

Sunset Public Hearing Questions for
**Board for Professional Counselors, Marital and Family Therapists,
and Clinical Pastoral Therapists**

Created by Section 63-22-101, *Tennessee Code Annotated*
(Sunset termination June 2015)

1. Provide a brief introduction to the board, including information about its purpose, statutory duties, staff and administrative attachment.

The Board for Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Pastoral Therapists was created in 1984 by the State Legislature. Effective January 1, 1998 a clinical pastoral therapy component was added to this Board. The Board is responsible for safeguarding the health, safety, and welfare of Tennesseans, by requiring that all who practice professional counseling, marital and family therapy, and clinical pastoral therapy within this state be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is authorized to issue a license or certificate to qualified applicants who have completed appropriate education and successfully completed required examinations. The Board is also responsible for the investigation of alleged violations of the Practice Act and rules, and is responsible for the discipline of licensees who are found guilty of such violation.

Professional counselors, marital and family therapists, and clinical pastoral therapists may be licensed by either examination or endorsement from other states.

The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those who meet the requirements of the law and rules. Renewal notices are mailed from the Board's administrative office forty-five (45) days prior to the expiration of the license to the current address on record. Licenses can be renewed on-line one hundred twenty (120) days prior to expiration at Tennessee.gov/health. Licensees are responsible for renewing their licenses on time and keeping the Board apprised of current information. It is a violation of the law and of the board's rules to practice on an expired license.

The Board consists of five (5) members appointed by the Governor to serve five (5) year terms. The Tennessee Association for Counseling and Development, the Tennessee Association for Marriage and Family Therapy, and the Tennessee Association of Pastoral Therapists each may provide the Governor with a list of four (4) candidates from which to fill vacant positions. One (1) position is a consumer member. A quorum of three (3) members is required to conduct business. The meetings are open to the public

2. Provide a list of current members of the board. For each member please indicate who appointed the member, how the member's presence on the board complies with Section 63-22-101, Tennessee Code Annotated, and the member's county of principal residence. Please indicate each member's race and gender and which members, if any, are 60 years of age or older. Are there any vacancies on the board? If so, what is being done to fill those vacancies?

MEMBER	Representation	Gender/Ethnicity
Susan Hammonds White, Ed.D Davidson County	LPC	Female/Caucasian /Over 60
Janet E. Scott, Ph.D. Shelby County	LPC; CPT	Female/Black
Bradley Wayne Bull, PhD Sullivan County	MFT	Male/Caucasian
Stephan Caldwell Dickson County	Citizen Member	Male/Caucasian
VACANT	CPT	

3. What per diem or travel reimbursement do members receive? How much was paid to board members during fiscal years 2013 and to date in 2014?

Members receive a per diem of \$50.00 per day and reimbursement of travel expenses for mileage, hotel and meals (airfare, if needed.) Members are reimbursed for travel expenses in accordance with the provisions of the comprehensive travel regulations as promulgated by the department of finance and administration.

	2013	2014
Per Diem	\$600.00	\$600.00
Mileage	\$1248.32	\$1200.48
Hotel	\$940.63	\$1861.88
Parking/Baggage/Taxi/Registration		\$943.00
Meals	\$691.00	\$1062.50
Airfare	\$469.00	\$923.00
Total	\$3948.95	\$6590.86

4. How many times did the board meet during fiscal years 2013 and to date in 2014, and how many members were present at each meeting?

Meeting Date	Number Present	Meeting Date	Number Present
09/07/2012	5	09/13/2013	4
12/07/2012	5	12/19/2013	6
03/01/2013	4	03/07/2014	3
06/21/2013	4		

5. Is the board subject to Sunshine law requirements (Section 8-44-101 et seq., *Tennessee Code Annotated*) for public notice of meetings, prompt and full recording of minutes, and public access to minutes? If so, what procedures does the board have for informing the public of its meetings and making its minutes available to the public?

The board is subject to the Sunshine law requirements of T.C.A. 8-44-101 et seq. A public meeting notice is posted to the board’s website on the 15th of the month preceding the month the board meets as well as posting the information on the Public Participation Calendar. The HRB Internet administrator ensures that the Sunshine Notice is posted on the Internet and that the Commissioner’s Office is notified. Regarding minutes, the board’s administrative staff attends all meetings and takes minutes. Those minutes are then prepared for review and ratification by the board at its next regularly scheduled meeting. After the minutes are ratified, they are then placed on the board’s web site.

