA3, Caroline Tippens, Assistant General Counsel.

Mrs. Teddy Wilkins reviewed the required formalities with Board members that were in attendance for the electronic meeting.

Mrs. Teddy Wilkins stated this is a meeting of the Board of Alcohol and Drug Abuse Counselors. Because this Board was unable to convene a physical quorum to consider these matters considering the COVID-19 pandemic. All votes must be done by roll call. Ms. Teddy Wilkins, Unit Director called the meeting to order at 9:30 a.m. Ms. Teddy Wilkins, called the roll to ensure there was a quorum and to ensure all board members were connected and able to hear each other. It was determined that is was a quorum.

Members were advised to identify themselves before they spoke. The teleconference was then turned over to Ms. Ella Britt, Chair of the Board.

## **Summary Suspension Hearing**

James C. Shiver, Sr. license number 1228 Alcohol and Drug Abuse Counselor Level 1 was present without legal counsel. Caroline Tippens Senior Associate General Counsel represented the Board of Licensed Alcohol and Drug Abuse Counselors.

The Office of General Counsel makes application for issuance of an order summarily suspending the alcohol and drug abuse counselor license of Mr. James C. Shiver, LADAC #1228, pending further proceedings as provided by Tennessee Code Annotated section 4-5-320(c). The State respectfully submits that the public health, safety, and welfare imperatively require this emergency action considering the State's recent discovery that Mr. Shiver, Sr. removed a client's shirt and massaged her breasts under the guise of performing Reiki massage therapy during an alcohol and drug abuse intake assessment. Reiki massage is outside the scope of practice for a licensed alcohol and drug abuse counselor. For the mentioned reason, the State respectfully submits that Mr. Shiver, Sr. licensed alcohol and drug abuse counselor's license I (LADAC I) should be suspended pending further proceedings. A proposed suspension order will be submitted to the Board with the application.

After a lengthy opening, witnesses' testimony, discussions and closing testimonies, Mr. Thomas Corman made a motion to accept the proposed application for order of summary suspension and Mr. David Brown seconded. A roll call vote was held all Board members accepted the proposed or by saying Yes. The motion carried unanimously.

Ms. Caroline Tippens explained briefly to Mr. Shiver, Sr. that a summary suspension is to cease practicing as a licensed alcohol and drug abuse counselor immediately.

## **Minutes**

Upon review of the July 24, 2020 board minutes meeting Dr. Jane Abraham made a motion, seconded by Mr. Thomas Corman to approve both sets minutes as written. The motion carried.

## **Office of General Counsel (OGC)**

### **Litigation**

There is one case in the Office of General Counsel's Office against a licensed alcohol and drug abuse counselor.

### **Rules:**

Public Chapter 131 (2019), the "Kenneth and Madge Tullis, MD, Suicide Prevention Training Act," requires the Board to promulgate rules regarding suicide prevention training. Public Chapter 131 requires that beginning on January 1, 2020, all licensed LADACs must take at least one approved course from the

Department of Mental Health on suicide prevention every four (4) years. The Board approved the changes required by Public Chapter 131 at its April 5, 2019 meeting. A Notice of Rulemaking has been filed and a rulemaking hearing was conducted before the Board on today, January 17, 2020. The rules have been approved by the Attorney General's office and have been filed with the Secretary of State's office. Within ninety (90) days the rules will be final, pending review and approval by the Joint Government Operations' Committee of the Legislature's review.

On the iPads for the Board's review, are copies of the combined pending rules which are in internal review with language showing the deletion of behavioral health from the rules, along with the adoption of the IC&RC credential via reciprocity, which were approved by the Board on October 18, 2019. These rules are currently in internal review. The red line of these rules was previously shared with the Board at its **July 2020** meeting, but is attached again for the Board's review.

### **Update from TCB via Chad .Johnson:**

I wanted to give you a quick update on our end regarding our IC&RC credentials (ADC/AADC). I am wrapping up final touches on the applications-doing a final review today to ensure they're all formatted properly. And getting necessary info on our web site. I had planned on launching them Nov I, but may try to bump it to mid-October if possible.

