

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: July 13, 2018
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Hilde Phipps, Chair
Major McNeil, Citizen Member,
Ella Bentley, LADAC
David Brown, LADAC
Thomas Corman, LADAC

STAFF

PRESENT: Latonya Shelton, ASA 3
Teddy Wilkins, Unit Director
Caroline Tippens, Assistant General Counsel

Ms. Hilde Phipps, Chair called the meeting to order at 9:03 a.m. A roll call vote was conducted and all Board members were present.

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

Minutes

Upon review of the April 20, 2018 minutes Ms. Bentley made a motion, seconded by Mr. Brown to approve the minutes as written. The motion carried.

Office of General Counsel (OGC)

Ms. Tippens informed the Board there no cases pertaining to licensed alcohol and drug abuse counselors currently in the Office of General Counsel.

Ms. Tippens stated on June 13, 2018 the Department filed a Notice of Rulemaking Hearing for October 5, 2018.

Ms. Tippens informed the Board that the following rule changes will be discussed at the October 5, 2018 Rulemaking Hearing:

Public Chapter 396, the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act,” requires the Board to promulgate rules regarding suicide prevention training. Public Chapter 396 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 five (5) years. Applicants licensed after January 1, 2020 are also allowed to substitute one two (2) hour course on suicide prevention taken in the academic setting, provided it is Board approved.

Public Chapter 215 requires the Board adopt by rule Codes of Ethics or other quality standards into the rule. The Board’s adopted Code of Ethics is the National Association for Addiction Professionals (NAADAC) and the National Certification Commission for Addiction Professionals (NCC AP). The latest NAADAC and NCC AP Code of Ethics approved by NAADAC and NCC AP were on October 9, 2016.

Public Chapter 350 allows healthcare providers to satisfy one hour of continuing education through the performance of one hour of voluntary healthcare services. The maximum amount of annual hours of continuing education that a provider can receive through providing volunteer healthcare services is the lesser of eight (8) hours or twenty percent (20%) of the provider’s annual continuing education requirement. Since the Board currently requires fifteen (15) hours of continuing education, twenty percent (20%) of this requirement would be a maximum of three (3) credit hours of continuing education.

Current continuing education (CE) requirements for the board are evaluated on an annual basis, despite current licensure renewals being evaluated on a two year basis. To better align the CE requirements of the board to the current licensure schedule, to be less burdensome towards licensees, and to more closely mirror the practices of other boards, the Board of Alcohol and Drug Abuse Counselors seeks to change the 15 hours per year CE requirement to a 30 hours per two year requirement.

Ms. Tippens also discussed the conflict of interest policy with the board members:

PURPOSE: To assure that the individual interests of board members do not conflict with or have the appearance of conflicts with their responsibilities to the Board to which they are appointed.

CONFLICT OF INTEREST: A circumstance in which a board member's individual interest impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions or to provide full unbiased service to the Board. Each board member shall disclose to the Board on a case-by-case basis, any personal relationship, interest or dealings that impairs or impedes, or gives the appearance of impairing or impeding, his or her ability to make full, unbiased decisions on a matter. Any board member who has a conflict of interest as defined above must recuse himself/herself from any matter and is prohibited from participating in any discussion or vote on the matter, and shall leave the hearing room during the discussion or vote. It is improper for any board member having a conflict of interest to attempt to influence another board member at any time, including prior to the discussion on the matter for which the conflict exists.

Legislation

Ms. Tippens also informed the Board that the 110th General Assembly adjourned on April 25th, 2018. The 111th General Assembly will convene on January 8th, 2019. The Department's legislative liaisons are here today to present a legislative update to the Board.

Mr. Patrick Powell, Legislative Liaison discussed the following Public Chapters with the Board:

Public Chapter 611

This law requires an agency holding a public hearing as part of its rulemaking process, to make copies of the rule available in "redline form" to people attending the hearing. This takes effect July 1, 2018.

