

# Board of Alcohol and Drug Abuse Counselors



## Newsletter



Fall 2009

A Regulatory Agency of the State of Tennessee

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In conjunction with the purpose and goals of the Department of Health, the Mission of the Bureau of Health Licensure and Regulation is to: Monitor, access and enforce health care laws and regulations; Protect, promote and enhance quality health care for all citizens; Continuously strive to meet the needs of our customers in a respectful and caring manner; Provide quality work-life necessary to attract and retain competent, caring employees; Empower our employees to become entrepreneurs in their jobs; Increase awareness and public confidence in our services; and Utilize our resources efficiently and cost effectively.

227 French Landing, Suite 300, Heritage Place Metro Center, Nashville, TN 37243 • <http://health.state.tn.us> (615) 532-5127 or 1-800-778-4123 ext. 25127 • Office Hours: Monday – Friday 8:00 a.m. to 4:30 p.m. Central Time (except state and federal holidays) Fax: (615) 532-5369



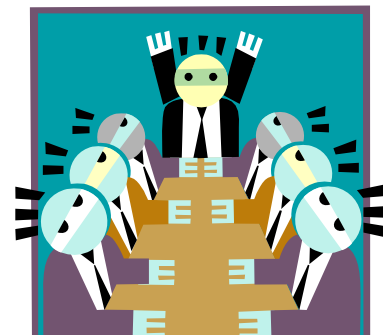
### About the Board of Alcohol and Drug Abuse Counselors

The Alcohol and Drug Abuse Counselors Licensure Advisory Committee, created in 1996 by the State Legislature, was restructured effective January 1, 1998, as the Board of Alcohol and Drug Abuse Counselors. Its mission is to safeguard the health, safety, and welfare of Tennesseans by requiring those who practice as alcohol and drug abuse counselors within this state be qualified. The Board interprets the laws, rules, and regulations to determine the appropriate standards of practice in an effort to ensure the highest degree of professional conduct. The Board is responsible for the investigation of alleged violations of the Practice Act and rules and is responsible for the discipline of licensees who are found guilty of such violations.

The administrative staff of the Division of Health Related Boards supports the Board by issuing licenses to those who meet the requirements of the law and rules. Renewal notices are mailed from Board's administrative office forty-five (45) days prior to the

expiration of the license to the current address on record. Licensees are responsible for reviewing their license on time and keeping the Board apprised of current information. Licenses can be renewed on-line one hundred twenty (120) days prior to expiration at [Tennessee.gov/health](http://Tennessee.gov/health). Click on the "License Renewal" link and follow the prompts. Failure to renew by the expiration date may result in a fine.

All members of the Board are appointed by the Governor to serve five (5) year terms. The Board consists of five (5) members. Two (2) nationally certified master alcohol and drug abuse counselors and two (2) nationally certified alcohol and drug abuse counselors currently licensed by the Tennessee Department of Health, and one (1) consumer member who is not directly or indirectly engaged in the alcohol and drug abuse profession. The Board meets three (3) times each year to review files for licensure by examination and reciprocity, administer oral examinations, and endorse training for continuing education hours required for licensure renewal. A quorum of three (3) members is required to conduct business. The meetings are open to the public.



## 2010 Board Meeting Dates

<b>January 22, 2010</b>	Poplar Room 9:00 a.m., CST
<b>April 9, 2010</b>	Poplar Room 9:00 a.m., CST
<b>July 23, 2010</b>	Poplar Room 9:00 a.m., CST
<b>October 22, 2010</b>	Poplar Room 9:00 a.m., CST

All Board meetings will be held at 227 French Landing, Suite 150, Heritage Place, MetroCenter, Nashville, TN, unless otherwise noted.

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## Legislation

### Public Chapter 459 Compulsive Gambling Disorder

The evaluation and treatment of those persons who have had their lives significantly impacted by compulsive gambling disorder; provided, however, to evaluate or treat a person significantly impacted by compulsive gambling disorder, a counselor shall have not less than sixty (60) additional hours of specialized education relating to compulsive gambling disorder. Such education shall be in the form of formal classroom hours or annual continuing educational hours, or a combination of such hours; provided further, an applicant for license as a part of his or her clinically supervised counseling experience shall have experience with not less than ten (10) patients impacted by compulsive gambling disorder. A qualified supervisor shall have not less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder to supervise a counselor relative to the evaluation and treatment of compulsive gambling disorder. This law is effective July 1, 2009.

