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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing. T.C.A. § 4-5-205

Agency/Board/Commission:	Board of Alcohol and Drug Abuse Counselors
Division:	
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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) Revised (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please enter only ONE Rule Number/Rule Title per row)

Chapter Number	Chapter Title
1200-30-01	Rules Governing Licensure of Alcohol and Drug Abuse Counselors
Rule Number	Rule Title
1200-30-01-.01	Definitions
1200-30-01-.02	Scope of Practice
1200-30-01-.03	Necessity of Licensure
1200-30-01-.04	Qualifications for Licensure.
1200-30-01-.05	Licensure Process
1200-30-01-.08	Examinations
1200-30-01-.10	Supervision
1200-30-01-.12	Continuing Education

(Place substance of rules and other info here. Statutory authority must be given for each rule change. For information on formatting rules go to <http://state.tn.us/sos/rules/1360/1360.htm>)

Amendments
Chapter 1200-30-01

Rules Governing Licensure of Alcohol and Drug Abuse Counselors

Rule 1200-30-01-.01 Definitions is amended by deleting paragraph (16) in its entirety, by inserting two new paragraphs in alphabetical order, and by renumbering the remaining paragraphs accordingly, so that as amended, the two new paragraphs (15) and (17) shall read:

(15) MAC. Master Addiction Counselor Exam.

(17) Qualified Clinical Supervisor. A person who meets the requirements for a qualified clinical supervisor, as defined in Rule 1200-30-01-.10(2) or (3).

Authority: T.C.A. §§ 68-24-604, 68-24-605 and 68-24-606.

Rule 1200-30-01-.02 Scope of Practice is amended by deleting the rule in its entirety and substituting instead the following language, so that as amended, the new rule shall read:

1200-30-01-.02 Scope of Practice.

(1) A Level I Licensed Alcohol and Drug Abuse Counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program or a recovery support program, or any program providing alcohol and drug abuse services other than a private practice in which the Level I Licensed Alcohol and Drug Abuse Counselor is self-employed. Such services shall include the eight (8) domains listed in T.C.A. § 68-24-606.

(2) A Level II Licensed Alcohol and Drug Abuse Counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program or a recovery support program, or any program providing alcohol and drug abuse services or in private practice. Such services shall include the eight (8) domains listed in T.C.A. § 68-24-606. A Level II Licensed Alcohol and Drug Abuse Counselor may apply to the Board to become a Qualified Clinical Supervisor after meeting the Board's requirements for such credential.

(3) Counseling for alcohol and other drugs of abuse includes: the evaluation and treatment of problems, misperceptions and misconceptions of persons who abuse mood-altering chemicals. Counseling for alcohol and other drugs of abuse includes the provision of the eight (8) domains listed in T.C.A. § 68-24-606.

(4) Both Level I and Level II Licensed Alcohol and Drug Abuse Counselors may evaluate and treat persons who have been significantly affected by compulsive gambling disorder as long as the licensee has completed no less than sixty (60) additional hours of specialized Board-approved education related to compulsive gambling disorder, annual continuing education hours or a combination thereof. The licensee's clinically supervised counseling experience must have included contact with no less than ten (10) patients impacted by a compulsive gambling disorder under the supervision of a supervisor who had obtained no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder.

(5) Nothing in this chapter shall be construed as permitting any person licensed as a Licensed Alcohol and Drug Abuse Counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensees may administer and utilize appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.

(6) Nothing in this chapter shall be construed as permitting an individual licensed as a Licensed Alcohol and

Drug Abuse Counselor to administer, dispense, or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee Law.

- (7) The professional practice domains and transdisciplinary competencies in which Licensed Alcohol and Drug Abuse Counselors may engage are as follows:
- (a) Clinical Evaluation;
 - (b) Treatment Planning;
 - (c) Referral;
 - (d) Service Coordination;
 - (e) Counseling;
 - (f) Client, family, and community education;
 - (g) Documentation; and,
 - (h) Professional and ethical responsibilities.

Authority: T.C.A. §§ 68-24-605 through 68-24-609.

Rule 1200-30-01-.03 Necessity of Licensure is amended by deleting paragraph (1) in its entirety and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) Only persons who are licensed by the Board may represent themselves or practice as Licensed Alcohol and Drug Abuse Counselors or hold themselves out to the public as being licensed by means of using a title on signs, mailboxes, address plates, letterheads, announcements, telephone listings, business cards, or other instruments of professional identification.

Authority: T.C.A. §§ 68-24-605 and 68-24-606.

Rule 1200-30-01-.04 Qualifications for Licensure is amended by deleting the introductory language of paragraph (1) and by deleting subparagraphs (1)(a) and (1)(b) in their entirety but not the remaining subparagraphs (c) through (e), and substituting instead the following language, so that as amended, the new introductory language of paragraph (1) and the new subparagraphs (1)(a) and (1)(b) shall read:

- (1) Licensure by examination.
- (a) Prior to submitting an application to become a Level I Licensed Alcohol and Drug Abuse Counselor, each of the following minimum qualifications must be met:
 - 1. The applicant must have attained twenty-one (21) years of age.
 - 2. The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.
 - 3. The applicant must have a high school diploma or a high school equivalency diploma.
 - 4. The applicant must have completed six thousand (6000) hours of experience where the applicant has performed all of the eight (8) domains, as listed in TCA § 68-24-606, while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.
 - 5. The applicant must have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606. Six (6) hours of the 270 total hours of education shall pertain to alcohol and drug abuse counseling professional ethics.

