

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: April 5, 2019
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: David Brown, LADAC, Chair
Ella Bentley, LADAC, Secretary
Dr. Jane Abraham, LADAC, NCAC II
Thomas Corman, LADAC

ABSENT MEMBERS: Major McNeil, Citizen Member

STAFF

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

Ms. Teddy Wilkins, Unit Director called the meeting to order at 9:00 a.m. Ms. Wilkins determined that a sufficient number of members were in attendance to constitute a quorum. Ms. Wilkins asked staff to introduce themselves: Teddy Wilkins, Unit Director; Latonya Shelton, ASA3, Caroline Tippens, Assistant General Counsel.

Minutes

Upon review of the January 18, 2019 minutes Dr. Abraham made a motion, seconded by Ms. Bentley to approve the minutes as written. The motion carried.

Office of General Counsel (OGC)

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.

Litigation

Ms. Tippens informed the Board there is one (1) case currently in the Office of General Counsel pertaining to licensed alcohol and drug abuse counselors.

Legislation

Ms. Tippens stated that House Bill 36/SB 204 amends Tennessee Code Annotated, Section 63-1-125(e), the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act.” The bill changes the requirements that licensed alcohol and drug abuse counselors obtain suicide prevention training at least once every four (4) years. LADACS previously were required to obtain suicide prevention training at least once every five (5) years. The bill was passed in the House on March 18, 2019 and signed by the House Speaker on March 21, 2019. The bill will next be heard in the Senate. Once the bill passes, the regulations which are currently in process will need to be changed to reflect that training is required every four (4) years.

Rules

Ms. Tippens informed the Board that the rules pertaining to Public Chapter 396, the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act;” Public Chapter 215 adopting National Association for Addiction Professionals (NAADAC) and the National Certification Commission for Addiction Professionals (NCC AP) Code of Ethics; and Public Chapter 350 allowing healthcare providers to satisfy continuing education hours through performance of voluntary healthcare services have been reviewed by the Attorney General’s Office. Minor changes were made and resubmitted back to the AG for approval. Once the AG approves, the rules will be posted to the Secretary of State’s website and will be final in ninety (90) days, pending the review and approval of the Government Operations Committee.

Ms. Tippens informed the Board that Governor Lee has issued Executive Order #5, which halts all new regulations across the State of Tennessee for the next ninety (90) days. No executive branch department may file a new rule or regulation with the Secretary of State. Regulations approved by the previous administration that have not yet taken effect will be excluded from the Executive Order. Executive Order #5 will remain in effect through May 2, 2019.

Mr. Corman made a motion to amend the rules regarding Suicide Prevent continuing education, Ms. Bentley seconded this motion.

Consent Order

Angel Monday LADAC I License #1294- The State had evidence that Ms. Monday engaged in an inappropriate sexual relationship with a client, while employed at Buffalo Valley, Inc. and in violation of Buffalo Valley's no fraternization policy. The mentioned relationship occurred while Ms. Monday was still under supervision and was working toward licensure as an alcohol and drug abuse counselor. Ms. Monday failed to report the inappropriate relationship to her supervisor. Ms. Monday was also previously disciplined in October 2013 for a prior incident in which she took a client home to east TN. Ms. Monday's disciplinary action indicated that she was placed on probation for ninety (90) days and her employment would be terminated if any further incidents occurred. Ms. Monday failed to report to the Board the disciplinary action from Buffalo Valley in October 2013 and the inappropriate relationship with J.H on her application for licensure as an alcohol and drug abuse counselor. In April 2018, after the mentioned inappropriate relationship with a client was discovered, Ms. Monday resigned from Buffalo Valley in lieu of termination.

The State contended that Ms. Monday's conduct constitutes grounds for the discipline of your license under TENN. COMP. R. & REGS. Rule 1200-30-01-.15(6):

- (a) Making false statements or representations or being guilty of fraud or deceit in obtaining licensure, or being guilty of fraud or deceit in the practice of alcohol or other drugs of abuse counseling.
- (f) Engaging in malpractice, negligence, incompetence or conduct not authorized in the course and scope of practice; and
- U) Any other breach of the N.A.A.D.A.C .Code of Ethics or these rules.

