

## TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

**DATE:** January 29, 2016  
**TIME:** 9:00 A.M.  
**LOCATION:** Health Related Boards Conference Center  
Poplar Room, 665 Mainstream Drive  
Nashville, TN 37243

### **BOARD MEMBERS**

**PRESENT:** Susan Cunningham, LADAC, Chair  
Hilde Phipps, LADAC, Secretary  
Sherry Butler, LADAC  
Karen Dennis, LADAC  
Major McNeil, Citizen Member

### **STAFF**

**PRESENT:** Latonya Shelton, ASA 3  
Teddy Wilkins, Unit Director  
Caroline Tippens, Assistant General Counsel  
Nichelle Dorroh, Office of Investigations  
Barbara Maxwell

Ms. Cunningham called the meeting to order at 9:13 a.m. A roll call vote was conducted and all Board members were present.

### **MINUTES**

Upon review of the October 9, 2015 minutes, Ms. Butler made a motion, seconded by Mr. McNeil, to approve the minutes as amended. The motion carried.

### **Office of General Counsel**

Ms. Tippens stated there are no cases in the Office of General Counsel pertaining to Alcohol and Drug Abuse Counselors; however, there are several complaints for review in Investigations.

Ms. Tippens said no bills have been filed pertaining to the Board but there will be a discussion of potential revisions to the rules later in the meeting.

### **Agreed Citations**

Upon review of the Agreed Citation for **Mufid Abdullah** for failing to obtain nine and one-half (9 ½) hours of continuing education, including three (3) hours of ethics, for the 2013/2014 audit, Ms. Dennis made a motion, seconded by Mr. McNeil, to approve the citation. The motion carried.

Upon review of the Agreed Citation for **Mary Avery** for failing to obtain twenty-four (24) hours of continuing education, including six (3) hours of ethics, for the 2013/2014 audit, Ms. Butler made a motion, seconded by Mr. McNeil, to approve the citation. The motion carried.

### **Office of Investigations**

Ms. Dorroh stated there are two (2) complaints in Investigations, which are being investigated.

Ms. Dorroh said one (1) individual has completed their probation requirements but has not petitioned their office to have their name taken off the list.

Ms. Dorroh introduced Investigation's new Director, Antoinette Welch.

Ms. Antoinette Welch addressed the Board stating she was a Metro Police Officer for fourteen (14) years, became an attorney in 2000 and practiced law for seven (7) years and then became an Assistant District Attorney prosecutor for eight (8) years.

Ms. Welch stated she is the founder of a non-profit organization called The Hannah Project which is a program for women that have been arrested for prostitution. Ms. Welch said it is a way to screen women who are victims of sex trafficking and they found, over the last four years, that one-third (1/3) of the women were actually being trafficked and they were able to get their records expunged.

Ms. Welch said they are starting the program in Murfreesboro and have one in Atlanta and Jackson.

### **Financial Report**

Ms. Wilkins reviewed the report in Ms. Crutcher's absence.

Ms. Wilkins said for 2015 there are payroll expenditures of \$31,121.40; other expenditures of \$5,311.48; allocated expenditures of \$16,615.98 for total expenditures of \$53,048.86.

Ms. Wilkins said Board fee revenue totaled \$71,628.94 and current year net of \$18,580.08 for a cumulative carryover of \$101,801.66.

## **Administrative Report**

Ms. Shelton said there are currently three hundred and ninety-three (393) licensed Alcohol and Drug Abuse Counselors, three (3) retired and twelve (12) expired.

Ms. Shelton said fifty-four (54) licensees renewed their licenses from October 6, 2015 to January 28, 2016, of which twenty-eight (28) renewed on-line for a percentage of fifty-two (52%).

Ms. Shelton stated she has received six (6) Level I applications, four (4) Level II applications and three (3) applications through reciprocity.

Ms. Shelton stated the following Board meeting dates have been scheduled for the remainder of 2016:

April 15, 2016  
July 15, 2016  
October 7, 2016

## **Review, discuss and consider approval of continuing education programs**

Ms. Shelton stated there are no programs to be reviewed.

## **Discuss the education Task Force report by Ms. Kathryn Benson**

Ms. Kathryn Benson stated the Board asked her to form a Task Force to review the educational requirements on a national level and make recommendations.

Ms. Benson said the Board moved from the twelve (12) primary functions to the eight (8) domains and used the competency areas used by the Federal Government.

Ms. Benson reviewed the report which contains the areas of educational requirements including the minimum number of hours to be obtained in each area. Ms. Benson stated there are educational resources for each of the areas.

Ms. Tippens asked Ms. Benson who were the Task Force members.