6. The applicant must have completed a written philosophy of treatment, as defined in the licensure application.
 7. The applicant must pass a jurisprudence examination approved by the Board.
 8. The applicant must pass the National Certified Addiction Counselor (NCAC) Level I written examination that is administered by the National Certification Commission for Addiction Professionals (NCC AP) or the Master Addiction Counselor (MAC) written examination.
- (b) Prior to submitting an application to become a Level II Licensed Alcohol and Drug Abuse Counselor, each of the following minimum qualifications must be met:
1. The applicant must have attained twenty-one (21) years of age.
 2. The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.
 3. The applicant must:
 - (i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
 - (ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
 4. The applicant must have completed a written philosophy of treatment, as defined in the licensure application.
 5. The applicant must pass a jurisprudence examination approved by the Board.
 6. The applicant must pass the National Certified Addiction Counselor (NCAC) Level II written examination that is administered by the National Certification Commission for Addiction Professionals (NCC AP) or the Master Addiction Counselor (MAC) written examination.
 7. The applicant must pass an oral examination demonstrating competency in the eight (8) domains listed in T.C.A. § 68-24-606.
 8. Each person currently licensed in good standing as a Licensed Alcohol and Drug Abuse Counselor before January 1, 2016 shall thereafter be licensed as a Level II Licensed Alcohol and Drug Abuse Counselor. The Board will not impose any additional fee or require any additional application for the issuance of a license pursuant to this section.

Authority: T.C.A. §§ 68-24-605, 68-24-606 and 68-24-608.

Rule 1200-30-01-.04 Qualifications for Licensure is amended by deleting parts (1)(c)1 and (1)(c)2, in their entirety and substituting instead the following language, and is further amended by deleting part (1)(c)3 in its entirety and

re-numbering the remaining part, so that as amended, the new parts (1)(c)1 and (1)(c)2 shall read:

1. The Level I applicant must:
 - (i) Have a high school diploma or a high school equivalency diploma, a certified or notarized copy of which is to be included in the application.
 - (ii) Have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight (8) domains, as listed in TCA § 68-24-606 while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor. Six (6) hours of the 270 total hours of education shall pertain to alcohol and drug abuse counseling professional ethics. There is no time limit in which this education must have been obtained.
2. The Level II applicant must:
 - (i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
 - (ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
 - (iii) There is no time limit in which the (270) total hours of alcohol and drug abuse counseling education and training within the eight domains must have been obtained.

Authority: T.C.A. §§ 68-24-605, 68-24-606 and 68-24-608.

Rule 1200-30-01-.04 Qualifications for Licensure is amended by deleting parts (1)(d)1 and (1)(d)2 in their entirety and substituting instead the following language, so that as amended, the new parts (1)(d)1 and (1)(d)2 shall read:

1. The Level I applicant must have completed six thousand (6000) hours of experience during which the applicant has performed all of the eight (8) domains, as listed in TCA § 68-24-606, over a time period of a minimum of three (3) years, which may be paid or "volunteer" (unpaid), or a combination thereof, while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.
2. The Level II applicant must:
 - (i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.
 - (ii) Have a master's or higher level degree in a behavioral health related field from

an accredited institution of higher learning, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.

Authority: T.C.A. §§ 68-24-605, 68-24-606 and 68-24-608.

Rule 1200-30-01-.04 Qualifications for Licensure is amended by deleting paragraph (2) and subparagraph (2)(c) in their entirety and substituting instead the following language, so that as amended, the new paragraph (2) and subparagraph (2)(c) shall read:

- (2) Individuals seeking licensure by reciprocity as a Level I or Level II Licensed Alcohol and Drug Abuse Counselor must meet the following qualifications:
 - (c) The applicant must hold a current license or equivalent from another state. The other state's standards for licensure must be comparable to or exceed the requirements for the level of licensure sought in Tennessee.

Authority: T.C.A. §§ 68-24-605, 68-24-606 and 68-24-608.

Rule 1200-30-01-.05 Licensure Process is amended by deleting parts (1)(a)8, (1)(a)9, and (1)(a)10 in their entirety and substituting instead the following language, so that as amended, the new parts (1)(a)8, (1)(a)9, and (1)(a)10 shall read:

8. A Level I applicant shall submit verification of having completed a minimum of three (3) years clinically supervised substance abuse counseling experience (6000 contact hours) during which all eight (8) domains have been performed pursuant to TCA § 68-24-606. This experience may have been acquired at any time prior to the submission of the application. The Board may ask for additional documentation to substantiate this required experience. Actual time spent in a recognized counselor internship or counselor trainee program may be substituted for up to one (1) of the three (3) years of experience.
9. For Level II applicants:
 - (i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
 - (ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.
10. An applicant shall submit a notarized photocopy of his high school diploma or high school equivalency diploma. If the applicant indicates holding a college degree, the applicant must request that a transcript from his degree granting institution be submitted directly from the school to the Board. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure.

Authority: T.C.A. §§ 68-24-605 and 68-24-606.

