

**TENNESSEE BOARD FOR PROFESSIONAL COUNSELORS,
MARITAL AND FAMILY THERAPISTS, AND
CLINICAL PASTORAL THERAPISTS MINUTES**

DATE: June 5, 2015
TIME: 9:00 a.m.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Susan Hammonds-White, Ed.D. LPC, President
Bradley Bull, Ph.D., LMFT
Stephen Caldwell, M.Div., Citizen Member
Kimberly Speakman, LPC

BOARD MEMBER

ABSENT: Howard Nelson, Ph.D., LPC, LCPT

STAFF PRESENT:

Teddy Wilkins, Unit Director
James Hill, Board Administrator
Mark Waters, Deputy General Counsel

Dr. Hammonds-White called the meeting to order at 9:00 a.m.

A roll call voted was conducted and a quorum was present.

Ms. Wilkins introduced Mark Waters, Deputy General Counsel, who is filing in until a new Board advisory attorney can be appointed.

Mr. Waters stated Ms. Barde left state government for private practice.

Dr. Hammonds-White stated for the record how much they appreciated Ms. Barde's work and how extraordinarily helpful she was to the Board.

Dr. Bull asked how many boards attorneys are assigned to.

Mr. Waters said Ms. Barde was working with the Social Work and Licensed Professional Counselors Boards and was on the Nursing Board team.

The Board and Mr. Waters discussed the duties of advisory attorneys.

Minutes

Upon review of the March 20, 2015 minutes, Dr. Bull made a motion seconded by Mr. Caldwell, to approve the minutes as written. The motion carried.

Office of Investigations

Ms. Nichele Dorroh stated there are nine (9) complaints against Licensed Professional Counselors; one (1) complaint against a Clinical Pastoral Therapist; and, four (4) complaints against Marital and Family Therapists.

Ms. Dorroh said OGC is currently monitoring two (2) practitioners.

Dr. Bull said he received a call from a constituent who filed a complaint against a practitioner and, upon calling OGC, was told he could not get the status of the complaint.

Ms. Dorroh asked Dr. Bull to have the complainant contact her.

Office of General Counsel

Mr. Waters said as of June 1, 2015 there are six (6) open cases against licensees and two (2) orders to be ratified.

Mr. Waters stated Public Chapter 86, which extends the Board to June 30, 2019 and allows nominations from professional groups for appointment to the Board, became effective April 9, 2015.

Mr. Waters said the fee change rules are still waiting legality review in the Attorney General's Office.

Consent Order

The Board reviewed a Consent Order for **Randall Phillips, L.P.C.** who was found in violation of TENN. COMP. R. & REGS. 0450-01-.13 Professional Ethics and the 2014 American Counseling Association Code of Ethics principles.

Dr. Bull stated for the record that Dr. Phillips was a friend of his and recused himself from voting. Mr. Waters said that was not necessary, as this is an agreement between the state and respondent.

Dr. Phillips license is reprimanded and he was required to attend and complete the course titled "Maintaining Proper Boundaries."

Mr. Caldwell made a motion, seconded by Dr. Bull, to accept the Consent Order. A roll call vote was conducted and all Board members voted in the affirmative.

Agreed Order

The Board reviewed an Agreed Order for **William C. Kerstetter, L.P.C.** who was found in violation of T.C.A. §63-22-110(b)(3); T.C.A. §63-22-110(b)(4); TENN. COMP. R. & REGS. 0450-01-.13 Professional Ethics and the 2014 American Counseling Association Code of Ethics principles.

Dr. Kerstetter agreed to voluntarily retire his license and cease the practice of counseling in the State of Tennessee. If Dr. Kerstetter should reapply for licensure in this state, or any other state or jurisdiction, he acknowledges that such application will cause the Tennessee Department of Health to release any and all investigative files it possesses regarding him to the Board of Counseling in the state or jurisdiction in which he has made application including, but not limited to, the Tennessee Board. He further agrees that any future claim of privilege, confidentiality, or any other tort claim stemming from the release of the investigative file to that state is waived.