The State contended that Ms. Monday's conduct constituted grounds for the discipline of her license under TENN. COMP. R. & REGS. 1200-30-01-.13 - Professional Ethics.

- I. A licensed Alcohol and Drug Abuse Counselor and anyone under his supervision shall conduct his professional practice in conformity with the NAADAC Code of Ethics and these rules.
- 2. Each applicant or license holder is responsible for being familiar with and following these standards.

The State contended that Ms. Monday's conduct constitutes grounds for the discipline of her license under N.A.A.D.A.C. Code of Ethics Principle I-23 - Sexual Relationships.

Addiction professionals shall not engage in any form of sexual or romantic relationship with any current or former client, nor accept as a client anyone with whom they have engaged in a romantic, sexual, social, or familial relationship. This prohibition includes in- person and electronic interactions

and/or relationships. Addiction professionals are prohibited from engaging in counseling relationships with friends or family with whom they have they have the inability to remain objective.

For the purpose of avoiding further administrative action with respect to this cause, Ms. Monday agreed to **VOLUNTARILY SURRENDER** her license to practice alcohol and drug abuse counseling in the State of Tennessee beginning the effective date of this Order. Ms. Monday understands that a voluntary surrender has the same effect as a revocation.

Ms. Monday may not reapply for reinstatement of her licensure to practice as an alcohol and drug abuse counselor **for at least one (1) calendar year** from the date of ratification of this Order. Also as a prerequisite to licensure reinstatement, she shall have completed at least forty (40) hours of continuing education on the topics of ethics and professional boundaries. These forty (40) hours of continuing education must be through a reputable provider. Respondent shall attach proof of completion of the continuing education to her application for reinstatement.

Ms. Monday also understands that a **VOLUNTARY SURRENDER** is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Ms. Bentley made a motion to accept the consent order as written and Mr. Corman seconded the motion. This motion carried unanimously.

Office of Investigations

Ms. Leonard stated her office had a total of two (2) new complaints opened, four (4) closed and two (2) under review/investigation for April 2019. Ms. Leonard informed the Board that she is currently monitoring one (1) practitioner and research discovered that this licensee is deceased and will be removed. This will change to no practitioners being monitored.

Financial Report

Ms. Noranda French reviewed the Financial Report stating for the fiscal mid-year 2019 actual revenue and expenditures beginning July 2018. The Board incurred total direct expenditures of \$42,058.20 and allocated expenditures of \$8,674.83 for total expenditures of \$50, 733.03 through mid-year 2019.

Ms. French said through fiscal mid-year 2019 the Board Fee Revenue totaled \$40,700.00, current year net deficit -\$10,033.03.

Ms. French stated the projected fiscal year 2019 Board Fee Revenue totaled \$ 81,400.00. The Boards total direct expenditures of \$76,434.00 and allocated expenditures of \$17,294.26 for total expenditures of \$93,728.46 and current year net deficit -\$12,328.46 for fiscal year 2019. The Board also has a reserved account totaling \$105,120.00 which any deficits will be deducted from this reserve account.

Ms. French stated to the Board by closing with a deficit for a second year in a row, the board will have to appear before Government Operations. Ms. French also informed the Board that she will personally appear to give a detail financial breakdown to Government Operations.

Administrative Report

Ms. Shelton stated there are 460 licensees; three (3) level one applications; ten (10) level two applications; two (2) reinstatement applications and three (3) reciprocity applications.

Ms. Shelton stated twelve (12) licenses have been issued; five (5) expired; forty (40) renewals.

Ms. Shelton stated the next meeting is: July 13, 2019 and October 18, 2019.

Ratify newly licensed/reinstated applications

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

Level 1

Camille S. Horton
Kimberly C. Moore
Cole Szabo
Jeffrey R. Elliott
Britney N. Taylor

Level 2

Staci A. Brezinka
Judy Clark
Erica Cotton
Matthew D. Shuter

Maitricia L. Ferrell
Sharon N. Medley
Christine Pearson

Reinstatements

Dr. Abraham made a motion, seconded by Mr. Corman, to approve the following reinstated applicants. The motion carried.