Public Chapter 675

This act requires the department of health to accept allegations of opioid abuse or diversion and for the department to publicize a means of reporting allegations. Any entity that prescribes, dispenses, OR handles opioids is required to provide information to employees about reporting suspected opioid abuse/diversion. That notice is to either be provided individually to the employee in writing and documented by the employer OR by posting a sign in a conspicuous, non-public area of minimum height and width stating: "NOTICE: PLEASE REPORT ANY SUSPECTED ABUSE OR DIVERSION OF OPIOIDS, OR ANY OTHER IMPROPER BEHAVIOR WITH RESPECT TO OPIOIDS, TO THE DEPARTMENT OF HEALTH'S COMPLAINT INTAKE LINE: 800-852-2187." Whistleblower protections are also established. An individual who makes a report in good faith may not be terminated or suffer adverse licensure action solely based on the report. The individual also is immune from any civil liability related to a good faith report. This act takes effect January 1, 2019.

Public Chapter 744

This statute allows a licensing entity the discretion to not suspend/deny/revoke a license in cases where the licensee has defaulted or become delinquent on student loans IF a medical hardship significantly contributed to the default or delinquency. This act took effect January 1, 2019.

Public Chapter 745 and Public Chapter 793

These public chapters work together to create and implement the "Fresh Start Act." Licensing authorities are prohibited from denying an application or renewal for a license/certificate/registration due to a prior criminal conviction that does not directly relate to the applicable occupation. Lays out the requirements on the licensing authorities as well as the exceptions to the law (ex: rebuttable presumption regarding A and B level felonies). These acts take effect July 1, 2018.

Public Chapter 754

This chapter prevents any board, commission, committee, etc. created by statute from promulgating rules, issuing statements, or issuing intra-agency memoranda that infringe on an entity member's freedom of speech. Freedom of speech includes, but is not limited to, a member's freedom to express an opinion concerning any matter relating to that governmental entity, excluding matters deemed to be confidential under TCA 10-7-504. Violations as determined by a joint evaluation committee may result in recommendations to the general assembly concerning the entity's sunset status, rulemaking authority and funding. This act took effect April 18, 2018.

Public Chapter 855

Prohibits alcohol and drug treatment facilities (ADTF), healthcare providers and healthcare facilities from certain practices in regard to solicitation and marketing of alcohol and drug treatment services. This act takes effect July 1, 2018.

Public Chapter 929

This act redefines policy and rule and requires each agency to submit a list of all policies, with certain exceptions, that have been adopted or changed in the previous year to the chairs of the government operations committees on July 1 of each year. The submission shall include a summary of the policy and the justification for adopting a policy instead of a rule. This act also prohibits any policy or rule by any agency that infringes upon an agency member's freedom of speech. Finally, this act establishes that an agency's appointing authority shall have the sole power to remove a member from a board, committee, etc. This act takes effect July 1, 2018 and applies to policies adopted on or after that date.

Public Chapter 954

This legislation requires the initial licensure fee for low-income persons to be waived. Low income individuals per the statute are defined as persons who are enrolled in a state or federal public assistance program including but not limited to TANF, Medicaid, and SNAP. All licensing authorities are required to promulgate rules to effectuate the purposes of this act. This act takes effect January 1, 2019.

Public Chapter 1021

This act allows for appeals of contested case hearings to be in the chancery court nearest the residence of the person contesting the agency action or at that person's discretion, in the chancery court nearest the place the action arose, or in the chancery court of Davidson County. Petitions seeking review must be filed within 60 days after entry of the agency's final order. This act takes effect July 1, 2018.

Office of Investigations

Ms. Leonard stated her office is currently two (2) files pending interviews/review, monitoring one (1) practitioner; there are four (4) open complaints and five (5) closed.

Administrative Report

Ms. Shelton stated there are 441 licensees; three (3) level one applications; six (6) level two applications; two (2) reinstatement applications and one (1) reciprocity application.

