

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: July 15, 2022
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Poplar Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Dr. Mark Loftis, LADAC, Chair
Dr. Jane Abraham, LADAC, Secretary
Ms. Britney Baker, LADAC
Mr. Terry Kinneman, LADAC
Mr. Major McNeil, Citizen Member

STAFF

PRESENT: LaTonya Shelton, ASA3
Paul Richardson, Associate General Counsel

Ms. LaTonya Shelton, Administrative Services Assistant 3 called the meeting to order at 9:11 a.m. Ms. Shelton determined that a sufficient number of members were in attendance to constitute a quorum. Members were advised to identify themselves before they spoke. The meeting was then turned over to Dr. Mark Loftis Chair of the Board.

Minutes

Mr. Major McNeil made the motion to approve the January 21, 2022, meeting minutes and Dr. Jane Abraham seconded the motion. The motion carried.

Mr. Major McNeil made the motion to accept the April 4, 2022, meeting minutes and Dr. Jane Abraham seconded the motion. The motion carried.

Office of General Counsel (OGC)

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 are no Orders nor cases to hear today.

Rules

Chapter 1200-30-01 Rules revision Governing Licensure of Alcohol and Drug Abuse Counselors are currently in internal review.

Office of Investigations

Ms. Jaime Byerly informed the Board that current year to date there are six (6) complaints are opened and twelve closed. it will be someone other than herself that will attend the meeting.

Financial Report

Mr. Matthew McSpadden, fiscal manager reviewed the Financial Report for the mid-fiscal year June 30, 2022, actual revenue and expenditures. The Board incurred total direct expenditures of \$39, 562.71 and allocated expenditures of \$7, 165.58 for total expenditures of \$46,728.29.

The mid-fiscal year 2022 financial report indicated the Board Fee Revenue totaled \$51,810.00, current year net \$5,081.71 with a cumulative carryover of \$140,795.48. Mr. McSpadden stated the cumulative carryover does not exceed two times the three-year average of operating expenditures.

Administrative Report

Ms. Latonya Shelton stated there are 518 licensees; twelve (12) level one application; eight (8) level two applications; and five (5) reciprocity applications.

Ms. LaTonya Shelton stated nineteen (19) licenses have been issued; zero (0) retired; four (4) expired; eight (8) qualified clinical supervisors; sixty (60) renewals. Ms. LaTonya Shelton informed the Board there were fourteen (14) renewed through revenue, two (2) cash office and forty-four (44) online renewals.

Ms. Latonya Shelton stated the next meeting is October 21, 2022.

Ratify newly licensed/reinstated applications

Dr. Jane Abraham made a motion, seconded by Ms. Britney Baker, to approve the following newly licensed applicants. The motion carried.

Level 1

Cynthia Lawler
Margaret Wallace

Level 2

Donna Armstrong
Justin Cornett
Ashley Ellis
Trey French

April Kulbacki
Ellen Maner
Stacie McGhee
Susan Morgan

Sheena Simmons

Upgrade

Flora Polly

Reinstatements

Toby Abrams
 Paul Hart
 George Massengill
 Zachary Newton
 Mark Skiera

Office of Legislative Affairs- 2022 Legislative Update given by Elizabeth Foy**[Public Chapter 644—SB1823/HB1867—Johnson/Zachary](#)**

Re: Covid-19 Vaccine Exemptions. This public chapter requires that an employer grant certain exemptions to requirements of proof/receipt of vaccinations if the request for exemption is either (1) supported by signed/date statement by a licensed physician that the staff member has a condition recognized under generally accepted medical standards as a basis for the medical exemption or (2) the staff member attests in writing (including electronic means) that the staff member has a sincerely held religious believe that prevents the staff member from complying the requirement in accordance with guidance from Medicare and Medicaid services. This public chapter creates a civil penalty of \$10,000 for violation of this statute.

Effective as of March 11, 2022.

[Public Chapter 749—SB2572/HB2465—Crowe/Leatherwood](#)

Re Naloxone Standing Order. This public chapter allows licensed healthcare workers to prescribe, directly or through standing order, naloxone or other similarly acting and equally safe drugs approved by the FDA to an organization or municipal or county entity, including but not limited to a recovery organization, hospital, school, or county jail. This public chapter also allows an individual or entity under a standing order to receive and store an opioid antagonist and provide an opioid antagonist directly or indirectly to an individual. Additionally, this public chapter authorizes a first responder acting under a standing order to receive and store an opioid antagonist and to provide an opioid antagonist to an individual at risk of experiencing a drug-related overdose or to a family member friend or other individual in a position to assist an at-risk individual. This public chapter includes “unresponsiveness, decreased level of consciousness, and respiratory depression” to be included within the definition of drug related overdose.

Effective on July 1, 2022.

[Public Chapter 756—SB1789/HB2858—Briggs/Kumar](#)

Re Conditions of Participation. This public chapter removes the requirement that a healthcare provider enrolled in Medicare or Medicaid be subject to conditions of participation to be exempt from the definition of “private business” or “governmental entity” for purposes of the Title 14/Covid-19 state laws.

