

Sunset Public Hearing Questions
Board of Alcohol and Drug Abuse Counselors
Created by Section 68-24-601, Tennessee Code Annotated
(Sunset Termination June 2019)

1. Provide a brief description of the board, including information about its purpose, statutory duties, and administrative attachment.

The Alcohol and Drug Abuse Counselors Licensure Advisory Committee, created in 1996 by the State Legislature, was restructured effective January 1, 1998, as the Board of Alcohol and Drug Abuse Counselors. Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice as alcohol and drug abuse counselors 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 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 violations.

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 board's administrative office approximately forty-five (45) days prior to the expiration of the license to the current address on record. Licensees are responsible for reviewing their license on time and keeping the board apprised of current information. If a licensee has "opted in" to receive renewal notification via email, an email will be sent out to the licensee reminding them to renew their license approximately forty-five (45) days prior to the expiration date. Licenses can be renewed on-line seventy (70) days prior to expiration.

All members of the board are appointed by the Governor to serve five (5) year terms. The board consists of five (5) members. Two (2) nationally certified master alcohol and drug abuse counselors and two (2) nationally certified alcohol and drug abuse counselors currently licensed by the Tennessee Department of Health, and one (1) consumer member who is not directly or indirectly engaged in the alcohol and drug abuse profession. The board meets three (3) times to four (4) times each year to review files for licensure by examination and reciprocity, and endorse training for continuing education hours required for licensure renewal. A quorum of three (3) members is required to conduct business. The meetings are open to the public and are streamed live so those who are unable to attend physically may watch through the internet.

2. Provide a list of current board members. For each member indicate how the member's presence complies with Section 68-24-101, *Tennessee Code Annotated*. In particular, please indicate each member's race and if any members are 60 years of age or older as referenced in TCA 68-24-101(b)(6).

MEMBER	Representation	Gender/Ethnicity
Hilde L. Phipps	A&D Counselor – Master	Female/Caucasian
David Brown	A&D Counselor – Master	Male/Caucasian/Over 60
Ella Anne Bentley	A&D Counselor – Master	Female/Caucasian
Thomas Corman	A&D Counselor – Certified	Male/Caucasian
Major L. McNeil	Consumer	Male/African American

3. Are there any vacancies on the board? If so, what steps have been taken to fill those vacancies?
- a. There are no vacancies on the board at this time. One member will expire on June 30, 2018.
4. How many times did the board meet in the last two years? How many members were present at each meeting?
- a. The board met 7 times in the past 2 years.

Meeting Date	Number Present	Meeting Date	Number Present
10/15/2015	5	1/27/2017	3
1/21/2016	5	4/7/2017	4
5/12/2016	4	7/14/2017	4
10/7/2016	4	10/20/2017	4

5. What per diem or travel reimbursement do members receive? How much was paid to board members during the last two years?
- a. Members receive \$0.47 per mile for travel to a meeting between residence and board office.
- b. If it is necessary for them to spend the night then they receive \$44.25 for meals and incidentals for the day they arrive and the day they leave, as well as reimbursing for hotel up to \$170.00 per night plus taxes in-state for board meetings.
- c. For out of State travel they receive the current CONUS rate per day for meals and incidentals, and the current CONUS rate per day for lodging, plus taxes and surcharges as well as reimbursements for taxis and shuttles.
- d. In the last two (2) years board members have received \$6,844.34 for board meeting attendance.

6. What were the board’s revenues and expenditures for the last two years? Does the board carry a balance and, if so, what is the total of that balance? If expenditures have exceeded revenues, and the board does not carry a balance, what was the source of the revenue for excess expenditures?

Fiscal Year	FY2017	FY2016
Revenue	\$74,207.00	\$72,230.00
Expenditures	\$64,231.55	\$70,150.83
Carryover	\$109,884.72	\$102,859.89

7. Has the board promulgated rules as authorized by Section 68-24-602(b)? If so, please cite the reference.

a. The board promulgated rules under Tenn. Comp. Rules & Regs. 1200-30-01.

8. Is the board subject Sunshine Law requirements (Section 8-44-101, *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? If available, please provide a link to board meeting minutes.

a. 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 Unit Director ensures that the Sunshine Notice is posted on the Internet and that the Commissioner’s Office is notified.

b. 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.

c. Additionally, each board meeting is streamed live so the public can view the meeting as it is actually being held. A video recording of the meeting is available on the department’s web site for one month following the meeting. An audio recording of the meeting is also available.