### Public Chapter 581 Voluntary Provision of Health Care Services

Chapter 581 of the 2009 Public Acts provides that a person licensed by any of the health related boards who provides voluntary health care services to a patient of a sponsoring organization shall not be civilly liable for any act or omission in rendering these services, unless the act or omission constitutes gross negligence or willful misconduct.

This Public Chapter became effective on July 1, 2009.

### Public Chapter 425 Health Care Liability

This public chapter revises provisions governing notice that must be given by any person asserting a potential claim for medical malpractice to each health care provider against whom the claim is being made; revises provisions governing certificate of good faith that must be filed.

This Public Chapter became effective on July 1, 2009.

### Public Chapter 1190 Long Term Care

The long term care system shall recognize that aging is not a disease, but rather a natural process that often includes increasing needs for assistance with daily living activities. To the maximum extent possible and appropriate, the system shall be based on a model of care delivery which acknowledges that services delivered in the home and community-based settings are not primarily medical in nature, but rather, support services that will provide needed assistance with activities of daily living and that will allow persons to "age in place" in their homes and communities.

### Public Chapter 529 Prohibition of Employment of Illegal Aliens

If the Commissioner of Labor and Workforce Development receives a complaint that a person, licensed by a state regulatory board, knowingly employs, recruits or refers for a fee for employment an illegal alien, that person is subject to an investigation and contested case hearing.

If there is proof a person knowingly employed, recruited or referred for a fee for employment, an illegal alien, which occurred while acting within the scope of practice of his/her license, the regulatory board will be required to revoke, suspend, or deny the person's license.

For the first violation, the regulatory board will be required to suspend the person's license until they show they no longer employ, recruit or refer for a fee for employment, an illegal alien. This can be made by the person filing a sworn statement that they no longer employ illegal aliens.

If a second violation occurs within three (3) years from the first order, the regulatory agency will be required to suspend the person's license for one (1) year.

## **Public Chapter 83 Mandatory Domestic Violence Reporting**

Health care practitioners shall report cases of suspected or confirmed domestic violence to the Tennessee Department of Health. The system was operational in October 2007 and requires certain data to be reported using the reporting tool located on the Department of Health website.

## **Public Chapter 410 Non-Smoker Protection Act**

Public Chapter 410 creates the Non-Smoker Protection Act which prohibits smoking in all enclosed public places within the State of Tennessee including, but not limited to, the following places:

(2) "Areas available to and customarily used by the general public in businesses and non-profit entities patronized by the public including, but not limited to, banks, Laundromats, factories, professional offices, and retail service establishments; and

(7) "Health care facilities". (Nursing homes and long-term care facilities are exempted)

The legislation requires offices and health care facilities to do the following:

- Inform all existing employees and any prospective employees upon their application for employment of the prohibition on smoking; and
- "No Smoking" signs or the international "No Smoking" symbol, shall be clearly and conspicuously posted at every entrance to every public place and place of employment where smoking is prohibited.

The Department of Health, shall while an establishment is undergoing otherwise mandated inspections, inspect for compliance with this Act. Information about these inspections will be communicated with the appropriate offices and/or health care facilities in the future.

## **Public Chapter 864 Restroom Access Act**

PC 864 requires any place of business that is open to the general public for the sale of goods or services ("retail establishment") that has an employee toilet facility to allow a customer to use such facility during normal business hours, if:

1. The customer requesting the use of the employee toilet facility suffers from a medical condition that requires immediate access to a toilet facility or utilizes an ostomy device; the customer must present the employee with proof

of an eligible medical condition, such as a document issued by a licensed medical provider;

2. Three or more employees of the retail establishment are working at the time of the request;
3. There is not a restroom available for public use in the retail establishment or otherwise immediately accessible to the customer; and
4. The employee toilet facility is not located in an area that poses an obvious safety or security risk.

This bill provides immunity from civil damages to any retail establishment or an employee of a retail establishment for any act or omission in allowing a customer to use an employee toilet facility that is not a public restroom if the act or omission:

1. Is not willful or grossly negligent;
2. Occurs in an area that is not accessible to the public; and
3. Results in an injury to or death of the customer or any individual other than an employee accompanying the customer.