Ms. Shelton stated ten (10) licenses have been issued; three (3) retired; five (5) expired; and, thirty-nine (39) renewals. Ms. Shelton informed the Board that when online renewals went live on March 22, 2018 there was a coding error. The vendor is aware and they are actively working to resolve the issue to accurately reflect the online renewal numbers. At this time there is no mechanism in place.

Ms. Shelton stated the next meeting is October 5, 2018.

Ratify newly licensed/reinstated applications

Mr. Brown made a motion, seconded by Ms. Bentley, to approve the following newly licensed applicants. The motion carried.

Level 1

Hugh Baker-Smith
Melody Darling
Daniel Gerbis
Lisa Komisar
Robert McKinnon
Tiffany Miles
Tracy Trotter

Level 2

Ashley Goodrich
Diana Myers
Chris Terry Nelson

Applicants Interviews

Mark Mason- Mr. Mason was present. Mr. Mason was issued a certification as a certified substance abuse counselor on January 2, 1991. Mr. Mason's certification remained active until October 23, 1995, when he requested to retire his certification. Mr. Mason is requesting to reinstate as a Licensed Alcohol and Drug Abuse Counselor. After a brief discussion, Mr. Carmen made the motion to approve Mr. Mason's request contingent on Mr. Mason submitting all documentation and fees required for reinstatement, complete fifteen (15) hours of continuing education and successfully pass the NAADAC written exam. Mr. Brown seconded the motion. A roll call vote was held all Board members were in favor except Mr. McNeil, who voted no. The vote passed.

Jeffrey Shaw- Mr. Shaw was present. Mr. Shaw license has been expired since June 2010. Mr. Shaw has appeared before the Board today seeking guidance regarding reinstating his LADAC license. After a brief discussion the Board informed Mr. Shaw to complete one hundred and thirty-five (135) continuing education hours which is required to complete the reinstatement application process.

Samuel Bond- Mr. Bond was not present. Mr. Bond submitted an application to become a licensed alcohol and drug abuse counselor. Mr. Bond has submitted documentation showing 220.75 of the 270 clock hours of alcohol and drug education pertaining to the eight domains. Mr. Bond has a Master of Social Work degree from Union University and currently holds an unencumbered license issued by the Tennessee Social Work Board. Mr. Bond requested that the Board review his college courses and hours to insure they meet the requirements for the remaining balance of 49.25 hours needed to complete the required 270 clock hours for licensure as an Alcohol and Drug Abuse Counselor in Tennessee. After a lengthy discussion, Mr. McNeil made a motion to table Mr. Bond's application because it was considered incomplete and requested that Mr. Bond submit his undergraduate transcript with degree conferred. Mr. Brown seconded the motion. The motion passed.

Jimmy Cook- Mr. Cook was present. Mr. Cook's application was reviewed at the April 20, 2018 Board meeting. Ms. Bentley reviewed Mr. Cook's application and requested that he appear before the Board at the next scheduled meeting on July 13, 2018 to answer questions regarding an explanation of the termination letter provided by Mr. Cook. The termination letter from Samaritan Recovery Community indicated that he had an inappropriate sexual relationship with a client. Mr. Cook admitted that he had developed feelings and entered into a sexual a relationship with a female client, in violation of his professional boundaries. At the time the incident occurred, Mr. Cook failed to report the inappropriate relationship to his Qualified Clinical Supervisor ("QCS"). Approximately two years later, Mr. Cook's relationship with his client was reported by a former client. At that time, Mr. Cook reported the inappropriate relationship to his QCS. However, Mr. Cook acknowledged to the Board that he had delayed two years in reporting his inappropriate relationship with a female client. As a result of this issue, Mr. Cook indicated that he had undergone counseling and had followed his QCS' recommendations. After a lengthy discussion, the Board suggested that Mr. Cook apply for a level I LADAC, which requires supervision because the Board had concerns of Mr. Cook's boundary issues. Mr. Cook rejected the suggestion. Mr. Corman made a motion to deny Mr. Cook's application for licensure as a Level II Alcohol and Drug Abuse Counselor for violating professional boundaries and ethical character based on his testimony. Ms. Bentley seconded the motion for denial. A roll call vote was held all Board members were in favor except Mr. Brown, who voted no. The vote passed.

