

# **Tennessee Board of Licensed Alcohol and Drug Abuse Counselors Meeting**

# Friday, July 14, 2023

## MINUTES

The regular Board meeting of the Tennessee Board of Licensed Alcohol and Drug Abuse Counselors was called to order at 9:06 a.m. in the Poplar Room, Ground Floor, Metro Center Complex, 665 Mainstream Drive, Nashville, Tennessee 37243 by Dr. Mark Loftis, Board President.

Board members present:	Dr. Mark Loftis, Board President Dr. Jane Abraham, Board Secretary Terry Kinnaman, Board Member Britney Baker, Board Member
Staff present:	LaTonya Shelton, Administrative Services Assistant 3 Paul Richardson JD, General Counsel Candyce Wilson, Unit Director

## Legislative Office Update 2023-Grayson Carter

## Noteworthy Health-Related Legislation

- The Department of Health's administration bill successfully extended current opioid prescription protections that were put into place in 2018 under the Tennessee Together Act.
- The Department of Health was extended to June 30, 2027, following an audit and subsequent sunset hearings.
- Multiple boards administratively attached to the Department of Health were extended by the legislature following audits and subsequent sunset hearings.

Please note that these are high-level overviews of each public chapter. They do not include every detail or provide all bill information. Please review the text of the bill in its entirety at your own discretion. If you have any questions or need further clarity, please reach out to your attorney.

#### **Pertinent Public Chapters**

\*All Public Chapters are hyperlinked to the actual document on the Secretary of State's website.

#### Public Chapter No. 1-SB1/HB1-Johnson/Lamberth

This law prohibits a healthcare provider from knowingly performing or offering to perform on a minor, or administer or offer to administer to a minor, a medical procedure if the performance or administration of the procedure is for the purpose of enabling a minor to identify with or live as an identity inconsistent with the minor's sex. This bill does not prohibit such medical procedure if the performance or administration is to treat a minor's congenital defect, precocious puberty, disease, or physical injury or the medical procedure began prior to the effective date of this act and concludes on or before March 31, 2024. This law also prohibits a person from knowingly providing a hormone or puberty blocker by any means to a minor if the provision of the hormone or puberty blocker is not in compliance with this bill. This bill is effective on July 1, 2023.

#### Public Chapter No. 2-SB3/HB9-Johnson/Todd

This law creates a Class A misdemeanor offense for a person to perform adult cabaret entertainment on public property or in a location where the adult cabaret entertainment could be viewed by a person who is not an adult. Subsequent offenses are Class E felonies. This bill was effective on April 1, 2023.

#### Public Chapter No. 24—SB248/HB66—Johnson/Lamberth

This law authorized the Department of Intellectual and Development Disabilities to provide home health services to outpatients through its administration of the Tennessee Early Intervention System and the home and community-based services provided through such system. This bill was effective on March 10, 2023. *This law was a DIDD legislative initiative*.

#### Public Chapter No. 36—SB23/HB17—Massey/Faison

This law designates the month of May as "Silver Alert Awareness Month." This bill was effective on March 14, 2023.

## Public Chapter No. 41—SB256/HB75—Johnson/Lamberth

This law allows law enforcement or the district attorney general's office to extend criminal immunity from being arrested, charged, or prosecuted to persons who are experiencing a subsequent drug overdose. This bill takes effect on July 1, 2023. *This was a Department of Mental Health and Substance Abuse's legislative initiative.* 

## Public Chapter No. 42—SB266/HB314—Johnson/Lamberth

This law makes changes regarding assignment of benefits to a healthcare provider and the collection of out-of-network charges by healthcare facilities, by removing existing notification requirements and duplicative language within code to adhere to the federal No Surprises Act. This law was effective on March 14, 2023. *This was a Department of Commerce and Insurance legislative initiative*.

#### Public Chapter No. 46—SB583/HB339—Pody/Raper

This law allows former municipal judges to solemnize marriages. This law was effective on March 14, 2023.

