

MEETING MINUTES
TENNESSEE BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

DATE: July 16, 2021
TIME: 9:00 A.M.
LOCATION: Health Related Boards Conference Center
Iris Room, 665 Mainstream Drive
Nashville, TN 37243

BOARD MEMBERS

PRESENT: Ella Britt, LADAC, Chair
David Brown, LADAC,
Dr. Mark Loftis, LADAC
Dr. Jane Abraham, LADAC, NCAC II, Secretary

BOARD MEMBERS

ABSENT: Major McNeil, Citizen Member

STAFF

PRESENT: Diana Hunley, Unit Director
LaTonya Shelton, ASA3
Paul Richardson, Associate General Counsel

Ms. Diana Hunley, Unit Director called the meeting to order at 9:10 a.m. Ms. Hunley 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 Ms. Ella Britt, Chair of the Board.

Minutes

Dr. Jane Abraham made a motion to accept March 19, 2021 meeting minutes as written and Mr. David Brown seconded the motion. This 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 no open cases concerning the Board of Alcohol and Drug Abuse Counselors. There are no Orders nor cases to hear today.

Rules

There are currently no rules being drafted concerning the Board of Alcohol and Drug Abuse Counselors.

Office of Investigations

Ms. Courtney Lilly stated her office had a total of complaints eight (8) newly opened and currently sixteen (16) open. Ms. Lilly informed the Board that she is not currently monitoring any practitioners.

Administrative Report

Ms. LaTonya Shelton stated there are 472 licensees; seven (7) level one application; five (5) level two applications; four (4) reciprocity applications and one (1) reinstatement.

Ms. LaTonya Shelton stated fourteen (14) licenses have been issued; five (5) retired; and seventy-one (71) renewals and, zero (0) denials. Ms. LaTonya Shelton informed the Board there were twenty-five (25) renewed through revenue and forty-three (43) online renewals.

Ms. LaTonya Shelton stated the next meeting is October 15, 2021.

Ms. Shelton also introduced the new Unit Director Ms. Diana Hunley to the Board.

Ratify newly licensed/reinstated applications

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

Level 1

Samuel S. Scott
Kim Leah Murray Seator
Sheila L. Shelton

Level 2

Elliott R. Dombrosky
Jennifer N. Griffin
Whitney L. Malone
Sha’Vonya M Stephens
Chantelle D. Stokes
Marion E. Tant-Rieger
Julie Vermillion
Lindsey K. Whitney

Voluntarily Retired

Maria Abercrombie
Bobi Thomas Elsensohn
James Allen Hudgens
Steven D. McNish
Wallace Cochran Smith

Reinstatement

Cindy Kay Miller
Mary Hurt Rodgers
Michael L. Webb

Continuing Education Training Program(s)

After some discussion Mr. David Brown made a motion to approve Mr. Ted R. Graves, Jr. eight domain ten (10) hour class that will provide the required education hours to those applicants seeking licensure. Dr. Jane Abraham seconded the motion. The motion carried.

Legislation

Tennessee Board of Alcohol and Drug Abuse Counselors--Legislative Update 2021

Public Chapter 37

This act prohibits agencies subject to sunset review from promulgating rules or adopting policies to exempt members solely by virtue of their status as members .

This act took effect March 23, 2021.

Public Chapter 62

This act was one of the Department of Mental Health and Substance Abuse Services' legislative initiatives, relative to revising requirements on death reporting. Among other requirements, this act requires the mental health facility to notify the office of the medical examiner having jurisdiction upon discovery of a death as soon as reasonably possible, but no longer than 12 hours after the discovery of the death. The act also clarifies that licensed healthcare providers listed under additional titles in Tennessee Code Annotated (such as title 68) can practice

telemedicine.

This act took effect March 29, 2021.

Public Chapter 153

This act creates a new definition of "store-and-forward telemedicine services" to include the use of asynchronous computer-based communications between the healthcare provider and the patient for the purpose of diagnoses, consultation, or treatment of a patient at a distant site where there may be no in-person exchange.

This act took effect April 13, 2021.

Public Chapter 179

This act authorizes unlicensed graduates of certain medical training programs to provide telehealth services, provided they maintain the same existing standards for telehealth that licensed providers must meet.

This act took effect April 20, 2021.

Public Chapter 197

This act requires the Department of Health and other agencies to seek federal, private, or other available funding for the development of substance use disorder recovery programs. It also requires the agencies to report by February 15th of each year to the legislature the amount of funds they've applied for relative to substance use disorder programs, as well as recommendations to statute changes to develop recovery programs. Lastly, the report must include any benefits realized from these programs.

This act took effect April 22, 2021.

Public Chapter 230

This act revises the definition of marijuana to clarify that it does not include a product approved as a prescription by the Food and Drug Administration (FDA).

This act took effect April 22, 2021.

Public Chapter 242

This act authorizes records custodians to petition a court for injunctive relief from individuals making frequent public records requests with the intent of disrupting government operations, following a fifth (5th) public records request. A records custodian can only petition a court if they notify the person in writing stating the specific conduct may constitute intent to disrupt government operations, and that the person continues to do so. The individual upon a court injunction would not be able to make public requests at the agency for up to one (1) year.

This chapter took effect April 28th, 2021 and will sunset July 1, 2025.

Public Chapter 291

This act requires the attorney general and reporter to not approve an emergency rule if the emergency rule does not meet the statutory criteria for adoption of the rule.

This act took effect July 1, 2021.