IC&RC permits us to hold a limited grandparenting period for a total of 6 months. The grandparenting process is essentially the same process for getting certified as everyone else, except the final step-passing the IC&RC examination-is waived. Normal candidates would still need to complete an entire application (minus the exam) which consists of documenting requisite education, supervision, and training hours, as outlined in the ADC/AADC manual.

However, TCB is making a special provision for current LADACs in TN who are active and in good standing. Considering requirements for LADAC are in line with requirements for the ADC, then the application process during grandparenting is even more streamlined. In short, we will only be asking applicants to complete a very short application that asks them to provide documentation of their active standing as a LADAC, and we waive the requirement to document everything else (plus a very reduced app fee). **That too will only last for the 6-month window. But this will make it extremely easy for current LADACs to pick up the IC&RC credential. After the 6 month grandfathering phase ends, then everyone will be required to complete the normal application, including the exam.**

Counsel for the Board has prepared a brief policy statement from the Board which puts currently licensed alcohol and drug abuse counselors on-notice of the IC&RC grandfathering-in period from TCB.

### **Telehealth:**

Governor Lee's Executive Order #63 did extend authority for A&D counselors through October 30, 2020 (provision 38.2). As such, telemedicine is covered by EO63: <https://publications.tnsosfiles.com/pub/execorders/exec-orders-lee63.pdf>

## **Financial Report**

The Board reviewed the Financial Report stating for the fiscal year ending June 30, 2020 actual revenue and expenditures. The Board incurred total direct expenditures of \$54,127.75 and allocated expenditures of \$7,505.79 for total expenditures of \$61,633.54 through ending fiscal year 2020.

The financial report indicated through fiscal ending year 2020 the Board Fee Revenue totaled \$77,228.03, current year net \$15,594.49 with a cumulative carryover of \$125,246.27.

Mr. David Brown made a motion to accept the financial report and Dr. Jane Abraham seconded the motion. This motion passed unanimously by a roll call vote.

## **Office of Investigations**

Ms. Leonard stated her office had a total of complaints two (2) newly opened; four (4) closed and currently six (6) open. Ms. Leonard informed the Board that she is not currently monitoring any practitioners.

## **Administrative Report**

Ms. LaTonya Shelton stated there are 479 licensees; four (4) level one application; four (4) level two applications; one (1) reinstatement applications, and two (2) reciprocity application.

Ms. LaTonya Shelton stated ten (10) licenses have been issued; one (1) retired; eleven (11) expired; fifty-five (55) renewals and, zero (0) denials. Ms. LaTonya Shelton informed the Board there were seventeen rewed through revenue and thirty-nine (39) online renewals.

Ms. LaTonya Shelton stated the next meeting is January 15 , 2021.

## **Ratify newly licensed/reinstated applications**

Mr. David Brown made a motion, seconded by Dr. Jane Abraham, to approve the following newly licensed applicants. The motion carried.

### **Level 1**

Eddie Anderson

Sharon Regen

### **Level 2**

Patricia Merrill Ker

Timothy Mink

Simone Rohane-Henderson

Jeffrey Wilson

Zachary Charles Talbott

## **Reciprocity**

Robert Broderick

## **Voluntarily Retired**

Donna Caum

## **Reinstatement**

Reginald Nesbitt

Lyn Noland

Megan Repass

## **Legislation**

**Patrick Powell**

### **Public Chapter 4 (second extraordinary session)**

This public chapter deals with telehealth and reimbursement. The majority of the legislation is focused on provisions related to insurance and reimbursement for telehealth services. Section 9 of the public chapter, however, focuses on the definition of telehealth and what health practitioners are authorized to do telehealth.

Section 9 of the bill defines "telehealth," "telemedicine," and "provider-based telemedicine" as the use of real time audio, video, or other electronic media and telecommunication technology that enables interaction between a healthcare provider and a patient for the purpose of diagnosis, consultation, or treatment of a patient at a distant site where there may be no in-person exchange between a healthcare provider and a patient. The definition also includes store-and-forward telemedicine services.