Dr. Bull made a motion, seconded by Ms. Speakman, to accept the Agreed Order. A roll call vote was conducted and all Board members voted in the affirmative.

Agreed Citation

The Board reviewed an Agreed Citation for **Ricky Lee Townsend, M.F.T and C.P.T.** for working nine (9) months on an expired license after the three (3) month grace period. Dr. Bull made a motion, seconded by Ms. Speakman, to accept the Agreed Citation. The motion carried.

The Board reviewed an Agreed Citation for **Sonja Fulmer, L.P.C.** for working two (2) months on an expired license after the three (3) month grace period. Dr. Bull made a motion, seconded by Mr. Caldwell, to accept the Agreed Citation. The motion carried.

Financial Report

Ms. Vanessa Crutcher reviewed the Board's projected Financial Report for 2015 stating the Board has projected direct expenditures of \$93,024.84; allocated expenditures of \$100,522.21; total expenditures of \$193,943.25; board fee revenue of \$262,520.64; a current year net of \$88,577.39; and, a projected cumulative carryover of \$700,707.36.

Ms. Hammonds-White said the large reserve was maintained because if a case came before the Board it could be costly.

Administrative Report

Mr. Hill said as of June 2, 2015 there are 1773 Licensed Professional Counselors, 473 Licensed Marital and Family Therapists and 27 Licensed Pastoral Therapists.

Mr. Hill said the following dates have been scheduled for Board meetings:

June 5, 2015
September 4, 2015
December 4, 2015

March 3, 2016
June 3, 2016
September 2, 2016
December 2, 2016

Ms. Wilkins said the AAMFT Conference is being held in September 2015 and asked if the Board would consider moving the September 4, 2015 meeting date. The Board members agreed to check their schedules and get with Mr. Hill.

Mr. Hill reminded the Board members to sign their Conflict of Interest statements, travel reimbursement and per diem claim forms before leaving today's meeting.

Legislation

Mr. Ben Simpson, Legislative Liaison, reviewed the following legislative update for 2015.

Public Chapter 86, which extends the Board through June 30, 2019, became effective April 9, 2015.

Public Chapter 154, which allows the Commissioner of Health or his designee to have electronic access to medical records in order to facilitate investigations when responding to an immediate threat to public health, became effective April 16, 2015.

Public Chapter 94, which defines "abuse" and "neglect" for purposes of placing a person on the registry of persons who have abused, neglected, or misappropriated the property of vulnerable individuals specifically within the statutes that govern the Department of Health and increases the time within which placement on the registry may be appealed from thirty (30) to sixty (60) days, became effective on April 10, 2015. All other provisions of the public chapter become effective on July 1, 2015.

Public Chapter 502, which allows the Joint Government Operations Committee to stay a rule up to seventy-five (75) days instead of sixty (60) days. The act adds arbitrariness and capriciousness as two (2) new considerations.

Public Chapter 261, provides for the practice of telehealth by defining a healthcare provider; establish a provider-patient relationship by mutual consent and mutual communication; specify that telehealth does not create a new standard of care; prohibits any Board from creating a more restrictive standard of professional practice for telehealth service; allows a physician to prescribe by means of telemedicine and follow all prescribing applicable statutes such as checking the

Controlled Substance Monitoring Database and not permitting pain management clinics; and, not requiring a separate telehealth license by the Board of Medical Examiners.

Public Chapter 268, which makes disclosures of protected healthcare information permissible in medical malpractice lawsuits, because effective on April 24, 2015.

File Review

Upon review of the application file for **Kesha Smotherman**, Licensed Professional Counselor with MHSP designation, Dr. Bull made a motion, seconded by Mr. Caldwell, to approve the application. The motion carried.