#### Public Chapter No. 55—SB680/HB895—Reeves/Hurt

This law clarifies that the Medical Assistance Act of 1968 does not require a vendor, healthcare provider, or telehealth provider group that provides healthcare services exclusively via telehealth to have a physical address or site in this state in order to be eligible to enroll as a vendor, provider, or provider group for that program. This law defines telehealth provider as two or more healthcare providers that share a common employer and provide healthcare services exclusively via telehealth. This law was effective on March 21, 2023.

#### Public Chapter No.114—SB255/HB74—Johnson/Lamberth

This law changes the terms "general education development credential," "high school equivalency test," and variations of the terms to "high school equivalency credential" as referenced throughout the code. This law also replaces any references in code from GED(R) or HiSET(R) classes, coursework, testing, or services with the phrase "adult education programming to include preparation and testing toward obtaining a high school equivalency credential" throughout the code. This law is effective on July 1, 2023. *This was a Department of Labor and Workforce Development legislative initiative*.

#### Public Chapter No.156—SB40/HB206—Roberts/Ragan

This law extends the Department of Health to June 30, 2027. This law was effective on April 17, 2023.

## Public Chapter No.157—SB86HB734—Walley/Rudd

This law clarifies that a person requesting public records is not entitled to special or expedited access to those records based on their occupation or association with a profession. This law was effective on April 17, 2023.

## Public Chapter No. 168—SB600/HB90—Hensley/Moody

This law prohibits counties, municipalities, and metropolitan governments from expending funds for the purpose of assisting a person in obtaining a criminal abortion. This prohibition includes using funds as part of a health benefit plan or for travel to another state for the purpose of obtaining an abortion. This law was effective on April 17, 2023.

## Public Chapter No. 188—SB277/HB325—Johnson/Lamberth

This law extends legislation enacted in 2018 to preserve opioid prescription limitations for acute care. In addition, this law exempts individuals who had recent cancer treatment from this prescription limitation. "Recent cancer treatment" is defined as six months following the end of an active cancer treatment. This law creates an exception for informed consent where a healthcare practitioner who issued the initial prescription does not have to obtain and document informed

consent, if the subsequent prescription is for the same opioid and for the same episode of treatment. Outside of this exception, informed consent must be updated periodically. This law also requires the Commissioner of the Department of Health to provide a letter, in consultation with the health-related boards, to certain elected officials that includes information on the impact and the effects of this legislation in each even-numbered year. This law was effective on April 24, 2023. *This law was a Department of Health legislative initiative*.

#### Public Chapter 190—SB350/HB294—Campbell/Freeman

This law creates the "Save Tennessee Students Act" and requires public institutions of higher education to include, among other thing, the telephone number of the suicide and crisis lifeline on student identification cards for students enrolled in the institution. This law takes effect July 1, 2023.

#### Public Chapter No. 201-SB721/HB498-Massey/Martin

This law exempts a patient who is receiving an initial behavioral health evaluation or assessment from the requirement from an in-person encounter between the health care service provider, the healthcare services provider's practice group, or the healthcare system and the patient to be within sixteen months prior to the interactive visit. This law also authorizes a physician assistant who is authorized to prescribe drugs and who provides services solely via telehealth to arrange for chart review by a collaborating physician via HIPAA-compliant electronic means. This law was effective on April 24, 2023.

#### Public Chapter No. 203—SB799/HB859—Yarbro/Jernigan

This law authorizes the Department of Health to disclose de-identified data that is collected from EMS run reports for the purpose of providing opioid overdose response and resources throughout this state. This law was effective on April 24, 2023.

#### Public Chapter No. 216—SB276/HB324—Johnson/Lamberth

This law makes various changes to current law pertaining to leave for state employees. Among other things, this law allows an eligible employee to be granted absence from work with pay for a period of time equal to six workweeks because of the birth of the employee's child or because of the placement of a child with the employee for adoption. This law is effective on July 1, 2023, and applies to eligible employees who qualify for leave on or after July 1, 2023. *This was one of Governor Lee's legislative initiatives*.

#### Public Chapter No. 252—SB221/HB273—Roberts/Terry

This law requires the division of health-related boards to consult with the Board of Medical Examiners in the hiring of a medical consultant. This law also gives the medical consultant authority to consult on various issues and to work with the board's attorney on certain portions of the complaint and settlement process. Additionally, the division must provide biannual surveys to the Board for its feedback and review of the consultant. This law authorizes the Board to promulgate rules to effectuate this process. This law was effective on April 28, 2023.