Mr. Brown commended Mr. Cook for coming before the Board to discuss this incident.

Discussion

The Board made a motion to hold a meeting on September 10, 2018 inviting current board members, educators, members at large, the public, task force members to discuss behavioral health and other rule issues.

Correspondence

Natalie Broadway- Ms. Broadway was present telephonically. Ms. Broadway's application was approved at the July 14, 2017 Board meeting for her to take the Level I written exam. Ms. Broadway has written a letter to the Board requesting an extension to retake the written exam due to personal and financial hardships. After some discussion, The Board agreed to give Ms. Broadway a sixty (60) day extension to retake the NAADAC written exam. If Ms. Broadway does not successfully pass the exam within this granted extension, she will have to consider her application closed pursuant to Board rule 1200-30-1-.08(5) "[if] an applicant neglects, fails or refuses to take either the written examination or fails to pass the examination within twelve (12) months after being approved, the application will be deemed abandoned." Such applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.

Application Review

Upon review of the application of Ms. **Amber Barnett**, Mr. McNeil made a motion, seconded by Ms. Bentley to approve Ms. Amber Barnett to sit for the Level 2 written exam. The motion carried.

Upon review of the application of Ms. **Shauntay Caver**, Mr. Mc Neil made a motion, seconded by Mr. Corman, to approve Ms. Caver to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Mr. Kristopher DeBord**, Mr. McNeil made a motion, seconded by Ms. Bentley, to approve Mr. DeBord to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Pamela Gray**, Mr. McNeil made a motion, seconded by Ms. Bentley, to approve Ms. Gray to sit for the Level 2 written exam. The motion carried

Upon review of the application of **Ms. Sharon Medley** Ms. Phipps made a motion, seconded by Mr. Brown, to approve Ms. Medley to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Christine Pearson** Mr. Corman made a motion, seconded by Ms. Bentley, to approve Ms. Pearson to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Mr. Clinton Primm** Ms. Bentley made a motion, seconded by Mr. McNeil, to deny Mr. Primm to sit for the Level 1 written exam. After discussion with Ms.

Kathy Benson, who was Mr. Primm's qualified clinical supervisor for a little over two (2) years, Ms. Benson marked that "I do not" recommend the applicant for licensure as an alcohol and drug

abuse counselor. Ms. Benson stated that Mr. Primm had a recent relapse that was detected in August 2017 and the recommendation was for him to leave the profession to regain one (1) year of uninterrupted sobriety. Mr. Primm did not follow the recommendation. The motion carried.

Upon review of the application of **Ms. Doris Reed** Ms. Phipps made a motion, seconded by Mr. Brown, to approve Ms. Reed to become licensed by reciprocity. The motion carried.

Upon review of the application of **Mr. Rodney Robertson** Mr. Corman made a motion, seconded by Mr. McNeil, to approve Mr. Robertson to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Mr. Wallace Smith** Mr. Smith made a motion, seconded by Mr. McNeil, to approve Mr. Smith to sit for the Level 1 written exam. The motion carried.

Upon review of the application of **Mr. Ross Sparboe** Ms. Bentley made a motion, seconded by Mr. Brown, to approve Mr. Sparboe to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Michelle Ullom** Mr. Brown made a motion, seconded by Mr. McNeil, to approve Ms. Ullom to sit for the Level 2 written exam. The motion carried.

With no other business to conduct, the meeting was adjourned at 1:38 p.m.

These minutes were ratified at the October 5, 2018 Alcohol and Drug Abuse Counselor Board meeting.