Until April 1, 2022, all licensed providers under title 63 (as well as licensed alcohol and drug abuse counselors under title 68, or any state-contracted crisis service provider that is employed by a facility licensed under title 33) are defined as healthcare providers under the telehealth bill. After April 1, 2022, the definition of a healthcare provider eligible to perform telehealth services will change to an individual acting within the scope of a valid license issued pursuant to title 63 (as well as licensed alcohol and drug abuse counselors under title 68, or any state-contracted crisis service provider that is employed by a facility licensed under title 33). Telehealth is not authorized for use at pain management clinics or for the treatment of chronic nonmalignant pain. It is also not available for veterinarians.

A patient-provider relationship in regard to telehealth is created by mutual consent and communication. No new standards of care are created, and the provider will be held to the same standard of care as if the case was in person. Finally, the board shall not establish a more restrictive standard of practice for telehealth than what is specifically authorized by the provider's practice act or other applicable statutes. This act took effect August 20, 2020.

Alcohol and Drug Abuse Counselors can only provide telehealth services under the Executive Order.

## **Discussion**

### **NOTICE: BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS STATEMENT REGARDING TENNESSEE CERTIFICATION BOARD (TCB) INTERNATIONAL CERTIFICATION & RECIPROCIITY ( IC&RC) ALCOHOL & DRUG COUNSELOR (ADC) AND ADVANCED ALCOHOL AND DRUG COUNSELOR (AADC) GRANDFATHERING PERIOD.**

The Board of Alcohol and Drug Abuse Counselors realizes that Tennessee licensed alcohol and drug abuse counselors may wish to seek International Certification and Reciprocity (IC&RC) certification which includes the alcohol and drug counselor (ADC) and advanced alcohol and drug counselor (AADC) credentials. The Tennessee Certification Board (TCB) and IC&RC will hold a limited grandfathering period of six (6) months for any licensed alcohol and drug abuse counselor in Tennessee who is active and in good standing to seek IC&RC certification. For this six (6) month grandfathering period, currently licensed alcohol and drug abuse counselors will not have to complete the IC&RC examination, but will have to pay a small application fee.

In order to apply for the ADC/AADC, currently licensed alcohol and drug abuse counselors may visit the Tennessee Certification Board's website at: <http://www.tncertification.org/>

After the six (6) month grandfathering period ends, licensed alcohol. and drug abuse counselors will be required to complete the normal IC&RC certification, including completion of the IC&RC exams.

After a brief discussion Mr. Thomas Corman made a motion to accept the policy as written and Mr. Major McNeil seconded the motion. A roll call vote was held, and Mrs. Ella Britt voted NO; Dr. Jane Abraham recused herself and Mr. David Brown, Mr. Major McNeil and Mr. Thomas Corman voted YES. The motion carried.

**This Policy Statement was adopted by the Board of Alcohol and Drug Abuse Counselors, on the 9<sup>th</sup> day of October 2020.**

**Revised Supervision Hours:** Ms. Nan Casey asked the question regarding supervision hours changing from 100 hours to 50 hours for bachelor's degree and 25 hours for master's degree. Ms. Caroline Tippens state these changes were included in the rule making hearing packet

**Application Review:** Ms. Ella Britt asked about Amanda Lynch's application because she could not review her application file because she had supervised her at some point. Ms. Shelton stated that Ms. Lynch's application file was sent to another consultant for review. Ms. Shelton also stated that once a file has been reviewed the file is not brought before the Board for review. If the files are approved by the consultant to sit for the written exam, the applicants name will only appear for ratification.

With no other business to conduct, the meeting was adjourned at 12:46 a.m. The next meeting is April 2, 2021 at 9:00 a.m. at 665 Mainstream, Ground Flo or, Nashville, Tennessee

*These minutes were ratified at the March 19, 2021 Alcohol and Drug Abuse Counselor Board meeting.*