#### Public Chapter No. 254—SB267/HB315—Johnson/Lamberth

This makes changes to the allowable number of beds in private for-profit and private not-forprivate intermediate care facilities for individuals with intellectual disabilities. This law takes was effective on April 28, 2023. *This was a Department of Intellectual and Development Disabilities* 

#### legislative initiative.

## Public Chapter No. 256—SB292/HB275—Briggs/Hazlewood

This law makes expands the needle exchange program statewide. Specifically, this law prohibits a needle exchange program from conducting an exchange within 1,000 feet of a school or public park. If a program established pursuant to this section is in a municipality that has a population of no less than 55,440 nor more than 55,450 according to the 2020 federal census or a subsequent federal census, then it shall not conduct an exchange within 2,000 feet of a school or public park. This law takes effect July 1, 2023.

#### Public Chapter No. 265—SB669/HB0981—Reeves/Faison

This law vacates and reconstitutes the Tennessee Emergency Medical Services Board, as of July 1, 2023. This law staggers the initial terms of appointment so that a portion of new members must be appointed in each year for the next four years. Members serving on the Board as of June 30, 2023, may be reappointed to the new Board. After the initial round of appointments, the terms of appointment expand to four years. Additionally, this law also makes various changes to the qualifications for candidates being considered as an appointment for the Board. For purposes of promulgating rules and carrying out administrative duties, this law was effective on April 28, 2023. For all other purposes, this law takes effect on June 30, 2023.

## Public Chapter No. 270—SB859/HB982—Reeves/Terry

This law protects a person's statement regarding the use or possession of marijuana to a healthcare provider through the course of a person's medical care for the purpose of obtaining medical advice on the adverse effects of marijuana with other medications or medical treatments. Under this law, such statement is not admissible as evidence in a criminal proceeding in which the person is a defendant unless a person expressly waives this prohibition and requests that the statement be admitted as evidence. This law was effective on April 28, 2023.

## Public Chapter No. 300—SB551/HB448—Lowe/Davis

This law requires governmental entities to provide a period of public comment for public meetings but authorizes the governmental entities to place reasonable restrictions on the period for public comment. This does not apply to a meeting of a governing body, or a portion thereof, where the governing body is conducting a disciplinary hearing or a meeting for which there are no actionable items on the agenda. This takes effect July 1, 2023.

## Public Chapter 313—SB745/HB883—Helton-Haynes/Briggs

This law specifies that terminating an ectopic or molar pregnancy does not constitute a criminal abortion. This law removes the current affirmative defense in law and instead provides that it is not an offense of criminal abortion if the abortion is performed or attempted by a licensed physician in a licensed hospital or ambulatory surgical treatment center and certain conditions are met. This law also requires the Department of Health to collect reports submitted under this law and report quarterly the number of abortions performed in this state to certain individuals in the executive and legislative branches no later than January 1, April 1, July 1, and October 1 of each year. This law is effective April 28, 2023.

## Public Chapter No. 316—SB1426/HB1004—Roberts/Darby

This law requires an appointed member of a governing body for a state entity to serve in such

capacity until the member's successor is duly appointed and qualified. Under this, an appointed member of a board, commission, or other governing body for a state governmental entity may be removed by the member's appointing authority with or without cause. A vacancy created by the removal of a member must be filled by the appointing authority in the same manner as the original appointment. This law also creates an advisory council on state procurement. This law was effective on April 28, 2023.

#### Public Chapter No. 325—SB1191/HB1388—Bailey/Ragan

This law terminates the Radiologic Imaging and Radiation Therapy Board of Examiners with no wind down period. This law authorizes the Board of Medical Examiners to establish and issue limited and full X-ray certifications. This law was effective on April 28, 2023.

## Public Chapter No. 337—SB269/HB317—Johnson/Lamberth

This law designates June 19<sup>th</sup> as as a new official state holiday for Juneteenth. This law was effective on May 5, 2023, and applies to June 19, 2023. *This was one of Governor Lee's legislative initiatives*.