Rule 1200-30-01-.08 Examinations is amended by deleting the title paragraph in its entirety and substituting instead the following language, so that as amended, the new title paragraph shall read:

In addition to having filed an application, an individual seeking licensure by examination as a Level I Licensed Alcohol and Drug Abuse Counselor shall be required to successfully complete the Board's written and jurisprudence examinations, and an individual seeking licensure by examination as a Level II Licensed Alcohol and Drug Abuse Counselor shall be required to successfully complete the Board's oral, written, and jurisprudence examinations.

Authority: T.C.A. §§ 68-24-605 and 68-24-606.

Rule 1200-30-01-.08 Examinations is amended by deleting subparagraphs (1)(a), (1)(c), and (1)(d), and part (2)(d)2 in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (1)(a), (1)(c), and (1)(d), and part (2)(d)2 shall read:

- (a) The written examination adopted by the Board is the examination developed by NAADAC/MAC and administered by its designated testing agency.
 - (c) Passing scores on the examination are determined by NAADAC/MAC and are adopted by the Board as constituting successful completion of the written examination.
 - (d) NAADAC/MAC will notify both the Board and the candidate of his or her passing or failing status.
2. The applicant's knowledge and skill of the eight (8) domains as stated in Rule 1200-30-01-.02(7) and described in the Board's licensure application.

Authority: T.C.A. §§ 68-24-605 and 68-24-606.

Rule 1200-30-01-.08 Examinations is amended by deleting subparagraph (4)(a) and substituting instead the following language, so that as amended, the new subparagraph (4)(a) shall read:

- (a) Written Examination. Applicants who fail to pass the written examination may apply to the NAADAC or the MAC for re-examination. Hand-scoring and/or appeal questions are to be directed to the NAADAC or MAC.

Authority: T.C.A. §§ 68-24-605 and 68-24-606.

Rule 1200-30-01-.10 Supervision is amended by deleting paragraph (1) but not its subparagraphs and parts, and substituting instead the following language, so that as amended, the new paragraph (1) shall read:

- (1) Pursuant to Rule 1200-30-01-.04, an applicant for licensure as a Level I or Level II Licensed Alcohol and Drug Abuse Counselor shall present documentation, at the time the application is submitted, of completion of clinical experience hours that have been supervised by a supervisor who meets the requirements of paragraph (2) or (3).

Authority: T.C.A. §§ 68-24-605 and 68-24-608.

Rule 1200-30-01-.10 Supervision is amended by deleting subparagraphs (2)(a) and (2)(b) in their entirety and substituting instead the following language, so that as amended, the new subparagraphs (2)(a) and (2)(b) shall read:

- (a) The supervisor has been a Level II Licensed Alcohol and Drug Abuse Counselor for at least five (5) years. The supervisor's license must be currently active, unencumbered, and unconditioned, and the supervisor must cease supervising if his or her license becomes encumbered and/or conditioned; and
- (b) The supervisor has two (2) years of experience supervising alcohol and drug abuse counselors and has received thirty six (36) contact (clock) hours of supervision (by a qualified supervisor) of

his or her supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counseling and has obtained a minimum of thirty (30) hours of training specific to alcohol and drug clinical supervision, including six (6) hours of supervision ethics.

Authority: T.C.A. §§ 68-24-605 and 68-24-608.

Rule 1200-30-01-.12 Continuing Education is amended by deleting the title paragraph in its entirety and substituting instead the following language, so that as amended, the new title paragraph shall read:

Level I Licensed Alcohol and Drug Abuse Counselors, and Level II Licensed Alcohol and Drug Abuse Counselors must complete fifteen (15) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31). Nine (9) hours must be face to face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics. A Qualified Clinical Supervisor (QCS) must complete a minimum of five (5) additional contact hours of training annually, in addition to the normal fifteen (15) contact hours necessary to maintain licensure. Such additional contact hours must be specific to Alcohol and Drug Clinical Supervision. Three (3) hours of the five (5) additional total hours of continuing education must be specific to clinical supervision ethics.

Authority: T.C.A. §§ 68-24-605, and 68-24-606.

Rule 1200-30-01-.12 Continuing Education is amended by deleting part (5)(c)2 in its entirety and substituting instead the following language, so that as amended, the new part (5)(c)2 shall read:

2. A maximum of six (6) contact hours may be granted for multi-media courses during each calendar year.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606.

Rule 1200-30-01-.12 Continuing Education is amended by deleting part (6)(a)1 in its entirety and substituting instead the following language, so that as amended, the new part (6)(a)1 shall read:

1. Any individual requesting reactivation of a license which has been retired one or more years shall so indicate on a Board-provided form which indicates the attendance and completion of fifteen (15) continuing education hours. The continuing education hours must have been begun and successfully completed within twelve (12) months immediately preceding the date of the requested reinstatement.