Public Chapter 309

This act is a follow up to legislation from 2018, relative to authorizing local governments and municipalities to adopt ordinances for sober living homes. In doing so, this act enacts new provisions for alcohol and drug prevention and/or treatment facilities (ADTF's), creates a new definition for ADTF's that specifically excludes the department of health, and requires the department of mental health and substance abuse services to maintain a list of nationally recognized recovery residence standards organizations, or grantees of a state or federal agency, on its website. Alcohol and drug services, in this act, includes services that receive funds from the department of health or assess fees for services.

This act will take effect July 1, 2022.

Public Chapter 328

This act requires that starting December 1, 2023, state agencies submit a report of their effective rules to the chairs of the government operations committee every eight (8) years. The report is required to include a brief description of the department's operations that each chapter affects, as well as each rule and its administrative history, which would include the original promulgated date and the dates the rule was last amended, if applicable. Additionally, the report would include a determination of each rule on whether it adheres to current state or federal law or court rulings, should be amended or repealed, reviewed further, or continue in effect without amendment.

Lastly, if there are any intentionally false statements in the report, the government operations committee would have the ability to vote to request the general assembly to remove a rule or suspend the department's rulemaking authority for any reasonable period of time.

This act took effect July 1, 2021.

Public Chapter 357

This act authorizes an exception to existing telehealth requirements governing healthcare providers in Tennessee. In doing so, it allows individuals licensed in another state to practice telehealth in Tennessee while providing healthcare services on a volunteer basis through a free clinic.

This act took effect July 1, 2021.

Public Chapter 453

This act requires public or private entities or businesses that operate a building open to the general public to post signage regarding public restroom access in certain situations. Specifically, this applies to entities or businesses that have restroom policies allowing either biological sex to use any public restroom within their building. The act includes requirements for language, size, location, and even color for the signage. The act excludes unisex, single occupant restrooms or family restrooms intended for use by either sex.

This act took effect July 1, 2021.

Public Chapter 491

This act is known as the "Tennessee Opioid Abatement Act" to facilitate all opioid settlements from state and local government claims against entities involved in the making, distribution, dispensing, or sale of opioids and related activities. In doing so, the Opioid Abatement Fund is created by this act, and directs all funds from these settlements to be sent to the fund. It also creates the Opioid Abatement Council, who will oversee the fund and direct how it is spent, specifically for abatement and remediation programs.

This act took effect May 24, 2021.

Public Chapter 531

This act limits an agency's authority to promulgate rules without a public hearing. There are exceptions to the public hearing requirement. These exceptions include emergency rules, rules that are nonsubstantive modifications to existing rules (like clerical updates), rules that repeal existing rule, or rules that eliminate or reduce a fee described by an existing rule.

This act took effect July 1, 2021.

Public Chapter 532

This act authorizes the joint government operations committee to stay an agency's rule from going into effect for a period of time not to exceed ninety (90) days. If the government operations committee determines that subsequent stays are necessary, then the joint committee may issue consecutive stays, each for an additional ninety (90) day period, so long as such stays do not extend beyond the fifth legislative day of the year following the year in which the rule is filed with the secretary of state. The initial stay may be done by either the house or senate government operations committee, but subsequent stays must be by agreement by the committees of both chambers. A stay is effective when the respective committee files written notice with the secretary of state, and the respective committee shall specify the length of effectiveness of the stay.

This act took effect May 25, 2021.

Public Chapter 577

This public chapter establishes the medical cannabis commission which is administratively attached to the department of health for purposes of budgeting, audit, use of IT systems, HR support, clerical assistance and administrative support. The commission is composed of 9 members. The Governor appoints 3 members (1 from each grand division), the Lt. Governor appoints 3 members (1 must be a physician and 1 a pharmacist), and the Speaker of the House appoints 3 members (1 must be a physician and 1 a pharmacist). The commission must be impaneled and hold its first meeting by October 1, 2021. The commission is required to meet at least once every two months prior to March 2023. The commission shall appoint an executive director. The commission is to examine federal laws and other states' laws regarding medical use of cannabis, including issues relating to patient qualification, patient registration, role of

practitioners in recommending/prescribing, establishing guidelines for acceptable medical uses, development of a standard of care, etc.

This act took effect May 27, 2021.

****These are general summaries of legislation. For more detailed information and all specifics/requirements, please review**

New Board Business

Vicki Taylor applied for a level 2 LADAC license. Ms. Ella Britt reviewed and approved Ms. Taylor to sit for the NCC AP level 2 written exam.

Kenneth Davis applied for a level 1 LADAC license. Dr. Jane Abraham reviewed and approved Mr. Davis to sit for the NCC AP level 1 written exam.

Nichelle Foster applied for a level 2 LADAC license. Ms. Ella Britt reviewed and approved Ms. Foster to sit for the NCC AP level 2 written exam.

The Board held a lengthy discussion regarding drafting a policy to address applicants applying for licensure between rule changes. The policy will also discuss “intent to apply for licensure” and “counselor in training”.

Ms. Kathy Benson lead the taskforce regarding the education/training. After some discussion the board decided to discuss this at the scheduled a rule revision taskforce meeting on November 29th – 30th, 2021.

With no other business to conduct, the meeting was adjourned at 11:01 a.m. The next meeting is October 15, 2021 at 9:00 a.m. at 665 Mainstream, Ground Floor, Nashville, Tennessee

These minutes were ratified at the January 21, 2022 Alcohol and Drug Abuse Counselor Board meeting.