

TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: April 20, 2018
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

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

BOARD MEMBERS

ABSENT: Hilde Phipps

STAFF

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

Mr. Major McNeil, Citizen Member acting as Chair in the absence of 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 and Ashley Fine, Rules Coordinator.

Rulemaking Hearing

Today the Board held a rulemaking hearing regarding the deletion of the word “behavioral health” and continuing education changes proposed by Board staff. After, a lengthy discussion and several comments and correspondence received from recognized peers in the audience expressing their concerns regarding the changes. Mr. Brown made a motion to reject the rules changes for this rulemaking hearing in its entirety. Mr. Corman seconded the motion. The Board conducted a roll call vote and the results were as follows:

Mr. Major McNeil- Accept
Mr. David Brown- Reject
Ms. Ella Bentley- Reject
Mr. Thomas Corman- Reject

Ms. Tippens stated the next rulemaking hearing will be scheduled for the October 5, 2018 Board meeting.

Minutes

Upon review of the January 26, 2018 minutes Mr. Brown made a motion, seconded by Ms. Bentley to approve the minutes as written. The motion carried.

Office of General Counsel (OGC)

Ms. Tippens informed the Board there one cases pertaining to licensed alcohol and drug abuse counselors currently in the Office of General Counsel.

Ms. Tippens stated the rulemaking hearing regarding the deletion of the word “behavioral health” and continuing education changes proposed by Board staff. After today’s rulemaking hearing, all written and public comments will be compiled and the rules will then be transferred to the Attorney General’s office for review of constitutionality and legality.

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.

Consent Order

Nan Casey, LADAC (License No.123)-was neither present nor represented by legal counsel. Ms. Caroline Tippens represented the State. Ms. Casey pled guilty In the United States District Court for the Middle District of Tennessee, Nashville Division, to a violation of 18 U.S.C. § 666(a)(1)(A) & 371, conspiracy to aid and abet and to convert over five thousand dollars (\$5,000.00) in funds from an organization receiving over ten thousand dollars (\$10,000.00) in federal benefits. The maximum penalties for such an offense carries not more than five (5) years imprisonment, a fine of up to two hundred fifty thousand dollars (\$250,000.00) or both, a term of supervised release of up to three (3) years, and a one hundred dollar (\$100.00) special assessment. Ms. Casey pled guilty to a violation of 18 U.S.C. §1519, destruction of records with

the intent to obstruct a federal investigation. The maximum penalties for such an offense carries not more than twenty (20) years imprisonment, a fine of up to two hundred fifty thousand dollars (\$250,000.00) or both, a term of supervised release of up to three (3) years, and a one hundred dollar (\$100.00) special assessment. Ms. Casey is scheduled to be sentenced in federal court for her pleas on or about September 7, 2018.

Ms. Casey violated TENN. CODE ANN. § 68-24-602, et seq., and TENN. COMP. R. & REGS., 1200-03-01-.01, et seq., for which disciplinary action by the Board is authorized.

Ms. Casey violated TENN. COMP. R. & REGS 1200-30-01-.13 -Professional Ethics -A licensed Alcohol and Drug Abuse Counselor and anyone under his or her supervision shall conduct his or her professional practice in conformity with the NAADAC Code of Ethics and these rules.

For the purpose of avoiding further administrative action with ' respect to this cause, Ms. Casey agrees to **VOLUNTARILY SURRENDER** her license to practice alcohol and drug counseling in the State of Tennessee and her privilege to practice in any other party state, beginning the effective date of this Order. Ms. Casey understands that a voluntary surrender has the same effect as a revocation. Ms. Casey shall not apply for reinstatement of her licensure until her federal sentence is fully expired or terminated. Ms. Casey must appear in person before the Board after her application for reinstatement has been submitted. Upon submitting her application for reinstatement, she shall provide the Board with proof of attendance and completion of twenty (20) continuing education hours. Ms. Casey must show proof that at least ten (10) of the twenty (20) hours completed must be on the topic of ethics. Ms. Casey's continuing education hours must have been begun and successfully completed within twelve (12) months immediately preceding the date of the requested reinstatement. Ms. Casey's application for reinstatement will not be processed until she has provided certifications proving completion of the twenty (20) hours of continuing education to the disciplinary coordinator. Should the license be reinstated, any continuing education hours obtained as a prerequisite for reinstatement of Ms. Casey's license may not be counted toward the current licensure renewal year continuing education requirements. Ms. Casey understands that Voluntary surrender is a formal disciplinary action and will be reported to the National Practitioner Data Bank (NPDB).

