

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: July 24, 2020
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Iris Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: David Brown, LADAC, Chair
Ella Bentley, LADAC, Secretary
Thomas Corman, LADAC
Dr. Jane Abraham, LADAC, NCAC II

ABESENT MEMBER: Major McNeil, Citizen Member

STAFF

PRESENT: Teddy Wilkins, Unit Director
LaTonya Shelton, ASA3
Carolina Tippens, Deputy General Counsel

WebEx Event: Due to COVID-19 gathering restrictions, please join us in our virtual meeting which is open to the public.

Ms. Wilkins asked staff to introduce themselves: Teddy Wilkins, Unit Director; Latonya Shelton, ASA3, Caroline Tippens, Assistant General Counsel.

Mrs. Teddy Wilkins reviewed the required formalities with Board members that were in attendance for the electronic meeting.

Mrs. Teddy Wilkins stated this is a meeting of the Board of Alcohol and Drug Abuse Counselors. Because this Board was unable to convene a physical quorum to consider these matters considering the COVID-19 pandemic. All votes must be done by roll call. Ms. Teddy Wilkins, Unit Director called the meeting to order at 9:30 a.m. Ms. Teddy Wilkins, called the roll to ensure there was a quorum and to ensure all board members were connected and able to hear each other. It was determined that is was a quorum.

Members were advised to identify themselves before they spoke. The teleconference was then turned over to Ms. Ella Bentley, Secretary of the Board because Mr. David Brown was have connection issues.

Election of Officers

Motion to nominate a new board chair: Mr. Thomas Corman made a motion to nominate Ms. Ella Bentley for board chair and Dr. Jane Abraham seconded the motion. A roll call vote was held and passed unanimously.

Motion to nominate a new board secretary: Ms. Ella Bentley made a motion to nominate Dr. Jane Abraham for board secretary and Mr. Thomas Corman seconded the motion. A roll call vote was held and passed unanimously.

Minutes

Upon review of the January 17, 2020 board minutes and the April 27, 2020 teleconference meeting Dr. Jane Abraham made a motion, seconded by Mr. Thomas Corman to approve both sets minutes as written. The motion carried.

Office of General Counsel (OGC)

Litigation

Ms. Caroline Tippens informed the Board there are no cases currently in the Office of General Counsel pertaining to licensed alcohol and drug abuse counselors.

Rules

Public Chapter 131 (2019), the “Kenneth and Madge Tullis, MD, Suicide Prevention Training Act,” requires the Board to promulgate rules regarding suicide prevention training. Public Chapter 131 requires that beginning on January 1, 2020, all licensed LADACs must take at least one approved course from the Department of Mental Health on suicide prevention every four (4) years. The Board approved the changes required by Public Chapter 131 at its April 5, 2019 meeting. A Notice of Rulemaking has been filed and these rules will be heard before the Board on January 17, 2020. The rules are in the Attorney General’s Office pending review for legality and constitutionality.

On the iPads for the Board’s review, are copies of the combined pending rules which are in internal review with language showing the deletion of behavioral health from the rules, along with the adoption of the IC&RC credential via reciprocity, which were approved by the Board on October 18, 2019. Per the Board’s request, Counsel for the Board has worked closely with the Tennessee Certification Board (“TCB”) regarding the process of obtaining IC&RC certification. On or about July 20, 2020, Counsel was informed that TCB has been approved by IC&RC for ADC/AADC credentialing.

TCB is in the process of building up its application system. IC&RC allows licensees to be grandfathered in for IC&RC certification for a period of six (6) months and must be completed within two (2) years of

adoption. The six (6) months can be consecutive or broken up. The Tennessee Certification Board has been working with the professional associations to spread the word about the grandfathering in period before the period is opened.

CE Audit Update:

The Commissioner has been designated the authority to waive the in-person/live continuing education requirements. For continuing education credits/hours required to be obtained in any period that encompasses the calendar year of 2020, all continuing education credits/hours that are obtained through non in-person/live methods will be accepted as proof of completing any continuing education requirements that are a condition of renewing and reinstating a license, certification or registration.

We will not audit the in-person or live event component hours obtained during this time. The audit process will otherwise remain unchanged.

Telehealth:

We have received several questions regarding the ability of licensed alcohol and drug abuse counselors to practice telehealth. Telehealth is defined under Tenn. Code Ann. § 63-1-155. Telehealth only applies to those healthcare providers who can diagnose AND treat pursuant to Tenn. Code Ann. § 63-1-155(a)(1)(A). Further, licensed alcohol and drug abuse counselors have neither the statutory authority nor rules in place which allow them to practice telehealth. Because you do not have the statutory or regulatory authority to diagnose and treat or perform telehealth, Executive Orders #36 and #50 do NOT apply to licensed alcohol and drug abuse counselors. To be clear, you do not have the statutory or regulatory authority to perform telehealth. Any sort of consultation or counseling that is done via Zoom may subject you to discipline.