This bill does not require any retail establishment to make any physical changes to an employee toilet facility. Any retail establishment or employee of a retail establishment that does not comply with the toilet facility access requirements of this bill commits a Class C misdemeanor punishable only by a fine of up to \$50.

## **Public Chapter 1060 Child Abuse Reporting**

Public Chapter 1060 provides immunity from civil and criminal liability for reporting abuse of children by a health care examiner when there is harm or reason to believe there is a mandate to report. No immunity is provided for reports by perpetrators of harm to children. This law became effective July 1, 2008.

**Public Chapter 185** deletes the language in **T.C.A. §37-1-403** that makes provisions for the reporting of suspected child abuse through a designated official of a hospital, clinic, school, or agency/organization. The responsibility for reporting suspected abuse/neglect now lies with the individual who suspects that child abuse or neglect has occurred. Therefore, individual organization policies allowing a staff person to report suspected abuse or neglect to the person in charge of the organization, or that person's designee, will no longer be in compliance with state law. Please immediately update your policies regarding the reporting of child abuse to reflect these changes and ensure your staff is notified of the change in policy.

The bottom line for all hospitals, clinics, schools, and any organization responsible for the care of children: If you are an individual who suspects child abuse, you have a legal obligation to report it to DCS or others mandated to receive these reports. You may no longer fulfill your legal obligation by reporting it to a designated person within your organization. Pursuant to T.C.A. §37-1-412, failing to report is a Class A misdemeanor and is punishable by a fine not to exceed two thousand five hundred dollars (\$2,500).

In addition to the Department of Children's Services, individuals may report suspected child abuse/neglect to the Juvenile Court Judge having jurisdiction over the child, the Sheriff of the county where the child resides, or the Chief Law Enforcement Officer of the municipality where the child resides. Persons reporting to the Department should call the Department of Children's Services statewide hotline. There are two (2) toll-free numbers and they are operational 24 hours a day, 7 days a week.

**1-877-54ABUSE (1-877-542-2873)  
and  
1-877-237-0004**

For more information about this change or child abuse reporting, you may contact your local office of the Department of Children's Services or your established DCS contact.

**The complete text of Public Acts is available at:**  
<http://www.tennessee.gov/sos/acts/index.htm>

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## Changes of Address

**Changes of address must be reported (in writing or via the Internet) to the Board's office within 30 days of your move.**

### INFORMATION REQUIRED

- Your name and license number
- Your profession
- Your old address and phone number
- Your new address and phone number
- Your SIGNATURE!

**Fax Number 615-532-5369 or visit the  
Department's Web site at:**  
<http://tennessee.gov/health>

## Telephone Number for the Board

**Toll-Free 1-800-778-4123 ext. 25127  
Local (615) 532-5127**



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## Rule Amendments

You may download a copy of the rules, along with applications and forms, Board member list, Board meeting schedule, policy statements and Board meeting minutes at the Board's Web site:

<http://tennessee.gov/health>

## Testing Procedure Changes for the NAADAC Examination

As of March 2007, all levels of the NAADAC-NCC examinations will be offered by computer. All candidates will take the examination at computer based test centers operated by Lasergrade Testing, Inc. The only exceptions will be those candidates who can provide written documentation of a disability as described in the Americans with Disabilities Act (P.L. 101-336 – 1990) for whom written examinations will be provided. The cost of the examination is \$100.00 plus the cost for use and access to the computer of \$35.00 per candidate. The examination fees are non-refundable. Candidates can change their test dates within the one-week testing period (i.e., from a Monday appointment to a Thursday appointment, but cannot transfer from one testing period to another (i.e., from March to June). The Board's administrative office must receive the application and fees and will forward them to the Professional Testing Corporation (PTC); **however, the Tennessee Board of Alcohol and Drug Abuse Counselors must now sign each application to verify that the candidate has been approved for testing.** PTC will send each candidate an eligibility notice five (5) weeks prior to the first day of the testing period. **Once the candidate has received this notice, it is his/her responsibility to call Lasergrade Testing to set up the exam appointment.**