Authority: T.C.A. §§ 68-24-605, and 68-24-606.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Richard Terry Kinnaman	X				
Sherry F. Butler	X				
Susan D. Cunningham	X				
Karen Dennis	X				
Major McNeil				X	

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Board for Alcohol and Drug Abuse Counselors (board/commission/ other authority) on 01/17/2014 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 11/08/2013 (mm/dd/yy)

Rulemaking Hearing(s) Conducted on: (add more dates). 01/17/2014 (mm/dd/yy)

Date: March 17, 2015

Signature: Caroline R. Tippens

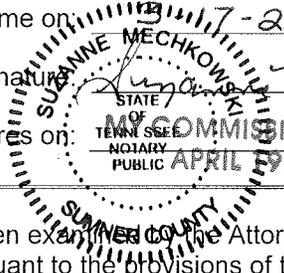
Name of Officer: Caroline Tippens
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on: 3/17-2015

Notary Public Signature: [Signature]

My commission expires on: APRIL 19, 2017



All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Herbert H. Slatery III
Attorney General and Reporter
3/25/2015
Date

Department of State Use Only

Filed with the Department of State on: 3/27/15

Effective on: 4/25/15



Tre Hargett
Secretary of State

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PUBLICATIONS

Public Hearing Comments

One copy of a document containing responses to comments made at the public hearing must accompany the filing pursuant to T.C.A. § 4-5-222. Agencies shall include only their responses to public hearing comments, which can be summarized. No letters of inquiry from parties questioning the rule will be accepted. When no comments are received at the public hearing, the agency need only draft a memorandum stating such and include it with the Rulemaking Hearing Rule filing. Minutes of the meeting will not be accepted. Transcripts are not acceptable.

Board of Alcohol and Drug Abuse Counselors
Hearing Date: January 17, 2014

Public Comments

Robert N. Vero, President of the Tennessee Association of Mental Health Organizations (TAMHO), sent a letter addressed to the Board, specifically to Sherry Butler, commending the work of the Board, but stating that the Association would be taking a neutral position regarding the proposed rule amendments. The letter goes on to request that the language in several provisions be reconsidered in light of expanding the scope of those allowed to practice alcohol and drug abuse counseling pursuant to the rules. TAMHO first addresses the grandfathering clause, requesting "consideration be given to amending the current language in accordance with academic credentials held upon final approval of the rules." Secondly, TAMHO focuses on Expansion of Clinical Supervision Eligibility stating, "[w]e respectfully request...language to include other licensed professionals with similar clinical experience, but who do not hold a LADAC, and [to] extend the privileges of the Clinical Supervision designation or purposes of licensing preparation. This could potentially resolve issues related to the lack of Qualified Clinical Supervisors and expand the growth of the LADAC." Lastly, TAMHO requests the Board to further amend [the] language regarding the Written Examination for Level II LADACs stating, "[w]e respectfully request consideration be given to amending this language to accept passage of either the NCAC II or MAC."

The Board did not address the first two concerns of TAMHO presented in this letter, The Board, however, did vote to include the MAC (Master of Addiction Counseling Examination) in rule 1200-30-01-.04 as well as other rules affected by this change.

Michael Reynolds spoke at the rulemaking hearing on behalf of the Tennessee Association of Mental Health Organizations (TAMHO). He applauded the commitment of the Board, but he also addressed concerns that the grandfather clause in the proposed rules would not require a bachelor's degree to become a Licensed Alcohol and Drug Abuse Counselor. He also requested the Board consider adding the Masters of Addiction Counseling Examination (MAC) as another Board-approved testing option for those applicants seeking licensure.

The Board did not comment on the first request, but the Board did vote to add the MAC examination. The grandfather clause cannot be amended to include those with a master's degree because such an amendment could potentially affect the livelihood of those currently in practice.

Kathryn Benson, also representing TAMHO, sought clarification as to whether Level II Licensed Alcohol and Drug Abuse Counselors must obtain alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor. Ms. Benson commended the Board for its work and supported prior comments. Ms. Benson voiced support for the tiered licensure system and opined that this was a necessary change.

The Board voted to accept this change.

Tammy Stone, an independent Qualified Licensed Alcohol and Drug Abuse Supervisor with Cumberland Heights, also challenged the "bachelor degree requirement" as being unnecessary due to the amount of skilled workers currently practicing without such a degree. She noted that it is more important for a counselor to have the right attitude, knowledge, and skills which are not necessarily developed by a higher degree. Ms. Stone indicated that she currently has over fifty (50) current alcohol and drug abuse counselor candidates under her supervision and is concerned that these rules will prevent them from advancing in the field. She did, however, commend the Board for its passion and efforts in composing the proposed rule amendments.

The Board did not address these concerns.

James W. Perkins III, President of the Board of Directors for Cumberland Heights Alcohol and Drug Treatment

Centers, responded via letter to the proposed rule amendments. The letter states that Cumberland Heights is greatly concerned by the proposed changes to the current LADAC licensure rules and regulations. They cite a current shortage of counselors due to recent restrictions on certification and licensure and are concerned that these amendments will cause an even greater decrease in the numbers of this specialty discipline. Cumberland Heights believes the focus should not be solely on education but also on mastery of specific knowledge, skills, and attitudes, the core of which is represented in the current Licensed Alcohol and Drug Abuse Counselor training, supervision, and licensing process. It does support the maintenance of the current education requirements but proposes that specific education and experience should be a requirement for those with more general mental health degrees who wish to practice in the addictions treatment field. Cumberland Heights is additionally opposed to degree requirements (as outlined for a Level II LADAC) for Qualified Clinical Supervisor. It believes that providing initial and continuing education relevant to addiction treatment specific to clinical supervision would be much more helpful. The letter concludes by stating, "Cumberland Heights therefore adamantly opposes any threat to the current pathways, supervision requirements, and independent practice of Tennessee's licensed alcohol and drug abuse counselors."