Newly Licensed

Ms. Speakman made a motion, seconded by Mr. Caldwell, to approve the following Licensed Professional Counselors for licensure:

Stacy Phillips
James R. Ward
Rebekah Bohannon
Christopher Gregg
Paul M. Hambrick
Laura B. Jackson
Brent Ketring
Kevin Mischler
Wendy D. Bradley
Camille H. Broom
Troy Elisha Burnette
Willette Carlyle
Krista Carter
Kevin B. Collins
Tonia Dixon
Amanda K. Duncan
Amanda N. Dunlap
Faust Ellen

Denise M. Fisher
Frances N. Forestier
Haley G. Gleason
Jenny G. Harmon
Paul C. Henson
Melanie J. Ingram
Steve T. Knapp
Sheila McKeon
Latoya Nance
Whitney Newton
Diana Partington
Elizabeth Ann Pincus
Amber L. Veaut
Abby Wallace
Allison M. Wash
Lana D. Wilcox
Sondra Wilkinson
Carol C. Williams

The motion carried.

Dr. Bull made a motion, seconded by Mr. Caldwell, to approve the following Licensed Marital and Family Therapists for licensure:

Sara K. Curlew
Matthew Ford
Josette Freire
Valerie Golden
Tara S. Hinman

Jenifer Wilmore
Hope G. Anderson
Amy Lovell
Neal Martin
Teresa F. Matre'

Erin Rayburn
Marsha'R. Thompson

Bryan C. Sexton

The motion carried.

Dr. Bull made a motion, seconded by Ms. Speakman, to approve the following reinstated applicants for licensure:

Rich L. Townsend, L.C.P.T.
Ricky L. Townsend, L.M.F.T.
Brenda L. Dew, L.M.F.T.
Sonja S. Fulmer, L.P.C.
Laura M. Champagney, L.P.C.
Leigh Falls Holman, L.P.C.

The motion carried.

Correspondence

The Board reviewed a letter from **Abbie Gail Grimes** regarding licensure as a L.P.C. and her supervision at Youth Villages, Inc. The Board determined they could not make a decision until receipt of an application and required documentation.

The Board reviewed a letter from **Ann Wheeler** asking the Board for an extension of the four year rules. The Board voted to grant the one year extension to be completed by the end of 2016.

The Board reviewed a letter from **Amber Cox** regarding licensure as a L.P.C./ M.H.S.P. and her transcript from Frostburg State University. The Board determined that Ms. Cox must submit a transcript with the confer date and take the NCMHCE examination

The Board reviewed a letter from **Gina Currier**, with Innovative Medical Billing, asking if an unlicensed professional counselor would be allowed to provide mental health services in rural areas of Tennessee. The Board determined that to offer mental health services in rural areas there must be a licensed mental health professional. The Board suggested Ms. Currier refer to the TennCare and Medicare regulations for medical billing guidelines.

The Board reviewed a letter from **Jillian Shanebrook Baldwin** regarding licensure as an L.M.F.T., the scope of practice permitted by a temporary license; and, the ratio of supervision hours to face to face client hours. Ms. Baldwin stated she accrues only five (5) client hours in a week. The Board determined Ms. Baldwin can practice on her own with supervision until licensed.

The Board reviewed a letter from **Jean Landphair**, requesting a two (2) year extension of her temporary license to complete her supervision due to a death in her family. Dr. Bull made a motion, seconded by Mr. Caldwell, to extend her temporary license for two (2) more years. The motion carried.

The Board reviewed a letter from **Joshua Stanley**, requesting that the Board accept his education, professional activities and credentials for licensure as an L.P.C. The Board determined they could not make a decision until receipt of an application and required documentation.

The Board reviewed a letter from **Lauren Wright**, requesting that the Board accept her supervision from a certified school psychologist. The Board determined they needed clarification of a clinical setting and documentation that the agency has a mental health professional on staff to provide face to face supervision for at least twenty (20) hours per week.

The Board reviewed a letter from **Sara Smith**, requesting that her workplace, Christ the King School, be approved as a clinical setting to accrue hours toward licensure. The Board determined the school does not meet the requirements for clinical setting.