6. How does the board ensure that its members and staff are operating in an impartial manner and that there are no conflicts of interest? If the board operates under a formal conflict of interest policy, please attach a copy of that policy.

Each member of the board is required to sign a Conflict of Interest Policy upon their appointment to the board. The Conflict of Interest Policy is reviewed by the board’s attorney at each board meeting asking the board members to disclose any conflict of interest they may have prior to contested cases or any other legal proceedings or matters to determine if there is a conflict of interest.

7. What were the board’s revenues (by source) and expenditures (by object) for fiscal year 2013 and to date in 2014? Does the board carry a fund balance and, if so, what is the total of that fund balance? If expenditures exceeded revenues, and the board does not carry a fund balance, what was the source of the revenue for the excess expenditures?

For FY13 the Board’s revenues were \$242,233.25, and total expenditures of \$142,396.40. They had a projected carryover of \$529,086.81.

**Projected FY14, Boards revenue - \$240,262.50, total expenditures - \$118,902.27.
Projected carryover of \$650,447.04.**

8. Has the board promulgated rules as authorized in Section 63-22-102(1), *Tennessee Code Annotated*? If so, please cite the reference.

We do have rules promulgated at 0450.

Rule 0450-01 governs the Licensed Professional Counselors.

Rule 0450-02 governs Licensed Marital and Family Therapists.

Rule 0450-03 governs Clinical Pastoral Therapists.

Section 0450-01 was most recently updated in 2014, with more significant changes in 2013.

Section 0450-02 was most recently updated in 2009.

Section 0450-03 was most recently updated in 2009.

9. Please distinguish between professional counselors, marital and family therapists and clinical pastoral therapists. How are they similar and how do they differ?

Practice of Professional Counseling (without the designation as a mental health service provider) –Rendering or offering to render to individuals, groups, organizations, or the general public any service involving the application of principles, techniques, methods, or procedures of the counseling profession, including appraisal activities, as defined by the law, counseling, consulting and referral activities. Nothing in this section shall be construed to permit the treatment of any mental, emotional or adjustment disorder other than marital problems, parent-child problems, child, and adolescent antisocial behavior, adult antisocial behavior, other specified family circumstances, other interpersonal problems, phase of life problems, other life circumstance problems, occupational problems, and uncomplicated bereavement.

Practice of counseling as a mental health services provider - the application of mental health and human development principles in order to:

- (a) facilitate human development and adjustment throughout the life span;**
- (b) prevent, diagnose, and treat mental, emotional or behavioral disorders and associated disorders which interfere with mental health;**
- (c) conduct assessments and diagnoses for the purpose of establishing treatment goals and objectives within the limitations prescribed in T.C.A. § 63-22-150(1); and**
- (d) plan, implement, and evaluate treatment plans using counseling treatment interventions. Counseling treatment interventions shall mean the application of cognitive, affective, behavioral and systemic counseling strategies which include principles of development, wellness, and pathology that reflect a pluralistic society. Nothing in this definition shall be construed to permit the performance of any act which licensed professional counselors designated as**

mental health service providers are not educated and trained to perform, nor shall it be construed to permit the designation of testing reports as “psychological”.

Marital and family therapy means the diagnosis and treatment of cognitive, affective, and behavioral problems and dysfunctions within the context of marital and family systems. Marital and family therapy involves the professional application of psychotherapeutic family systems theories and techniques in the delivery of services to individuals, couples, and families (in the context of family systems theory and practice).

The practice of clinical pastoral therapy means the rendering of professional clinical pastoral therapy to individuals, couples, families or groups, either offered to the general public by an individual operating independently of any institution, organization or agency, though mental health clinics or agencies, whether public or private or through hospitals, whether public or private, for a fee, excluding volunteer hours.

10. How many of each of the three types of counselors and therapists are there in the state? Are they all under the authority of the board? If not, what types of practitioners are not and should they be included under the board’s authority?

Criteria	Number of Licensees
Cert. Professional Counselors	29
Cert. Marital and Family Therapists	8
Licensed Clinical Pastoral Therapists	28
Licensed Professional Counselors	1628
Licensed Marital and Family Therapists	438

11. How many new licenses or certifications in each of the categories and how many renewals has the board issued during fiscal years 2013 and to date in 2014? How does the board ensure that licensees or certificate holders meet all licensure or certification requirements? How many temporary licenses were issued pursuant to the authority granted by Section 63-22-121, *Tennessee Code Annotated*?