9. Does the board have any policies in place to address potential conflicts of interest by board members, board employees, or other state employees who work with the board in any capacity? Please provide a description of those policies.

a. All board members are educated on the Department of Health’s Conflict of Interest Policy and reminded during the course of each meeting of the obligation to strictly adhere to the policy. Board members are required to sign a conflict of interest statement upon appointment or as soon as practical and annually thereafter. It is the responsibility of the board administrator to ensure that the Conflict of Interest Statement is properly and timely signed.

- b. Board staff is required to sign a new Conflict of Interest statement annually. The board's administrative office keeps signed copies on file in the Central Office of Health Related Boards.

10. What were the board's major accomplishments in the last two years?

- a. In June 2015, the board implemented a tiered licensure system having Level 1 and Level 2 counselors. Level 2 counselors may practice independently while Level 1 must practice under supervision by a qualified supervisor. All Level 2 counselors must have either a baccalaureate or master's degree. With this change, the number of hours of practice work under supervision to gain licensure was changed. It remained six thousand hours (6000) for one having a high school or general equivalency degree; changed to four thousand (4000) hours with a baccalaureate degree; and changed to two thousand (2000) hours with a master's degree.
- b. In 2017, the board amended the rules to further clarify and to ease the barriers of entry to the profession by deleting the requirement of an oral exam. The removal of the oral examination and examination fee reduces the burden on Level II applicants and any businesses that might finance the applicants' licensure expenses.
- c. Additionally, more applicants may apply for licensure as a Licensed Alcohol and Drug Abuse Counselors as the number of practice hours under supervision was decreased for degreed applicants.
- d. The examination fee of seventy-five dollars (\$75.00) was removed effective May 2017.

11. Please provide a list of all fees collected by the board and indicate whether these fees were established through rule or through legislative statute.

- a. The fees authorized by statute are established by the boards and modified by rules that are approved by joint government operations committee.

Fee Schedule:

Application Fee	\$250.00
Endorsement/Verification Fee	\$ 30.00
Late Renewal Fee	\$ 90.00
License Fee	\$ 50.00
Reinstatement Fee	\$100.00
Renewal (Biennial) Fee	\$325.00
Replacement License Fee	\$ 35.00
State Regulatory Fee	\$ 10.00

12. How many alcohol and drug abuse counselors are there in Tennessee? Are they all under the authority of the board? If not, what types of practitioners are not included? Should they be included under the board's authority?
- There are 441 individuals licensed under the authority of the board. This number does not include any other counseling professions that allow the practice of alcohol and drug abuse.
13. How many new licenses and how many renewals has the board issued during the last two years? How does the board ensure that licensees meet all licensure requirements?
- The board issued ninety-seven (97) new licenses during the last two years and three hundred thirty-eight (338) licensees renewed their licenses.
 - In order to ensure that license holders meet all requirements for licensure, a thorough file review is conducted.
14. How many licenses were issued under reciprocity in the last two years? How did the board ensure that the other state's or country's standards met Tennessee licensing requirements?
- Eighteen (18) individuals were licensed by reciprocity during the last two years.
 - The board reviews other states' rules, regulations, qualifications and requirement sections to ensure other states meet or exceed the qualifications of Tennessee.
15. How many license applications did the board deny in the last two years? What were the reasons for denial?
- During the last two years, no licenses were denied; those applicants that did not meet the criteria for licensure were given the opportunity to withdraw their application.
16. How many licenses did the board revoke or suspend during the last two years? What were the reasons for the revocations or suspensions? Has anyone been cited for practicing without a license? If yes, please provide relevant additional information.
- Two (2) licenses were voluntarily surrendered which carries the weight of a revocation.
 - One licensee engaged in an inappropriate relationship with a female patient to whom he was providing alcohol and drug treatment services which is a violation of the National Association of Alcohol and Drug Abuse Counselors (NAADAC) Code of Ethics which is a violation of Tenn. Comp. R.& Regs 1200-30-01-.13 – Professional Ethics. This licensee was also assessed a civil penalty in the amount of five hundred dollars (\$500.00) and costs not to exceed five hundred dollars (\$500.00)
 - The second licensee was disciplined for conviction of a felony as well as violations of the National Association of Alcohol and Drug Abuse Counselors (NAADAC) Code of Ethics which is a violation of Tenn. Comp. R.& Regs 1200-30-01-.13 – Professional Ethics.