The Board did not specifically address the letter, but the Board did address the issues in the letter during the rulemaking hearing in its response to Butch Glover's public comments on behalf of Cumberland Heights.

Butch Glover, co-author of the above-mentioned letter, commented on behalf of Cumberland Heights where he is the Chief Political Officer. Glover points out the unique position of Cumberland Heights stating from the above-mentioned letter, "[a]s one of the oldest alcohol and drug treatment centers in the nation, Cumberland Heights has treated over 100,000 patients ... [and] Cumberland Heights is in a position to have observed a variety of trends within the addiction treatment industry, including the evolution of certification, and then licensure of alcohol and drug abuse counselors in Tennessee." His comments centered on the amendments to scope and licensure. He fears the continuing regulations would cause further reduction of practitioners in the profession as he currently is having difficulty finding qualified individuals to offer alcohol and drug counseling services; there are currently 500 LADACs in Tennessee according to the letter submitted by Cumberland Heights. He also commented on the importance of knowledge, skills, and attitude. Additionally, Glover argued that the rules did not allow those counselors holding a bachelor's degree to practice independently and that the programs to obtain such a degree were difficult to locate and small in number. He concludes by addressing concerns that the degree requirement would lead to rising costs and limit specialty services to those who need them most and noted that there is no evidence linking higher degrees with more successful patient outcomes.

The Board responded to Mr. Glover by stating that its intention was to increase the number of Licensed Alcohol and Drug Abuse Counselors and that the implementation of degree requirements would actually better accomplish this goal. The Board also stated that only Level I counselors were barred from operating independent practices.

Toby Abrams, an independent Licensed Alcohol and Drug Abuse Counselor, addressed the Board in support of the rules. She referenced Mr. Glover's earlier statements and added that the Board is addressing quality of services which is increased in the proposed rules. She says, "people are part of a revolving door...we are not treating the essence of what needs to be treated when we are dealing with abuse...we are not getting to the core of the addiction." She states that the Board intends to raise this level of service across Tennessee and that purely raising the number of Licensed Alcohol and Drug Abuse Counselors without raising requirements will not solve the problems in the field because the practice needs to become more professional, not less professional to become more successful in treatment. She strongly commended the Board for its time and efforts.

Mary Linden Salter, a representative of the Tennessee Association of Alcohol, Drug and other Addiction Services (Taadas), addressed the Board in support of the rules in general while also addressing support for the comments of TAMHO and others seeking to have other licensed professionals be accepted as qualified supervisors under these rules to help grow the profession.

The Board addressed Ms. Salter's comments by leaving room for possible amendments in the future as the requested amendment was not covered under the current scope of rulemaking.

Cindy Stewart Freeman, representative of a group of sixteen (16) Licensed Alcohol and Drug Counselors and twelve (12) LADAC applicants, submitted a letter to the Board with concerns about the proposed rules. The letter cites the Twelve Step Program and its origins and the Certification process in Tennessee to show the history of alcohol and drug counseling in Tennessee. The letter states, "[s]killed and dedicated professionals have arisen...without the requirement for a specific educational degree because our experience has shown us that achieving these degrees, while valuable in and of themselves, does not demonstrate mastery of the specialty

competencies crucial to an addiction counselor...there is no evidence to show that patient outcomes are superior for those patients treated by [the] degreed LADAC versus the non-degreed LADAC practitioner.” Freeman also addressed concerns for a declining specialty stating, “[p]ut simply, the net effect could be less Licensed Alcohol and Drug Abuse Counselors and more mental health licensed clinicians for whom the demonstration of addiction treatment competence is not mandated.” The letter concludes, “[t]herefore, we, the undersigned, who are both Licensed Alcohol and Drug Abuse Counselors and those who are in the process of pursuing licensure, strongly support the maintenance of our current non-tiered licensure system and our current requirements to achieve that license.” The group also proposed rule language in the letter requesting to amend scope of licensure to allow Level I Licensed Alcohol and Drug Abuse Counselors to provide drug abuse counseling services in private practice after meeting certain requirements and/or conditions. The group also proposed amending language for qualification of licensure to provide for a degree in any health-related field.

The Board addressed only the concern pertaining to licensure and accepted to add the language, “in a health-related field” to licensure qualifications.

Cindy Stewart Freeman also addressed the Board at the rulemaking hearing on behalf of these same individuals criticizing the degree requirement with fears the proposed rules would result in less trained Licensed Alcohol and Drug Counselors in practice and an increase in mental health workers offering alcohol and drug counseling services who do not undergo the same current training required for Licensed Alcohol and Drug Abuse Counselors. Ms. Freeman stated that she has a master’s degree in counseling and a bachelor’s degree in nursing and that neither of those degrees gave her the education she needed to be a licensed alcohol and drug abuse counselor. She received this education from her mentors in the program, workshops, and the testing competencies she had to go through to become a LADAC.

The Board chose not to address these comments.