Certified Professional Counselors	Renewals	Initials
January 1 – December 31, 2013	17	0
January 1 - May 31, 2014	9	0

Certified Marital and Family Therapists	Renewals	Initials
January 1 – December 31, 2013	3	0
January 1 - May 31, 2014	2	0

Licensed Clinical Pastoral Therapists	Renewals	Initials
January 1 – December 31, 2013	11	1
January 1 - May 31, 2014	6	0

Licensed Professional Counselors	Renewals	Initials
January 1 – December 31, 2013	692	133
January 1 - May 31, 2014	283	56

Licensed Marital and Family Therapists	Renewals	Initials
January 1 – December 31, 2013	183	34
January 1 - May 31, 2014	70	14

In order to ensure that license holders meet all requirements for licensure, a thorough file review is conducted.

12. What reciprocity agreements has the board entered into with other states under the provisions of Section 63-22-103(b), *Tennessee Code Annotated*?

The board has not entered into any agreements at this point. We are trying to enter into one with Kentucky's Boards. After review by the board attorney to see that the other state's standards were substantially similar to those in Tennessee, the Board was presented with copies of Kentucky's rules and statutes and asked to vote on whether they believed the standards were as stringent as Tennessee's. The Board voted yes and then approved language to present to Kentucky as a suggested agreement. The Board is waiting on a response from Kentucky.

13. How many licenses or endorsements were issued under reciprocity agreements and how did the board assure itself that the other state's standards were as stringent as those required in Tennessee?

None.

14. How many license or certification applications did the board deny during fiscal years 2013 and to date in 2014? What were the reasons for denial?

None.

15. How many licenses or certifications did the board revoke or suspend during fiscal years 2013 and to date in 2014? What were the reasons for any revocations or suspensions?

None.

16. How many complaints or accusations did the board investigate during fiscal years 2013 and to date in 2014? What kinds of complaints and accusations were received? How many resulted in some form of remedial action being taken by the board?

There were fourteen (14) complaints in 2013.

To date in 2014, there have been four (4) complaints. All four (4) complaints were for unprofessional conduct.

17. Describe the process by which the board receives, handles and tracks complaints. Are there written procedures? Are complaints rated by level of seriousness or other priority-handling method? Is a complaint log kept? At what point is a complaint closed? What benchmarks have been established for timely movement of complaints through the department's complaint-handling process? How many complaints failed to meet the benchmarks during the last two fiscal years and what action has been taken to assure future complaints do comply with the benchmarks?

Complaints are triaged at intake to ensure that emergency issues are handled immediately, with investigations commencing on the same and/or following day. Routine complaints are processed according to an established review procedure utilizing practicing members of the profession as consultants and a staff attorney assigned by the Department of Health. Complaints are designated by priority code, which can change during the course of an investigation. Complaints are tracked utilizing a computerized database system.

Written procedures are in place to serve as a guideline for the effective investigation and preparation of the necessary evidence for purposes of prosecution.

A complaint can be closed at initial review and/or after an investigation.

Benchmarks have been established for the review and the investigative stages. A 30 day benchmark is established for the review process with a 90 day benchmark established for the investigation process. Across all boards, review benchmarks are met approximately 80% of the time, while investigation benchmarks are met approximately 60%. A "Continuous Quality Improvement" system is in place to analyze case movement and tracking. Benchmarks are being re-analyzed in light of statutory hurdles, increased volume of complaints received, and the increased volume of investigations to be conducted.

18. What steps has the board taken to increase consumer awareness of the board as a mechanism to respond to consumer complaints and regulate the industry?

The Department of Health maintains a website at <http://health.state.tn.us/boards/complaints.htm> which provides consumers with an in depth description of the complaint process including how to file a complaint and what they may expect from the Department of Health.

19. What avenue of recourse or appeal does an applicant or license or certificate holder have from disciplinary actions taken by the board under provisions of Section 63-22-110, *Tennessee Code Annotated*?

Within fifteen (15) days after the entry of an initial or final order, a party may file a petition to the Board for reconsideration of the Final Order. If no action is taken within twenty (20) days of filing of the petition with the Board, it is deemed denied. TENN. CODE ANN. § 4-5-317.