Mr. Brown made a motion to accept this consent order as written and Mr. Corman seconded. The motion carried unanimously.

Office of Investigations

Ms. Leonard stated her office is currently monitoring two (2) practitioners; there are two (2) open complaints and three (3) closed.

Administrative Report

Ms. Shelton stated there are 441 licensees; four (4) level one applications; six (6) level two applications; one (1) reinstatement applications and one (1) reciprocity application.

Ms. Shelton stated nine (9) licenses have been issued; two (2) retired; three (3) expired; and, twenty-eight (28) renewals. Ms. Shelton said twelve (12) licensees renewed on-line for a total of forty-three percent (43%).

Ms. Shelton stated the next meeting is July 13, 2018.

Ratify newly licensed/reinstated applications

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

Level 1

Allan I. Hutchinson
Christine A. Rowe

Level 2

Stephanie D. Blick
Dr. Dorothy Greene
Melissa D. Kilpatrick
Esau A. McMorris
Michael Moody

Reinstated

Mr. Brown made a motion, seconded by Mr. Corman, to approve the following reinstatement applicants. The motion carried.

Spencer Philippi

Financial Report

Ms. Noranda French reviewed the Financial Report stating for fiscal year 2018 actual revenue and expenditures thru December 31, 2017. The Board had direct expenditures of \$26,932.62 and allocated expenditures of \$6,990.87 for total expenditures of \$33,923.49 through December 31, 2017. The Board's projected fiscal year 2018 direct expenditures of \$53,578.87 and allocated expenditures of \$14,322.75 for total expenditures of \$67,901.62.

Ms. French said through December 31, 2017 the Board Fee Revenue totaled \$39,655.00, current year net \$5,731.51 and LARS improvements of \$1,385.98 for a total cumulative carryover of \$114,230.25.

Ms. French stated the projected fiscal year 2018 Board Fee Revenue totaled \$72,688.32, current year net \$4,786.70 and LARS improvements of \$2,286.87 for a total cumulative carryover of \$112,384.55.

Application Review

Upon review of the application of **Mr. Hugh Baker-Smith**, Mr. Brown made a motion, seconded by Mr. Corman to approve Mr. Baker-Smith to sit for the Level 1 written exam. The motion carried.

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

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

Upon review of the application of **Mr. Jimmy Cook**, Ms. Bentley made a motion, seconded by Mr. Corman, to request that Mr. Cook appear before the Board at the next scheduled meeting on July 13, 2018 to answer questions regarding an explanation of termination letter provided by Mr. Cook. The motion carried.

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

Upon review of the application of **Mr. Daniel Gerbis** Mr. McNeil made a motion, seconded by Ms. Bentley, to approve Mr. Gerbis to sit for the Level 1 written exam pending receipt of a certified copy of his birth certificate. The motion carried.

Upon review of the application of **Ms. Ashley Goodrich**, Mr. McNeil made a motion, seconded by Mr. Corman, to approve Ms. Goodrich to become licensed as a level 2 by reciprocity pending receipt of a current photo. The motion carried.

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

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

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

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

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

With no other business to conduct, the meeting was adjourned at 12:18 a.m.

These minutes were ratified at the July 13, 2018 Alcohol and Drug Abuse Counselor Board meeting.