Charlie Hiatt, a representative of The Tennessee Association for Addiction Professionals (TAAP), addressed the Board in support of the proposed rules. He criticized those counselors not supporting the rules, offering that they did not want to advance the field. He commented that the economic reality is that professionals must now have degrees to be reimbursed for services citing legislation in other states. He further stated, “we must embrace this economic reality moving forward in our field.” Mr. Hiatt also acknowledged the grandfather clause should alleviate the fears of those counselors afraid that the proposed rules will vastly reduce the number of current qualified applicants. He concluded by acknowledging support for the comments of TAMHO and Ms. Benson concerning clinical supervision.

The last comment at the rulemaking hearing came from Martin Starr, a self-employed Licensed Alcohol and Drug Abuse Counselor. He addressed concerns that the proposed rules would leave no room for advancement for current Level I Licensed Alcohol and Drug Abuse Counselors. Without a bachelor’s degree, people who have been practicing for several years as a Level I Licensed Alcohol and Drug Abuse Counselor could not obtain Level II status.

The Board responded to Mr. Starr by indicating that the proposed rules, through the grandfathering clause, allows for all current Level I Licensed Alcohol and Drug Abuse Counselors to become Level II Licensed Alcohol and Drug Abuse Counselors on July 1, 2015 if they have met the requirements set out in the rules for such advancement.

Ann Nothnagle, an independent Licensed Alcohol and Drug Abuse Counselor holding an MA, submitted a letter to the Board regarding the proposed rule amendments. She states, “I and many others in the field believe that the proposed rule changes will promote the recognition of the LADAC credential as a body of well informed, compassionate and capable addiction counselors.” She also raises concerns that many seem to feel that LADACs without advanced degrees will not be appreciated for their expertise. She addresses these concerns by stating, “[t]he rule changes in my opinion enhance the professionalism of the LADACs regardless of advanced degree status.” Ms. Nothnagle is very much in favor of the proposed rule amendments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process as described in T.C.A. § 4-5-202(a)(3) and T.C.A. § 4-5-202(a), all agencies shall conduct a review of whether a proposed rule or rule affects small businesses.

(If applicable, insert Regulatory Flexibility Addendum here)

(1) The extent to which the rule or rule may overlap, duplicate, or conflict with other federal, state, and local governmental rules.

The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.

(2) Clarity, conciseness, and lack of ambiguity in the rule or rules.

The proposed rules exhibit clarity, conciseness, and lack of ambiguity.

(3) The establishment of flexible compliance and/or reporting requirements for small businesses.

The proposed rules are not written with special consideration for the flexible compliance and/or reporting requirements because the licensing boards have, as their primary mission, the protection of the health, safety and welfare of Tennesseans. However, the proposed rules are written with a goal of avoiding unduly onerous regulations. The rules are written to amend the requirements for licensure and to implement a tiered licensing system for Licensed Alcohol and Drug Abuse Counselors in the State of Tennessee.

(4) The establishment of friendly schedules or deadlines for compliance and/or reporting requirements for small businesses.

The compliance requirements throughout the proposed rules are as "user-friendly" as possible while still allowing the division to achieve its mandated mission in licensing and regulating Licensed Alcohol and Drug Abuse Counselors. The rules also contain a provision to "grandfather" all licensees who were working as Licensed Alcohol and Drug Abuse Counselors prior to the implementation of these rules.

(5) The consolidation or simplification of compliance or reporting requirements for small businesses.

Compliance requirements are not consolidated or simplified for small businesses in the proposed rules for the protection of the health, safety and welfare of Tennesseans.

(6) The establishment of performance standards for small businesses as opposed to design or operational standards required in the proposed rule.

The standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.

(7) The unnecessary creation of entry barriers or other effects that stifle entrepreneurial activity, curb innovation, or increase costs.

The proposed rules do not create unnecessary entry barriers or other effects that would stifle entrepreneurial activity or curb innovation.

STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES

Name of Board, Committee or Council: Board of Alcohol and Drug Abuse Counselors.

Rulemaking hearing date: January 17, 2014

1. Type or types of small business subject to the proposed rule that would bear the cost of, and/or directly benefit from the proposed rule:

Licensed Alcohol and Drug Abuse Counselors, and those that employ them, such as licensed alcohol and drug facilities, recovery centers, and other services programs, will be affected.

2. Identification and estimate of the number of small businesses subject to the proposed rule:

The proposed rules may affect those Licensed Alcohol and Drug Abuse Counselors who are in private practice. However, the Board has proposed that all current licensees be "grandfathered" in prior to the enactment of these rules.

3. Projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills necessary for preparation of the report or record:

The Board has not proposed any new reporting, recordkeeping, or administrative costs associated with the changes to the rules for Licensed Alcohol and Drug Abuse Counselors.

4. Statement of the probable effect on impacted small businesses and consumers:

Licensed Alcohol and Drug Abuse Counselors and businesses that employ them will be benefited. Overall, the profession will increase their level of knowledge, abilities, and experience in delivering services. The Licensed Alcohol and Drug Abuse Counselors will also be more competitive with the licensure requirements for other states. The changes to the rules will also allow those applicants who have bachelors and master's degrees to apply for and obtain licensure more quickly than under the prior Rules.

5. Description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and/or objectives of the proposed rule that may exist, and to what extent, such alternative means might be less burdensome to small business:

These rule amendments are not burdensome, intrusive, or costly. On the contrary, these rule amendments will have a positive impact on business.