Ms. Benson stated there were Mary Ellen, TAADAS, Liz Gates and Charlotte Harper.

Ms. Dennis asked if theory is included in any of the areas.

Ms. Benson stated she just listed the modalities that were the most effective.

Upon discussion, the Board asked the administrative staff to place the guidelines on their website and with the application.

The Board thanked Ms. Benson for her report and recommendations.

Charles Harper, applicant, addressed the Board stating he is glad the guidelines are being placed with the application as the previous areas of education was vague.

### **Discuss Oral Exam**

Ms. Benson reviewed the oral exam report for the past year stating there has been an increase in the passing rate on the exam.

Ms. Benson said there is a minimum of three (3) people on the exam team and if there are more than three (3) people taking the exam they have two (2) teams. Ms. Benson said there are approximately twenty (20) Qualified Clinical Supervisors who have had training to be an oral examiner.

Ms. Benson said there are concerns about individuals being allowed to retest numerous times without additional training.

Ms. Benson recommended that the Board have a budget allowance to conduct the oral exams and suggested that exam teams that drive over a fifty (50) mile radius be compensated.

Ms. Benson stated that TADAC offers training for the oral exam team members and suggests some type of compensation for them.

Ms. Benson said Tennessee is one of the few states that use an oral exam as many states eliminated the oral exam for fear of potential litigation.

Ms. Benson stated she has been the site manager for the oral exam for eighteen years; however, she is relinquishing this role and recommended that whoever steps in as site manager is familiar with giving the oral exam and how it is conducted.

The Board thanked Ms. Benson for her passion and work in the field and stated she has been a factor and mentor to applicants.

Ms. Dennis thanked Ms. Benson for her dedication in keeping their license as professional as it can be.

Ms. Phipps thanked Ms. Benson for her hard work.

Ms. Cunningham asked if oral examiners and site manager received continuing education hours for giving the exam.

Ms. Benson said yes.

Ms. Tippens thanked Ms. Benson for all her hard work and dedication through the years.

Ms. Benson thanked the Board for their remarks.

Ms. Tippens stated there is litigation in Tennessee regarding oral exams and that currently there is nothing in the law that prohibits anyone from requesting and receiving answer keys and exam questions.

Ms. Tippens stated the only way this could be resolved is to have a national testing agency to administer the oral and jurisprudence exams.

Ms. Tippens contacted the IC&RC and was informed that they eliminated the oral exam in 2008, as part of their certification process, and incorporated the use of case studies.

Ms. Butler asked how many states have moved away from the oral exam and how many boards in Tennessee still conduct an oral exam.

Ms. Wilkins stated that the Council for Hearing Instrument Specialist gave a practical exam which was, in effect, a hands-on oral exam, which was very subjective. The Council is unable to give practical exams as required by the rules since July 2015 due to on-going litigation, which is keeping applicants from being licensed.

Ms. Wilkins stated there are only five (5) states that give an oral exam for licensure as an Alcohol and Drug Abuse Counselor.

Ms. Wilkins stated the jurisprudence exam is an open book exam, there is no fee for taking the exam, and it is not an issue at this time.

Ms. Dennis stated that the licensees who administer the oral exam are well trained and experienced in the field which is a plus and asked Ms. Benson what was NADAC's position on the exam.

Ms. Benson said NADAC's position is that they recognize the oral exam has potential litigation issues and is subjective. Ms. Benson said that NADAC understands when credentialing Boards makes the decision to not conduct an oral exam.

Ms. Phipps said there is no one prouder that she is to be a LADAC and finds no reason to continue with the oral exam, as it has decreased their number of licensees. Ms. Phipps said she has a hard time defending to keep the oral exam and entertained a discussion to eliminating the oral exam.

Ms. Dennis agreed as only fifty percent (50%) of applicants pass the oral exam.

Ms. Butler stated the low pass rate has always been a big concern to her and is also concerned there are less than four-hundred (400) LADAC's in Tennessee.

Ms. Butler said she thinks they are screening out a lot of really good people with the oral exam process and, in reviewing oral exams, seen a lot of inconsistencies.

Ms. Phipps asked Ms. Tippens what was the process in eliminating the oral exam.

Ms. Tippens said the oral exam is not in the statute and it's possible the Board could conduct a rulemaking hearing within fifty (50) days to delete the oral exam. Ms. Tippens said the Level II applicants must have a bachelor's degree in health care or a master's degree.

Mr. Randall Lea, LADAC, stated he has been a LADAC and oral examiner for twenty (20) years. Mr. Randall said he believes being a LADAC requires some oral skills and those who have difficulties passing the exam may have learned one skill very well but not all skills. Mr. Lea said you could determine which areas the applicants are failing the oral exam by conducting a case study.