It is strongly encouraged you that review the Governor's Economic Recovery guidelines which provide guidance on seeing patients during COVID-19 which includes limiting the number of people coming into the office, practicing social distancing, and performing temperature checks and asking the appropriate questions regarding possible exposure to COVID-19.

A link to the Economic Recovery Guidelines is included:

<https://www.tn.gov/governor/covid-19/economic-recovery.html>

Financial Report

Ms. Maria McCormick will present the year end report at the October 9, 2020 meeting. Ms. McCorminck informed the board that during this pandemic the governor issued an executive order that extended the renewal expiration dates and that the board may not collect the normal revenue as usual. Ms. McCorminck informed the board that Mr. Butch Jack retired.

Office of Investigations

Ms. Leonard stated her office had a total of complaints one (1) newly opened; four (4) closed and currently five (5) open. Ms. Leonard informed the Board that she is not currently monitoring any practitioners. Ms. Leonard also introduced Ms. Jamie Byerly the new Director of Investigations.

Administrative Report

Ms. LaTonya Shelton stated there are 483 licensees; two (2) level one application; six (6) level two applications; two (2) reinstatement applications, and one (1) reciprocity application.

Ms. LaTonya Shelton stated twelve (12) licenses have been issued; three (3) retired; zero (0) expired; forty-eight (48) renewals and, zero (0) denials. Ms. LaTonya Shelton informed the Board there were seventeen rewed through revenue and thirty-one (31) online renewals.

Ms. LaTonya Shelton stated the next meeting is October 9, 2020.

Ratify newly licensed/reinstated applications

Dr. Jane Abraham made a motion, seconded by Mr. Corman, to approve the following newly licensed applicants. The motion carried.

Level 1

Jimmy Joe Cook
Mark Franklin Holladay
John Leo McAndrew
Shaun Baxter Washburn

Level 2

Raymond Blackwell
Carla Renee Burlesci
Dorothy Joanne Greenlee
Cheryl Anne Monaghan
Tiffany Porter
Zachary Charles Talbott

Reciprocity

Jennifer Kimpan

Continuing Education Program(s)

Mr. David Brown made a motion to approve Ms. Josie West Eight Domains of Substance Abuse Counselors continuing education course. The continuing education course will cover ten (10) hours of training in the following eight domains: client education; ethics; clinical evaluation; intake; referral; treatment planning; counseling and service coordination. Dr. Jane Abraham seconded the motion.

Legislation

Mr. Patrick Powell legislation liaison informed the board regarding the following legislation:

Public Chapter 594

This act was the Department of Health’s Licensure Accountability Act. The bill allows all health related boards to take action against a licensee that has been disciplined by another state for any acts or omissions that would constitute grounds for discipline in Tennessee. The law also

expands available emergency actions, allowing actions beyond simply a summary suspension. Finally, the act establishes that the notification of law changes to health practitioners can be satisfied by the online posting of law changes by the respective boards. Notice must be maintained online for at least 2 years following the change. This act took effect March 20, 2020.

Public Chapter 738

This act prohibits a governmental entity from authorizing destruction of public records if the governmental entity knows the records are subject to a pending public record request. Prior to authorizing destruction of public records an entity must contact the public record request coordinator to ensure the records are not subject to any pending public record requests. Records may still be disposed of in accordance with an established records retention schedule/policy as part of an ordinary course of business as long as the records custodian is without knowledge the records are subject to a pending request.

This act took effect on June 22, 2020.

After, a lengthy discussion between Mr. Powell and the Board members regarding telehealth. Mr. Powell suggested that the Board speak with their local representative(s), senator(s) and associations to make sure this profession is included in the telehealth bill. Mr. Powell also mentioned that this profession practice act would have to be changed.

Discussion

Nan Casey asked the board if the eight domain training via online video could be used towards an applicant's supervision hours. The answer was no, you cannot conduct supervision over multi media. Ms. Casey also asked the board if a LADAC could provide telehealth services through an agency. Ms. Tippens informed Ms. Casey that this profession statute 68-24-601 lacks the authority to providing telehealth service. Ms. Tippens suggested that if you are with an agency you will need to follow the economic guidelines and see patients in person by following the six (6) feet of social distancing, wearing a mask, asking the four (4) questions and appropriate temperature screening. Ms. Ella Bentley stated that the confusion for providers fall with the fact that the payer source for those entities have allowed for telehealth to become a billable service but this does not override what the requirements are for this license.

Michelle Squires has an immediate concern that LADAC's all over Tennessee that are providing zoom groups through the entire pandemic. They fall under agency guidelines that have LPC's or LCSW's associated with LADAC's that sign off on zoom groups.

John Jackson discussed a letter written from TAADAS to TennCare regarding LADAC Level II's to bill TennCare for treatment based on licensees having to have a behavioral health degree.

With no other business to conduct, the meeting was adjourned at 11:02 a.m. The next meeting is January 15, 2021 at 9:00 a.m. at 665 Mainstream, Ground Floor, Nashville, Tennessee

These minutes were ratified at the October 9, 2020 Alcohol and Drug Abuse Counselor Board meeting.