#### Public Chapter No. 353—SB1443/HB727—Roberts/Fritts

This law requires an LEA to obtain the written, informed, and voluntary signed consent of a student's parent or legal guardian, or the student if they are 18 years of age or older, before the student participates in a survey, analysis, or evaluation. A parent or legal guardian who wishes to excuse the student from participating in health screenings as part of a coordinate school health program must submit a request in writing to the school's nurse, instructor, school, counselor, or principal. As used in this law, "health screening" means vision, dental, blood pressure, and hearing screenings. This law makes other changes regarding a student's receiving of instruction of sexual orientation curriculum or gender identity curriculum or a student's membership of a club or organization. This law is effective July 1, 2023.

#### Public Chapter No. 379—SB0365/HB0355—Massey/Alexander

This law requires that a health benefit plan that provides coverage for a screening mammogram must provide coverage for diagnostic imaging and supplemental breast screening without imposing a cost-sharing requirement on the patient. This law is effective 90 days after May 11, 2023.

## Public Chapter 386—SB193/HB702—Lundberg/Doggett

This law adds fentanyl, carfentanil, remifentanil, alfentanil, and thiafentanil to what constitutes a qualifying controlled substance for purposes of certain felony offenses. This law is on July 1, 2023, and applies to offenses after that date.

#### Public Chapter No. 412—SB1398/HB1242—Reeves/Powers

This law makes it a Class A misdemeanor to knowingly possess xylazine and makes it a Class C felony to knowingly manufacture, deliver, or sell xylazine, or to knowingly possess xylazine with intent to manufacture, deliver, or sell xylazine. This law exempts veterinarians. This law is effective July 1, 2023.

#### Public Chapter No. 423—SB0378/HB0403—Briggs/Lamberth

This law creates the regulation of the production and sale of hemp-derived cannabinoids, including products known as delta-8 and delta-10 under the Department of Agriculture and the Department of Revenue. The sections of this law have varying effective dates, but this law is ultimately effective July 1, 2024.

#### Public Chapter No. 426—SB0458/HB0496—Watson/Martin

This law requires certain health related boards to either render a decision on the application or inform the applicant of the need to appear before such board within 60 days from the date the respective board receives a completed application for licensure from either an initial applicant or an applicant who is licensed in another state or territory of the United States or in the District of Columbia. This law was effective on May 11, 2023, and applies to applications submitted on or after that date.

#### Public Chapter No. 443—SB296/HB779—Gardenhire/Helton-Haynes

This law requires the Board of Medical Examiners, the Board of Osteopathic Examination, the Board of Nursing, the Board of Physician Assistants, and the Alcohol and Drug Abuse Counselors Board to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the application. This law requires the Board of Athletic Trainers to, upon the receipt of a completed application for licensure from an applicant who is licensed in another state or territory of the United States or in the District of Columbia, render a decision on the application or inform the applicant of the need to appear before the board within 60 days from the date the board receives the application. "Completed application" means an application that satisfies all statutory and board rule requirements. This law takes effect May 17, 2023.

#### Public Chapter No. 457—SB753/HB1317—Haile/Kumar

This law changes the composition and number of members of the Board of Pharmacy by adding two members to the Board and adding a residency requirement of no less than five years for pharmacist members of the board. This law authorizes the Board of Pharmacy to issue advisory opinions. This law also specifies that the current board members must serve on July 1, 2023, through the end of the members' existing terms. This law was effective May 17, 2023.

#### Public Chapter No. 477—SB1111/HB1380—Bowling/Ragan

This law creates the "Mature Minor Doctrine Clarification Act." This act prohibits a healthcare provider from providing a vaccination to a minor unless the healthcare provider first receives informed consent from a parent or legal guardian of the minor. The healthcare provider must document receipt of and include in the minor's medical record proof of prior parental or guardian informed consent. This law also requires written consent from a parent or legal guardian before providing a minor with a COVID- 19 vaccine. Additionally, this law prohibits an employee or agent of the state to provide, request, or facilitate the vaccination of a minor child in state custody except when certain situations apply. This law was effective May 17, 2023.