Mason Mark

Discussion

Tennessee Certification Board (TCB) presentation/discussion regarding IC & RC reciprocity with Mr. Chad Johnson, Executive Director for TCB and Ms. Rachel Witmer, Assistant Director for IC & RC:

The Tennessee Certification Board has identified several opportunities to partner with the State's A&D Licensure Board, which would be mutually beneficial for both organizations, in reaching our shared and individual goals. TCB would like the A&D Licensure Board to "grandfather" individuals currently certified with IC&RC's ADC credential into licensure, acknowledging these professionals already meet or exceed current licensure requirements. This would ease barriers to entry for many professionals moving into Tennessee seeking reciprocity and requiring a state license to practice.

TCB would like to see current Tennessee license holders “grandfathered” into the equivalent IC&RC ADC credential, given they meet certification requirements. This would give state license holders an added internationally-recognized and reciprocal credential.

TCB would like to see IC&RC’s ADC credential recognized as a formal pathway to licensure, which IC&RC requirements currently meet or exceed current licensure requirements

TCB would like the licensure board to accept the IC&RC examination completed during certification. This would allow professionals, who are also seeking an internationally-recognized and reciprocal credential, a smooth step to licensure.

Professionals can hold dual IC&RC certification and state licensure and this benefits the professional: While licensure is required in Tennessee, the IC&RC credential is portable, reciprocal and recognized around the world. This benefits the A&D licensure board: Increased IC&RC certified professionals in Tennessee increases licensure numbers state-wide.

TCB is able and willing to partner at any level, with support from IC&RC, including an increased administrative role, to streamline steps, reduce paperwork, and make the overall process even more efficient. It is our belief that finding ways for certification and licensure to partner will benefit the professionals we serve and the profession as a whole across Tennessee.

After a lengthy discussion, Dr. Abraham stated that she is a member of both NA ADAC and IC&RC and she will rescue herself from any decision the Board will make. The Board didn’t make a decision at this time and decided to table this discussion.

The Board made agreed to table the discussion regarding educational requirements for licensure until the July 12, 2019 meeting.

Review/Discuss/Consider approval of Continuing Education Program:

Lori T. Douglas, Alternative Choice Counseling Center, LLC continuing education for eight (8) domains, criminal and addictive thinking and ethics: Ms. Douglas was requesting approval from the Board to become a State approved continuing education provider. Ms. Douglas has taught as an adjunct faculty member at Dyersburg State Community College for several years. Ms. Douglas has also volunteered to provide annual training as requested in substance abuse and mental health wellness for Humboldt Police Department, Gibson County Sheriff Department, and Crockett County Sheriff Department.

After a brief discussion Dr. Abraham made a motion to accept Ms. Lori T. Douglas a continuing education provider and Ms. Bentley seconded the motion. This motion carried.

Application Review

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

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

Upon review of the application of **Ms. Jennifer Garrett**, Dr. Abraham made a motion, seconded by Ms. Bentley, to approve Ms. Garrett to become licensed by reciprocity. The motion carried.

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

Upon review of the application of **Mr. Mark Lackmann** Ms. Bentley made a motion, seconded by Mr. Corman, to approve Mr. Lackmann to sit for the Level 1 written exam. The motion carried.

Upon review of the application of **Mr. Lewis McCarter Dr.** Abraham made a motion, seconded by Ms. Bentley, to approve Ms. Garrett to become licensed by reciprocity. The motion carried.

Upon review of the application of **Ms. Cynthia Slover** Dr. Abraham made a motion, seconded by Mr. McNeil, to approve Ms. Slover to sit for the Level 2 written exam. The motion carried.

Upon review of the application of **Ms. Sha' Vonya Stephens** Mr. Corman made a motion, seconded by Ms. Bentley, to have Ms. Stephens appear for the Board for an interview regarding an issue with her criminal background check. The motion carried.

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

Adjourn

With no other business to conduct, the meeting was adjourned at 12:32 p.m. The next meeting is July 12, 2019 at 9:00 a.m. at 665 Mainstream, Ground Floor, Nashville, Tennessee

These minutes were ratified at the October 18, 2019 Alcohol and Drug Abuse Counselor Board meeting.