6. Comparison of the proposed rule with any federal or state counterparts:

Federal: The Board is not aware of any federal counterparts.

State: The Board is not aware of any state counterparts.

7. Analysis of the effect of the possible exemption of small businesses from all or any part of the requirements contained in the proposed rule.

Current small businesses are unlikely to be impacted by this rule, as they will be "grandfathered" in. If small businesses were to be exempted from the requirements of the rule, little impact would occur.

Impact on Local Governments

Pursuant to T.C.A. § 4-5-228(a), "any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected financial impact on local governments."

The proposed rule amendments should not have a financial impact on local governments.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The Board of Alcohol and Drug Abuse Counselors seeks to re-write their rules regarding licensure and to implement a tiered licensure system, in keeping with national standards for Licensed Alcohol and Drug Abuse Counselors, and requiring more stringent application criteria. The following sections of the rules are to be amended in keeping with implementing such provisions: definitions, scope of practice, necessity of licensure, qualifications for licensure, licensure process, examination, supervision, and continuing education.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

None.

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The rule change affects licensees who are licensed through the Board of Licensed Alcohol and Drug Abuse Counselors. Currently there are four hundred twenty-nine (429) such licensees.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule;

None.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

The proposed rules should not create any increases or decreases in state and local government revenues and expenditures.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Caroline Tippens, Assistant General Counsel, Department of Health, possess substantial knowledge and understanding of the rules.

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Caroline Tippens, Assistant General Counsel, Department of Health, will explain the rule at a meeting of the committees.

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Caroline Tippens, Assistant General Counsel, Department of Health, 665 Mainstream Drive, Nashville, Tennessee 37243, (615) 741-1611, Caroline.Tippens@tn.gov.

- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None.

RULES
OF
BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS

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CHAPTER 1200-30-01
RULES GOVERNING LICENSURE OF ALCOHOL AND DRUG ABUSE COUNSELORS

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1200-30-01-.01 DEFINITIONS.

- (1) Advertising. Commercial communication which includes, but is not limited to, business solicitations with or without limiting qualifications, by a card, sign or device issued to a person; a sign or marking in or on any building; or, in any newspaper, magazine, directory or other printed material. Advertising also includes business solicitations communicated by an individual, radio, video or television broadcasting or any other means designed to secure public attention.
- (2) Applicant. Any individual seeking licensure by the Board who has submitted an official application and paid the application fee.
- (3) Board. The Board of Alcohol and Drug Abuse Counselors established by T.C.A. §§ 68-24-604, et seq.
- (4) Commissioner. The Commissioner of the Department of Health or his/her designee.
- (5) Contact hour. Sixty (60) minutes in a required activity, including licensure experience and continuing education.
- (6) Continuing education. Education beyond the basic initial licensure educational requirement which is related to the practice of alcohol and drug abuse counseling.
- (7) Department. The Tennessee Department of Health, Division of Health Related Boards.
- (8) Fee. Money, gifts, services or anything of value offered or received as compensation in return for rendering services; also, the required fee(s) pursuant to these rules.
- (9) Good moral character. The quality of being well regarded in personal behavior and professional ethics.
- (10) He/she, him/her. When "he" appears in the text of these rules, the word represents both the feminine and masculine genders.
- (11) Hold oneself out. To represent one's self to the public as having a particular status by means of stating on signs, mailboxes, address plates, letterhead, announcements, business cards or other instruments of professional identification.

(Rule 1200-30-01-.01, continued)

- (12) License. The document issued to an applicant who successfully completes the licensure process.
- (13) Licensed Alcohol and Drug Abuse Counselor or "licensee". Any person who has met the qualifications for licensed Alcohol and Drug Abuse Counselor and holds a current, unexpired, unsuspended or unrevoked license which has been lawfully issued by the Board.
- (14) Licensure training supervision. On-going, direct clinical review for the purpose of training or teaching, by a qualified supervisor who supervises the performance of a person's interaction with a client and provides regular documented face-to-face consultation, guidance and instructions with respect to the clinical skills and competencies of the person supervised. Supervision may include, without being limited to, the review of case presentations, audio tapes, video tapes and direct observation.

(15) MAC. Master Addiction Counselor Exam.

~~(16)(15)~~ NAADAC. The Association for Addiction Professionals.

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~~(16)~~ Qualified Supervisor. A person who provides licensure training supervision for Alcohol and Drug Abuse Counselors. Such a person must be currently licensed in good standing as an Alcohol and Drug Abuse Counselor, have held said license for at least five (5) years and either have at least two (2) years experience supervising Alcohol and Drug Abuse Counselors or have completed at least thirty-six (36) contact hours of supervised supervisory work.

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(17) Qualified Clinical Supervisor. A person who meets the requirements for a qualified clinical supervisor, as defined in Rule 1200-30-01-.10(2) or (3).

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~~(18)(17)~~ Regional Training Coordinator. One of seven regional institutional/agency providers of alcohol and drug abuse treatment services with whom the Department contracts to deliver training to other providers of alcohol and drug abuse treatment services. Each of these providers designates one of their professional staff members to be the individual Regional Training Coordinator. These Coordinators can be identified by contacting the Bureau of Alcohol and Drug Abuse Services Training Section.

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~~(19)(18)~~ Retirement. Voluntary deactivation of the Board issued license.