Ms. Toby Abrams, LADAC, said she agreed with Randall Lea. Ms. Abrams said one way to compensate for not having oral exams would be to require applicants to obtain some type of communication course work.

Ms. Anita Wilson, LADAC, stated she is in private practice and teaches domain classes, which is more than the eight (8) domains. Ms. Wilson said there is no way to teach ten (10) hours of classwork without doing role playing and conducts mock oral exams.

Ms. Cunningham asked Ms. Wilson what type of evaluation tool she used in her classes. Is it a pass/fail?

Ms. Wilson said no, they do not have a pass fail.

Ms. Pamela Spindel, ETADAC President, stated she took oral Board December 9, 2015 and failed. Ms. Spindel said the exam was very intimidating and she was told not to talk too much. Ms. Spindel said she thinks there needs to be a check list of the different areas of training for the supervisor.

Ms. Butler said she encourages her supervisees to keep talking and sharing information and suggested training the supervisors to help supervisees pass the oral exam.

Ms. Tippens said the issue she hears is the detailed curriculum and thinks the guidelines should be incorporated in the rules and not just the application.

Mr. Leland Lusk, LADAC, QCS, asked what was going to happen to those who failed the oral exam. Mr. Lusk stated he took the oral exam three times before he passed.

Ms. Butler said Level 1 licensees cannot practice independently and are not required to take the oral exam.

Ms. Tippens said it would depend on how long the application has been in process and it would be handled on a case by case basis.

Mr. McNeil said he is a fire fighter and has been subjected to practical and oral exams. Mr. McNeil stated they relied on what they are taught. Mr. McNeil said he didn't think an applicant would need to stand in front of someone and answer questions A, B and C verbatim.

Ms. Phipps made a motion, seconded by Ms. Butler, to eliminate the oral exam from the rules. The motion carried.

Ms. Butler made a motion, seconded by Mr. McNeil, to conduct a rulemaking hearing to eliminate the oral exam. The motion carried.

Upon discussion, the Board decided to wait until the April 15, 2016 meeting to conduct the rulemaking.

Ms. Cunningham said in the meantime they will suspend the oral exam.

Ms. Butler made a motion, seconded by Mr. McNeil, that the rulemaking hearing be scheduled for the April 15, 2016 Board meeting. The motion carried.

### **Applicant Telephonic Interview**

The Board conducted a telephonic applicant interview with Ms. Philandis Porter who is currently residing in Mississippi.

Ms. Cunningham stated that in reviewing Ms. Porter's application at the October 2015 meeting they had questions regarding her criminal background check.

Ms. Porter stated she began her supervised hours in May 2012, completed her probation in 2014, and is currently working as a residential counselor in training.

Ms. Butler stated she is concerned about Ms. Porter beginning her supervised hours while on probation.

The Board thanked Ms. Porter for the interview and said they would make a decision by the end of the meeting.

### **Receive report from the Task Force chaired by Mr. Richard Kinnaman regarding a possible revision of the new rules effective June 25, 2015.**

Richard Kinnaman, LADAC, MAC stated the Task Force members were:

David Cunningham, LADAC, NAADAC, East TN  
John York, ED, Middle TN  
Liz Gates, LPC, South East, TN  
Robin Turnmier, LCSW, East TN  
Michelle Squires, LADAC, West TN  
Susan Cunningham, LCSW, LADAC, Board Chair, Middle TN  
Terry Kinnaman, LADAC, Middle TN

Mr. Kinnaman said the Task Force met four (4) or five (5) times to review the rules and make recommended changes.

Mr. Kinnaman said the case study requirement is still on the application and check sheet which is no longer required in the rules.

Mr. Kinnaman said there were many recommended grammatical recommended the Task Force made in the rules.

Ms. Tippens stated she notice there were some changes to the necessity of licensure and asked Mr. Kinnaman to discuss those changes.

Mr. Kinnaman said the basic change begins on page three (3) of the recommended changes starting with number two (2) as the wording used came from other disciplines.

Ms. Butler said she did not receive a red-lined copy of the rules and it is difficult to determine what the recommended changes are.

Ms. Wilkins stated she would send all Board members a copy of the red-line rules.

Mr. Kinnaman said the Task Force recommended changing the scope of practice from a practice license to a titled license.

Ms. Tippens stated that is unnecessary as the statute has not been changed and will not be changed. Ms. Tippens stated there was a proposed bill last year which was withdrawn and the department's position is there is no necessity to change the rule or statute to make it a titled license.