#### Public Chapter No. 486—SB1440/HB239—Roberts/Bulso

This law defines "sex" in code to mean a person's immutable biological sex as determined by anatomy and genetics existing at the time of birth and evidence of a person's biological sex. "Evidence of a person's biological sex" includes, but is not limited to, a government-issued identification document that accurately reflects a person's sex listed on the person's original birth certificate. This law takes effect on July 1, 2023.

#### **CONSIDERATION OF APPLICATIONS**

Licensed Alcohol and Drug Abuse Counselor Application Review(s):

Dr. Abraham reviewed and approved the applicants' files to sit for their level licensure exam and Mr. McNeil seconded the motion and the motions passed for the following application files:

**Harlee Deweese** – Ms. Deweese applied for a level 1 LADAC license. Ms. Deweese was approved to sit for the NCC AP level 1 written exam.

**Christina Ragsdale** – Ms. Ragsdale applied for a level 2 LADAC license. Ms. Ragsdale was approved to sit for the NCC AP level 2 written exam.

**Bradley Smith** – Ms. Smith applied for a level 2 LADAC license. Ms. Smith was approved to sit for the NCC AP level 2 written exam.

Ms. Baker reviewed and approved the applicants' files to sit for their level licensure exam and Mr. McNeil seconded the motion and the motions passed for the following application files:

**Webster Bailey** – Mr. Bailey applied for a level 2 LADAC license. Mr. Bailey was approved to sit for the NCC AP level 2 written exam.

**Shadonna Banks-** Ms. Banks applied for a level 2 LADAC license. Ms. Banks was approved to sit for the NCC AP level 2 written exam.

**Sarah Bell-** Ms. Bell applied for a level 1 LADAC license. Ms. Bell application was deemed incomplete, and she will need to submit the remaining balance of her training hours.

**Katreasa CWright-** Ms. CWright applied for a level 1 LADAC license. Ms. CWright was approved to sit for the NCC AP level 1 written exam.

**James Shands-** Mr. Shands applied for a level 2 LADAC license. Mr. Shands was approved to sit for the NCC AP level 2 written exam.

# Mr. Kinnaman reviewed and approved the applicants' files to sit for their level licensure exam and Dr. Abraham seconded the motion and the motions passed for the following application files:

**Matthew Johnson-** Mr. Johnson applied for a level 2 LADAC license. Mr. Johnson was approved to sit for the NCC AP level 2 written exam.

**Ross Martin-** Mr. Martin applied for a level 1 LADAC license. Mr. Martin application was deemed incomplete, and she will need to submit the remaining balance of her training hours.

**Karrah Shirkey-** Ms. Shirkey applied for a level 2 LADAC license. Ms. Shirkey was approved to sit for the NCC AP level 2 written exam.

Dr. Loftis reviewed and approved the applicants' files to sit for their level licensure exam and Mr. Kinnaman made a motion to accept the approval. The motions were made and seconded. All motions passed for the following application files:

**Courtney Collier-** Mr. Collier applied for a level 2 LADAC license. Mr. Kinnaman reviewed and approved Mr. Collier to sit for the NCC AP level 2 written exam and Ms. Baker seconded the motion. Dr. Abraham recused herself. The motion passes.

**Lori Flippo-** Ms. Flippo applied for a level 2 LADAC license. Ms. Flippo was approved to sit for the NCC AP level 2 written exam.

**Mark Tharp-** Mr. Tharp applied for a level 1 LADAC license. Mr. Tharp was approved to sit for the NCC AP level 1 written exam.

Mr. McNeil reviewed and approved the applicants' files to sit for their level licensure exam. The motions were made and seconded. All motions passed for the following application files:

**Saul Calderon-Zavala-** Ms. Flippo applied for a level 2 LADAC license. Ms. Flippo was approved to sit for the NCC AP level 2 written exam.

**Paul Crews-** Mr. Crews applied for a level 1 LADAC license. Mr. Crews was approved to sit for the NCC AP level 1 written exam. Dr. Abraham seconded the motion.

**John Graham-** Mr. Graham applied for a level 2 LADAC license by reciprocity. Mr. Graham level 2 licensure by reciprocity was approved. Dr. Abraham seconded the motion.

**Sabrina Pyles-** Ms. Pyles applied for a level 2 LADAC license. Ms. Pyles was approved to sit for the NCC AP level 2 written exam.