In addition, a party may petition the Board for a stay of the Final Order within seven (7) days after the effective date of the Final Order. TENN. CODE ANN. § 4-5-316.

Finally, a party may seek judicial review by filing a petition for review in the Chancery Court of Davidson County within sixty (60) days after the effective date of the Final Order. A petition for reconsideration does not act to extend the sixty (60) day period; however, if the petition is granted, then the sixty (60) day period is tolled and a new sixty (60) day period commences from the effective date of the Final Order disposing of the petition. TENN. CODE ANN. § 4-5-322.

20. Of enforcement actions undertaken by the board during fiscal years 2013 and to date in 2014, how did the board most often become aware of the situations resulting in the enforcement action?

The Board became aware of the action that gave rise to the discipline through a complaint filed with the Department of Health, Division of Health-Related Boards, Office of Investigations.

21. Has the board set goals and measured its performance compared to the goals? What performance indicators or goals does management use to measure the effectiveness and efficiency of the board? How well has the board performed based on those performance indicators?

Yes. The Board's administrative office has established benchmarks for the processing of applications and renewals. The application benchmark is 730 days from the date the application is received in the administrative office to issuance of licensure. The benchmark for renewals is fourteen days. For renewals in 2013, 4 were over the established benchmark. Three of the renewals over the benchmark can be attributed to incomplete renewal applications, all four contained no signature and had to be returned.

For applications in 2013, 5 were over the established benchmark. Four applications outside the benchmark can be attributed to incomplete applications/missing required documentation and 1 delayed due to the applicant submitting payment before submitting the application.

22. Describe any items related to the board that require legislative attention and your proposed legislative changes.

There are no items requiring legislative attention.

23. Should the board be continued? To what extent and in what ways would the absence of the board endanger the public health, safety or welfare?

Yes, the Board should be continued. Without the presence of the Board for Board of Licensed Professional Counselors, Licensed Marital and Family Therapists and Licensed Pastoral Therapists, members of the public whose mental health care is provided by Licensed Professional Counselors, Licensed Marital and Family Therapists or Licensed Pastoral Therapists would be uncertain that their healthcare provider is fully qualified to practice his/her profession and does so in a safe and ethical manner.

24. Please list all board programs or activities that receive federal financial assistance and, therefore are required to comply with Title VI of the Civil Rights Act of 1964. Include the amount of federal funding received by program/activity.

If the board does receive federal assistance, please answer questions 24 through 31. If the board does not receive federal assistance, proceed directly to question 30.

25. Does your board prepare a Title VI plan? If yes, please provide a copy of the most recent plan.

26. Does your board have a Title VI coordinator? If yes, please provide the Title VI coordinator's name and phone number and a brief description of his/her duties. If not, provide the name and phone number of the person responsible for dealing with Title VI issues.

27. To which state or federal agency (if any) does your board report concerning Title VI? Please describe the information your board submits to the state or federal government and/or provide a copy of the most recent report submitted.

28. Describe your board's actions to ensure that board staff and clients/program participants understand the requirements of Title VI.

29. Describe your board's actions to ensure it is meeting Title VI requirements. Specifically, describe any board monitoring or tracking activities related to Title VI, and how frequently these activities occur.
30. Please describe the board's procedures for handling Title VI complaints. Has your board received any Title VI-related complaints during the past two years? If yes, please describe each complaint, how each complaint was investigated, and how each complaint was resolved (or, if not yet resolved, the complaint's current status).
31. Please provide a breakdown of current board staff by title, ethnicity, and gender.

POSITION	RACE	GENDER
DIRECTOR	CAUCASIAN	FEMALE
ADMINISTRATOR	CAUCASIAN	MALE
LICENSURE TECH	HISPANIC	FEMALE

32. Please list all board contracts, detailing each contractor, the services provided, the amount of the contract, and the ethnicity of the contractor/business owner.
- 1. Professional Examination Services provides applications examination services for licensure as a marital and family therapist. No cost contract, not minority/disadvantaged.**
 - 2. National Board for Certified Counselors, Inc. (NBCC). Administration of the National Counsel Examination, National Clinical Mental Health Counseling Examination and Tennessee Jurisprudence Examination for Professional Counselors. No cost contract, not minority/disadvantaged.**