- b. No one has been cited for practicing without a license.

17. How many complaints did the board receive and investigate during the last two years? What types of complaints were received? What was the source of the complaints? How many resulted in some form of remedial action being taken by the board?

2017 = 4

Drugs – 1

Sexual Misconduct – 1

Criminal Charges – 1

Unprofessional Conduct – 1

2016 = 6

Drugs – 1

Unlicensed Practice – 1

Unprofessional Conduct – 4

- a. All complaints showing a violation of the practice act result in some type of remedial action: closed by investigations; sent to the Office of General Counsel (OGC), because there was sufficient evidence for formal discipline; closed by investigations with a letter of concern (not public discipline); closed by investigations with a letter of warning (not public discipline); or, closed by investigations and office of general counsel without enough evidence to take any action at all.
- b. Complaints come from the public, other practitioners in the field, and from anonymous complaints.
- c. Complaint information, including the source of the complaint, is confidential until a Notice of Charges is filed for a disciplinary hearing before the board.

18. Describe the process by which the board receives, handles, and tracks complaints. Are there written procedures? How are complaints assessed and prioritized? Is a complaint log maintained? At what point is a complaint closed?

- a. Complaints are triaged at intake to ensure that emergency issues are handled immediately, with investigations commencing on the same and/or following day.
- b. 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.
- c. Complaints are designated by priority code, which can change during the course of an investigation. Complaints are tracked utilizing a computerized database system.
- d. Written procedures are in place to serve as guidance for the effective investigation and preparation of the necessary evidence for purposes of prosecution.
- e. A complaint can be closed at initial review and/or after an investigation.

- f. 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%.
 - g. 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 increased volume of investigations to be conducted.
19. What steps has the board taken to educate the public, consumers, and license holders about how to file a complaint? When considering enforcement actions taken by the board in the last two years, how did the board become aware of the situations resulting in enforcement actions?
- a. The Department of Health maintains a website (<https://www.tn.gov/health/health-professionals/hcf-main/filing-a-complaint.html>) 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.
20. How many contested cases did the board hear during the last two years? How many of these cases were heard by an administrative law judge and reviewed by the board? Of the cases heard, how many resulted in penalties being dismissed? Reduced? Upheld?
- a. There were no contested cases heard by the board during the last two (2) years. All disciplinary matters were settled by means of an Agreed Order or Consent Order.
21. Does the board have the authority to impose civil penalties? If so, what penalties have been assessed in the last two years and what is the amount of those penalties?
- a. Pursuant to T.C.A. § 63-1-134, the Board for Alcohol and Drug Abuse Counselors has the authority to impose civil penalties against a violator in an amount not to exceed one thousand dollars (\$1000.00) for each separate violation of a statute, rules or order pertaining to such board, commission or agency. Each day of continued violation constitutes a separate violation.
 - b. During the last two (2) years the board assessed civil penalties in the amount of six hundred (\$600.00) dollars. Please see the accompanying excel file.
22. What reports does the board prepare on its operations, activities, and accomplishments? Who receives copies of these reports?
- a. The board reports its disciplinary action to the Department of Health for inclusion on the Monthly Disciplinary Action Report.
 - b. The board also reports its disciplinary action to the Office of Investigations for the purpose of reporting to the National Practitioner Data Bank when required by law.

23. Describe any items related to the board that require legislative attention and any proposed legislative changes.
 - a. At this time, the board has no items that require legislation.

24. Should the board be continued? To what extent and in what ways would the absence of the board affect the public health, safety, or welfare of Tennessee citizens?
 - a. Yes, the board should continue. Absent the presence of the Board of Licensed Alcohol and Drug Abuse Counselors, members of the public served by Alcohol and Drug Abuse Counselors would be uncertain their healthcare provider is fully qualified to practice his/her profession and does so in a safe and ethical manner.

25. Please provide a list of current board staff.
 - a. Theodora Wilkins – Regulatory Board Administrative Director 2
 - b. Latonya Shelton – Board Administrator
 - c. Betty Fuller – Licensing Technician

26. Please provide a list of all board contracts, detailing each contractor, the services provided, and the amount of the contract.
 - a. The board has a no cost contract with the Professional Testing Corporation to give the board's written exams. There is an exam for Level 1 applicants and a different exam for Level 2 applicants.