**Sarah Sackett-** Ms. Sackett applied for a level 2 LADAC license by reciprocity. Ms. Sackett level 2 licensure by reciprocity was approved. Mr. Kinnaman seconded the motion.

## **APPROVAL OF MINUTES**

Mr. Terry Kinnaman made a motion to accept April 14, 2023, meeting minutes as written, and Ms. Baker seconded the motion. This motion carried.

## **REPORT FROM THE OFFICE OF INVESTIGATIONS**

Mr. Roger Knowlton stated her office had a total of complaints five (5) newly opened and currently three (3) open and five (5) closed.

# ADMINISTRATIVE OFFICE REPORT

Ms. Latonya Shelton stated there are 531 licensees; thirteen (13) level one application; two (2) level two applications; two (2) reinstatement applications; and four (4) reciprocity applications.

Ms. LaTonya Shelton stated twelve (12) licenses have been issued; two (2) retired; ten (10) expired; fifty-eight (58) renewals. Ms. LaTonya Shelton informed the Board there were thirty-eight (38) online renewals.

Ms. Latonya Shelton stated the next meeting is October 13, 2023, and the 2024 meeting dates are as follow:

January 5, 2024 April 19, 2024 July 26, 2024 October 11, 2024

## **OFFICE OF GENERAL COUNSEL REPORT**

Mr. Paul Richardson gave the report from the Office of General Counsel which included the following updates:

## **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.

## Litigation

OGC currently has one (1) open case concerning the Board of Alcohol and Drug Abuse Counselors. There no Consent Order to present today.

## Rules

1200-30-01 Rules Governing Licensure of Alcohol and Drug Abuse Counselors – Internal Review

## CONDUCT NEW BUSINESS

#### **Ratification of New Licensees**

The Board read allowed the newly licensed individuals since the last Board meeting. Dr. Abraham motioned to ratify all names on the list. Ms. Baker seconded the motion and it passed.

#### **Initial Licenses**

Alexander, Robert Pryor Jr. Bowie, Rachel Fields, Demetria Yvette Foster, Ann. French, Misty J. Hancock, Andrea Owen, Michael James Price, Anna Ross Palmer Roberts, Amy Michelle Sharp, Leslie Danielle Teague, Bradley Deshawn Wiley, Kendra Lapri

The Board read allowed the reinstated licensed individuals since the last Board meeting. Mr. Kinnaman motioned to ratify all names on the list. Mr. McNeil seconded the motion and it passed.

## **Reinstatement**

Matthews, Traci L.

## **Continuing Education Waiver/Exception Request(s)**

**Valena Sommermeyer-** was not present but available by phone if needed. Ms. Sommermeyer wrote a request asking the Board to consider granted a continuing education waiver due to her hardships and life events from the past two (2) years. Ms. Sommermeyer was diagnosed with kidney cancer, her son lost his father and within a six (6) month window they had moved multiple times after losing their home. After a discussion the Board wanted to know if Ms. Sommermeyer was currently working as a LADAC, she was contacted by phone and she stated that she was not working as a LADAC but employed by Blue Cross Blue Shield working remote. Mr. Kinnaman made a motion to grant the continuing education waiver and Mr. McNeil seconded the motion. This motion passed.

**Jessica Hirsch Creative Mindfulness, Heart Sounds and Mindful Watercolor**- Ms. Hirsch LADAC II, QCS requested permission from the Board to provide three (3) hands-on activities and be able t apply the ideas into their own therapeutic practices. The training location is to be determined. After a brief discussion, Mr. Kinnaman made a motion to approve the training courses and Ms. Baker seconded. The motion carried

#### **Public Comment**

The Board discussed the upcoming Journey Together conference being held in September 4-7, 2023, in Nashville at Cool Springs Marriott.

The Board discussed applicants retaking the jurisprudence exam multiple times before they pass the exam. The Board wanted to know if the same questions were being missed. Dr. Francis Patterson discussed with the Board regarding the jurisprudence exam that it's a possibility the answer key could be wrong. She will check her records and email it to Ms. Shelton

This meeting adjourned at 11:09 a.m.

These minutes were ratified at the October 13, 2023 Alcohol and Drug Abuse Counselor Board meeting.