Ms. Lisa Henderson with TONCA addressed the Board stating the professional organizations needed to work together to help places like STARS and Christ the King be in compliance with the rules. Dr. Hammonds-White said they have discussed this with the various organizations and asked them to consider ways to have an appropriate clinical setting.

The Board reviewed a letter from **Steven Sheehan, L.C.S.W.**, and Director of Staff Development at the Mental Health Cooperative, to discuss the clarification of requirements for master's level experience.

Ms. Speakman said she is employed by the Mental Health Cooperative and recused herself from discussing this matter.

Monica Schmidt, L.P.C. with the Mental Health Cooperative addressed the Board regarding the definition of clinical setting, case management and supervision. Ms. Schmidt provided documentation of their practice of counseling and care management duties. Dr. Hammonds-White said the clinician must be able to diagnose. Ms. Schmidt said she thought her agency could provide clinicians that could diagnose. The Board thanked Ms. Schmidt for her presentation.

The Board reviewed a letter from **Tammy Warren**, requesting clarification of clinical setting. The Board asked Mr. Hill to send Ms. Warren a letter requesting additional information regarding where she is obtaining her supervision and number of supervision hours she is obtaining per week.

Mr. Hill said Mr. Stanley is in the audience and has a question regarding his internship and practicum.

Mr. Stanley said his master's level internship is in a school setting and that he is applying for licensure as an L.P.C. but not mental health service provider. Dr. Hammonds-White said he could not diagnose, or even say someone had depression, without the M.H.S.P. designation.

Dr. Hammonds-White suggested that Mr. Stanley obtain the M.H.S.P. designation as he is opening himself up for medical malpractice.

Ms. Speakman said anything that can fall under a DSM diagnosis you cannot work with and asked Mr. Stanley for more information regarding his internship.

Mr. Stanley said he had six hundred (600) hours of supervision by a licensed psychologist aligned with CACREP requirements and included clinical practicing and teaching.

Dr. Hammonds-White said a master's level internship in a school setting is not acceptable for licensure.

Other Board Business

Mr. Hill stated he received a call from an L.P.C.C. licensed in Kentucky regarding the reciprocal agreement between Tennessee and Kentucky. Mr. Hill said the caller had the appropriate years of practice, the highest level of licensure in Kentucky, has an LPC license in Tennessee and wants to add the MHSP designation. Mr. Hill asked if she could do that through the reciprocity agreement.

Dr. Hammonds-White said she could submit an application for adding the M.H.S.P. designation and provide the supporting documents.

Mr. Hill said they are making an effort to cut down on paperwork and asked the Board if he could add a modifier to the license to state the licensee is an approved supervisor. Mr. Hill suggested sending licensees a questionnaire asking if they are an approved supervisor and upon receipt place the modifier on their license.

Ms. Wilkins said they could also place that qualification on the MFT license, stating AAMFT Supervisor.

The Board agreed to the request.

Ms. Speakman said she receives questions on how to designate their temporary license status.

Dr. Hammonds-White suggested the designation LPC/MHSP/Temporary.

Dr. Hammonds-White asked if they could put a Board policy to that effect on the Board's website.

Mr. Waters said they could vote to place this on the Board's web-site.

Mr. Caldwell made a motion, seconded by Dr. Bull, to place the policy statement on the Board's web site.

Ms. Wilkins discussed travel and how Board members and staff request to attend conferences.

Ms. Wilkins said a justification memo is sent to the Director and Commissioner and, if approved, goes through Edison for approval.

Ms. Wilkins said F & A is looking closely at travel requests to assure they meet the implementation and enforcement of the Board's regulation.

Dr. Peter Wilson with Trevecca said he was a member of the Distant Counseling Rules Task Force and did not want the rules to fall through with the leaving of the Board's advisory attorney.

Mr. Waters said the Board should have a new attorney within a few weeks.

The Board agreed to send Ms. Wilkins to the AAMFT Conference September 3-6, 2015 in Austin, Texas.

Adjourn

With no other Board business to conduct, Dr. Bull made a motion, seconded by Mr. Caldwell, to adjourn at 11:37 a.m.