Mr. Kinnaman said the Board was advised several years ago they just needed a rule amendment to have a titled license

Ms. Tippens said the statute says you must be licensed to use the title Licensed Alcohol and Drug Abuse Counselor.

Ms. Tippens said there are many other professions that can do alcohol and drug abuse counseling such as LPC's, Social Worker's and Nurses without using the title Licensed Alcohol and Drug Abuse Counselor, and the Board cannot restrict those professionals from the practice as they cannot regulate the practice act of another Board. Ms. Tippens said the use of the title is protected and the Board has to be careful about putting up barriers to entry and encouraged the Board to not put things in the rules that could be construed as being anti-competitive.

Mr. Kinnaman said these are simply recommendations the Task Force is recommending to the Board.

Ms. Butler asked if there were any other specific recommendation the Task Force is making. Mr. Kinnaman said no, that was the main one.

Ms. Butler thanked Mr. Kinnaman and the Task Force members for their work in making the recommendations.

Ms. Cunningham thanked the Task Force and said they would review the rules to determine which sections, if any, needed to be changed.

Ms. Wilkins stated that any changes made to the rules would have to go as a rulemaking hearing.

**Review, approve/deny and ratify newly licensed and reinstatement licensure files**

Mr. McNeil made a motion, seconded by Ms. Dennis, to approve the following newly licensed and reinstated Licensed Alcohol and Drug Abuse Counselors:

**Newly Licensed**

**Kyliene M. Acheson  
Antwon R. Bailey  
Carol J. Cherich  
Joseph Waylor Dabbs  
Walter M. Henderson  
Jami L. Ivey  
Lacinda Dawn Moore  
Magan Newton  
Bobbie Jo Yokley  
Emory B. Young**

**Reinstated**

**Robert E. Albury, Jr.  
David A. Cunningham  
Regina Lea Deriggi  
Patricia Ann Marks  
Shirley A. Marks  
Jim Tolley**

The motion carried.

**Ratify applicant(s) pass/fail oral examination scores given December 12, 2015**

Ms. Phipps made a motion, seconded by Mr. McNeal, to approve the following oral exam candidates:

**Passed**

**Jeffrey Browning  
James Hudgens  
April Morgan  
Jennifer Organ**

The motion carried.

Ms. Tippens stated the four applicants who failed the oral exam, but completed all other licensure requirements, would have to be reviewed on a case by case basis and asked that this be tabled until the April 2016 meeting.

### **Correspondence**

**Mr. Clint Primm** submitted a letter and attended the meeting to request a waiver of his educational requirements and be grandfathered in as a Level II Licensed Alcohol and Drug Abuse Counselor. Mr. Primm stated he began working on licensure in 2014 and has a Bachelor's Degree in Finance from the University of Tennessee but has not submitted an application for licensure.

Ms. Tippens stated if Mr. Primm had been licensed by January 1, 2016 he could be grandfathered in as a Level II A & D Counselor.

The Board thanked Mr. Primm for his letter and attending the meeting but stated that nothing in the rules allow them to make the exception.

### **Review Applications**

Upon discussion of their earlier telephonic interview with **Philandis Porter**, Ms. Butler made a motion, seconded by Mr. McNeil, to approve Ms. Porter to sit for the Level I written exam. Ms. Dennis recused herself. The motion carried.

Ms. Dennis made a motion, seconded by Mr. McNeil, to approve **James Casey** for licensure as a Level II Alcohol and Drug Abuse Counselor through reciprocity. The motion carried.

Ms. Phipps made a motion, seconded by Mr. McNeil, to approve **Dovie Coleman** to sit for the Level I written examination. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Phipps, to approve **Jennifer Dozier** to sit for the Level II written examination. The motion carried.

Mr. McNeil made a motion, seconded by Ms. Phipps, to approve **Samantha Mitchell** to sit for the Level II written examination. The motion carried.

Ms. Cunningham made a motion, seconded by Mr. McNeil, to ask Ms. Shelton to send **Spencer Phillippi**, Level II applicant, a letter requesting he appear before the Board to discuss his criminal history and give the status of his probation. The motion carried.

Ms. Cunningham made a motion, seconded by Mr. McNeil, to approve **Michael Richards** to sit for the Level I written examination. The motion carried.

Ms. Cunningham made a motion, seconded by Ms. Dennis, to approve **Lindsay Volker** for licensure as a Level II Alcohol and Drug Abuse Counselor through reciprocity. The motion carried.

### **Adjourn**

With no other Board business to conduct, Ms. Phipps made a motion, seconded by Mr. McNeil, to adjourn at 1:28. The motion carried.