Effective as of March 31, 2022.

[Public Chapter 764—SB2427/HB2177—Johnson/Lamberth](#)

Drug Paraphernalia. This public chapter excludes narcotic testing equipment used to determine whether a controlled substance contains a synthetic opioid from the definition of “drug paraphernalia” as used within the criminal code unless the narcotic testing equipment is possessed for purposes of the defendant’s commission of certain drug related offenses. This public chapter will be repealed on July 1, 2025.

Effective as of March 31, 2022.

[Public Chapter 766—SB2453/HB2655—Yager/Hawk](#)

Re Telehealth. This public chapter extends the ability for healthcare providers to receive reimbursement for healthcare services provided during a telehealth encounter. This public chapter also clarifies that a healthcare provider acting within the scope of a valid license is not prohibited from delivering services through telehealth. Lastly, this public chapter adds that the requirement of an in-person encounter between the healthcare services provider, the provider’s practice group, or the healthcare system and patient within sixteen months prior to the interactive visit is tolled for the duration of a state of emergency declared by the Governor provided that healthcare services provider or patient, or both, are located in the geographical area covered by the state of emergency. Effective as of April 1, 2022 and applies to insurance policies or contracts issued, entered into, renewed, or amended on or after that date.

[Public Chapter 769—SB568/HB702—Johnson/Lamberth](#)

Re Anatomical Gifts. This public chapter prohibits a healthcare provider, a hospital, an ambulatory surgical treatment center, a home care organization or any other entity responsible for matching anatomical gifts or organ donors to potential recipients from, solely on the basis of whether an individual has received or will receive a Covid-19 vaccine, (1) consider an individual ineligible for transplant or receipt of an anatomical gift, (2) deny medical or other services related to transplantation, (3) refuse to refer an individual to a transplant center or specialist, (4) refuse to place an individual on an organ or tissue waiting list, or (5) place an individual at a position on an organ or tissue waiting list lower than the position the person at which the individual would have been placed if not for the individual’s vaccine status.

Effective as of April 8, 2022.

[Public Chapter 804—SB1802/HB1763—Reeves/Lamberth](#)

Re Drug Paraphernalia. This public chapter includes pill press devices and pieces of pill press devices to the definition of drug paraphernalia for the purposes of drug offenses. Pill devices or pieces of pill press devices are not included within this definition if used by a person or entity that lawfully possesses drug products in the course of legitimate business activities, such as a pharmacy or pharmacist.

Effective on July 1, 2022 and applies to offenses committed on or after that date.

[Public Chapter 807—SB1846/HB1843—Watson/Terry](#)

Re HIPPA Compliant Provider-Based Telemedicine. This public chapter recognizes HIPPA complaint audio only conversation for the provision of certain behavioral health services and healthcare services as “provider-based telemedicine” when the use of HIPPA compliant real-time, interactive video, video telecommunications, electronic technology, or store-and-forward telemedicine services are unavailable. Additionally, this public chapter specifies requirements for

a healthcare provider, office staff, or party acting on behalf of the healthcare provider submitting for reimbursement of an audio-only encounter.

Effective as of April 8, 2022.

[Public Chapter 833—HB1997/SB1936—Cochran/Jackson](#)

Re UAPA. Clarifies that the ALJ shall decide a procedural questions of law. Allows the director of the administrative procedures division of the secretary of state's office to issue subpoenas. Allows electronic participation in hearings, by agreement of the parties. The hearing officer may allow electronic testimony if the absence of the witness would otherwise cause of delay of the hearing. Requires that a final orders be issued within 90 days. Allows that a petition for reconsideration be filed within 15 days of the entry of the final order or initial order.

Effective as of April 19, 2022.

[Public Chapter 856—HB2864/SB2889—Rudd/Gardenhire](#)

Re Public Meetings. Permits boards or agencies of state government to have electronic meetings. If an electronic meeting is being held, requires that members of the public be allowed to view and/or listen to the meeting in real time. There must also be a method of members of the public to participate in the meeting electronically, if they would otherwise be permitted to participate in person. Instructions for participate are to be included in the notice of the meeting. An electronic meeting shall be recorded and that recording must be posted on the website of the organization within 3 days. The governing body shall maintain that electronic record of the meeting for at least 3 years.

Effective on July 1, 2022.

[Public Chapter 881—SB2240/HB2335—Haile/Vaughn](#)

Re Buprenorphine. Prohibits prescribing of buprenorphine via telehealth unless the healthcare provider is employed by a licensed non-residential opioid treatment facility, a community mental health center, an FQHC, a hospital, or through TennCare.

Effective as of April 14, 2022.

[Public Chapter 883—SB2285/HB1749—Bell/Ragan](#)

Re UAPA and Judicial Review Standards. Requires that a judge over a contested case not defer to an agency's interpretation of the statute or rule and shall interpret it de novo. Remaining ambiguity shall be resolved against the agency.