**PLEASE DO NOT DOWNLOAD APPLICATIONS FROM THE PTC OR NAADAC WEBSITES – CALL THE BOARD’S ADMINISTRATIVE OFFICE AT (615) 532-5127 OR 1-800-778-4123, EXT. 25127 TO OBTAIN THE APPLICATION FOR THE NAADAC EXAMINATION.**

- Checks for the NAADAC examination should be made payable to **NCC Examination in the amount of \$135.00**
- **Please Note** – *this fee is separate from the Board’s application fee.*

## Practitioners Currently Licensed by the Board

Alcohol and Drug Abuse Counselors 436



## Non-Compliance with License Renewal Requirements

All practitioners licensed by the Board of Examiners in Psychology who fail to renew their licenses pursuant to Rule 1180-1-.05 are subject to disciplinary action. The licensee must pay a one hundred dollar (\$100) monthly civil penalty for each month the licensee has worked on an expired license, after an initial three month grace period.

## Non-Compliance with Continuing Education Requirements

All practitioners licensed by the Board of Examiners in Psychology who fail to comply with the continuing education requirements pursuant to Rules 1180-1-.08 are subject to disciplinary action.

The licensee must pay a one hundred dollar (\$100) civil penalty within thirty (30) days of notification from the Board, and obtain the deficient continuing education hours by the end of the next calendar year in addition to the current biennial continuing education hour requirement.

## Disciplinary Actions

**Cynthia Saunders – License No. 612**  
License Suspended. Disciplined April 17, 2009.

## How to File a Complaint

While the Department of Health hopes that you will never have to file a complaint against a health care practitioner, doing so is a simple matter. You may contact the Investigations Division of the Department of Health at 1-800-852-2187 to request a [complaint form](#).

The form must be completed in its entirety. You are also requested to complete and sign a [medical records release form](#). While the form may not always be used, it is helpful to have this form in the event records are needed to determine course of treatment or actions that have been taken with regard to care provided.

**All materials received in connection with the complaint will become property of the Department of Health and cannot be returned. Please return the complaint to:**

**Office of Investigations  
227 French Landing, Suite 201  
Heritage Place MetroCenter  
Nashville, TN 37243**

## Complaint Review Process

Upon receipt of the complaint form, the designated Board consultant (who is a practitioner from the particular health profession) and an attorney review the complaint thoroughly to determine whether there has been a violation of the Practice Act.

The Board consultant and the attorney examine the details of the complaint. The practitioner may be contacted and relevant records may be studied. The review process may also involve the review of practitioner files, both public and confidential. Through the review process, the consultant and attorney will reach a decision and determine whether further action is warranted or not. This process may take several months to complete. This is determined by the complexity of the complaint.

Throughout the process, the practitioner’s due process rights are assured. The final decision that is reached by the Board will be based on the findings of an investigation. In some cases, a formal public hearing is held.

You may call the Investigations Division from time to time to inquire about the progress of the complaint. While state law does not allow the staff to give details of an investigation, you may request a general status report. Due to the nature of complaints and complex legal and medical issues that are involved, your patience, cooperation and understanding is appreciated.



## **Investigative Results**

When a decision is reached, you will receive a letter from the Board consultant. The specific content of such letters varies depending upon the circumstances of the complaint. However, they are generally one of the following types:

1. There was no violation of the Practice Act that would lead to disciplinary action, but the practitioner has been informed of the concerns that lead to the complaint.
2. There was a violation of the Practice Act and a formal disciplinary action was taken, made part of the public record, and reported statewide and to the national data bank.

All complaints received are taken seriously and a thorough and fair evaluation under the law is conducted.

Tennessee Board of Alcohol and Drug Abuse Counselors  
227 French Landing, Suite 300  
Heritage Place MetroCenter  
Nashville, TN 37243



## **Tennessee Board of Alcohol & Drug Abuse Counselors Board Members**

Mr. Jacques Tate  
Nationally Certified A & D Counselor  
Board Chair

Mr. Garner Gagle  
Licensed A & D Counselor  
Secretary

Ms. Sharon Trammell  
Nationally Certified A & D Counselor

Ms. Janice Higgins  
Citizen Member

Mr. Richard Kinnaman  
Nationally Certified A & D Counselor

### **Board Staff**

Melody Spitznas, ASA2  
Board Administrator

Barbara Maxwell  
Administrative Director