Effective as of April 14, 2022.

[Public Chapter 911—HB2309/SB2464—Freeman/Reeves](#)

Re Professional License Requirements. Mandates that a person seeking a professional license have US citizenship or be authorized under federal law to work in the US as verified by the SAVE Program (allows DACA children who are now adults to obtain professional licensure if not otherwise prevented by the license).

Effective July 1, 2022.

[Public Chapter 930—HB1871/SB1982—Hulsey/Hensley](#)

Re Covid Vaccinations and Acquired Immunity. Amends Title 14 to mandate that acquired immunity from a previous Covid-19 infection be treated the same as a Covid-19 vaccination by a

governmental entity, school, or local education authority. Mandates that private businesses who require vaccinations also include recognition for acquired immunity for Covid-19.
Effective as of April 11, 2022—This was not signed by Governor.

[Public Chapter 1024—SB1748/HB1827—Roberts/Ragan](#)

Re UAPA and Rules. Makes permanent all rules that were filed with the Secretary of State between January 1, 2021 and in effect upon passage of the act, unless they conflict with legislation passed during this session.

Effective as of May 11, 2022.

[Public Chapter 1054—HB1747/SB1877—Jernigan/Yarbro](#)

Re Cannabanoid Oil and Quadriplegia. Adds quadriplegia to one of the qualifying ailments that can be in legal possession of cannabanoid oil.

Effective as of May 25, 2022.

[Public Chapter 1061—HB2228/S2465—Ramsey/Reeves](#)

Re Opioid Antagonists. Requires that a prescriber offer a prescription for an opioid antagonist when issuing a prescription for an opioid if the prescription is for longer than 3 days and there is a history of or suspicion of abuse. This does not apply in palliative care or veterinarian settings. Penalties are included for failure to comply.

Effective on July 1, 2022 and applies to opioid prescriptions issued after that date.

[Public Chapter 1073—HB2665/SB2449—Sexton, McNally](#)

Re Covid Visitation Policies and Limitations on Covid Treatment Exemptions. Clarifies that a prescriber can be disciplined for prescribing controlled substances and/or narcotics for treatment of Covid, if appropriate. In addition, creates a patient advocate process that hospitals must follow during times of covid concern. Allows that person to enter a facility if they agree to follow procedures but provides certain exceptions to access to locations within the hospital.

Effective as of May 25, 2022.

[Public Chapter 1094—SB1891/HB1905—Hulsey/Doggett](#)

Re Mandatory Reporting of Fatal Drug Overdoses. Requires that a fatal overdose be reported to law enforcement, including by doctors and nurses.

Effective July 1, 2022.

[Public Chapter 1117—SB2448/HB2671—White/Farmer](#)

Re: Extended Liability Protection Against Covid Claims. Extends the liability protection against claims based on Covid exposure until July 1, 2023.

Effective as of June 1, 2022.

[Public Chapter 1123—SB2574/HB2535—Crowe/Alexander](#)

Re: End-of-Life Visitation at Nursing Homes and Assisted Living Facilities. Requires that nursing homes and assisted living facilities allow for visitation during a disaster, emergency, or public health emergency for Covid-19. Provides an exemption if the visitation would violate federal or state law.

Effective July 1, 2022.

[Public Chapter 1135—SB1997/HB2043—Bell/Cochran](#)

Re Tianeptine as Controlled Substance. Classifies Tianeptine and all derivatives thereof as Schedule II controlled substances.

Effective July 1, 2022.

All Public Chapters are Hyperlinked to the Document on the Secretary of State's Website

New Board Business Discussion

Dr. Loftis reminded everyone about the Journey Together Conference that will start August 29, 2022. After brief discussion with the Board and the public regarding the online application process is difficult and some training is needed.

Ms. Kathy Benson is participating with a taskforce with NAADAC and she asked what criminal conviction will prevent a person from being eligible for licensure. Dr. Loftis stated it varies from board to board. Mr. Richardson referred briefly to the Fresh Start Act and that may exclude certain convicted felonies. Ms. Patterson stated that some people are under the impression their background had to be expunged before applying for licensure, and they are scared to apply. Mr. McNeil shared his thoughts on this discussion briefly.

Dr. Abraham made a statement in the state of Arkansas has started to legalize recreational marijuana and expunging nonviolent felony charges for possession.

Ms. Kathy Benson asked for the scope of practice regarding level 1 LADAC's private practice. After a brief discussion Ms. Benson stated the current rule is lax and simple state a level 1 cannot have a private practice. Further discussion level 1 LADAC's must remain under supervision by a Level 2 LADAC or QCS.

With no other business to conduct, the meeting was adjourned at 10:43 a.m. The next meeting is October 21, 2022, at 9:00 a.m. at 665 Mainstream, Ground Floor, Nashville, Tennessee

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