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Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-604, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed August 19, 2002; effective November 2, 2002. Amendments filed November 2, 2005; effective January 16, 2006.

1200-30-01-.02 SCOPE OF PRACTICE.

~~(1)~~ Counseling for alcohol and other drugs of abuse includes: the evaluation and treatment of problems, misperceptions and misconceptions of persons who abuse mood-altering chemicals within the context of individual, group, familial and significant other relationships, and of those persons who have had their lives significantly impacted by another person's abuse of alcohol or other drugs. Counseling for alcohol and other drugs of abuse includes the provision of the Primary Functions pursuant to paragraph (4) which may be performed by licensees.

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(Rule 1200-30-01-.02, continued)

- (2) ~~A Licensed Alcohol and Drug Abuse Counselor may evaluate and treat persons who have been significantly affected by compulsive gambling disorder as long as the licensee has completed no less than sixty (60) additional hours of specialized education related to compulsive gambling disorder in the form of formal classroom hours, annual continuing education hours or a combination thereof. The licensee's clinically supervised counseling experience must have included contact with no less than ten (10) patients impacted by a compulsive gambling disorder under the supervision of a supervisor who had obtained no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder.~~
- (3) ~~Nothing in this chapter shall be construed as permitting any person licensed as an Alcohol and Drug Abuse Counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensees may administer and utilize appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.~~
- (4) ~~Nothing in this chapter shall be construed as permitting an individual licensed as an Alcohol and Drug Abuse Counselor to administer, dispense, or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee law.~~
- (5) ~~Primary Functions of the licensed Alcohol and Drug Abuse Counselor:~~
- (a) ~~Screening. The process by which a client is determined to be eligible for admission to a particular program.~~
 - (b) ~~Intake. The administrative and initial assessment procedures for admission to a program.~~
 - (c) ~~Orientation. Describing to the client the general nature and goals of the program including rules governing client conduct and infractions that can lead to disciplinary action or discharge from the program.~~
 - (d) ~~Counseling (individual, group and significant others). The utilization of special skills to assist individuals, families or groups in achieving objectives through exploration of a problem and its ramifications, examination of attitudes and feelings, considerations of alternative solutions and decision making.~~
 - (e) ~~Case management. Activities which bring services, agencies, resources or individuals together within a planned framework of action toward the achievement of established goals. It may involve liaison activities and collateral contacts.~~
 - (f) ~~Crisis intervention. Those services which respond to an alcohol and/or drug abuser's needs during acute emotional and/or physical distress.~~
 - (g) ~~Assessment. Those procedures by which a counselor/program identifies and evaluates an individual's strengths, weaknesses, problems and needs for the development of the treatment plan.~~
 - (h) ~~Treatment planning. The process by which the counselor and the client identify and rank problems needing resolution, establish agreed upon immediate and long term goals, and decide on a treatment process and the resources to be utilized.~~

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(Rule 1200-30-01-02, continued)

- (i) ~~Client education. Providing information to individuals and groups concerning alcohol and other drugs of abuse and the services and resources available.~~
- (j) ~~Referral. Identifying the needs of the client that cannot be met by the counselor or agency, as well as assisting the client in utilizing the support systems and community resources available.~~
- (k) ~~Reports and recordkeeping. Documenting the client's progress in achieving the client's goals.~~
- (l) ~~Consultation with other professionals in regard to client treatment/services. Communicating with other professionals to assure comprehensive, quality care for the client.~~

(1) A Level I Licensed Alcohol and Drug Abuse Counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program or a recovery support program, or any program providing alcohol and drug abuse services other than a private practice in which the Level I Licensed Alcohol and Drug Abuse Counselor is self-employed. Such services shall include the eight (8) domains listed in T.C.A. § 68-24-606.

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(2) A Level II Licensed Alcohol and Drug Abuse Counselor may provide alcohol and drug abuse counseling services in an alcohol and drug abuse treatment program, or a recovery support program or any program providing alcohol and drug abuse services or in private practice. Such services shall include the eight (8) domains listed in T.C.A. § 68-24-606. A Level II Licensed Alcohol and Drug Abuse Counselor may apply to the Board to become a Qualified Clinical Supervisor after meeting the Board's requirements for such credential.

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(3) Counseling for alcohol and other drugs of abuse includes: the evaluation and treatment of problems, misperceptions and misconceptions of persons who abuse mood-altering chemicals. Counseling for alcohol and other drugs of abuse includes the provision of the eight (8) domains listed in T.C.A. § 68-24-606.

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(4) Both Level I and Level II Licensed Alcohol and Drug Abuse Counselors may evaluate and treat persons who have been significantly affected by compulsive gambling disorder as long as the licensee has completed no less than sixty (60) additional hours of specialized Board-approved education related to compulsive gambling disorder, annual continuing education hours or a combination thereof. The licensee's clinically supervised counseling experience must have included contact with no less than ten (10) patients impacted by a compulsive gambling disorder under the supervision of a supervisor who had obtained no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder.

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(5) Nothing in this chapter shall be construed as permitting any person licensed as a Licensed Alcohol and Drug Abuse Counselor to perform psychological testing intended to measure and/or diagnose mental illness. Consistent with each counselor's formal education and training, licensees may administer and utilize appropriate assessment instruments which identify elements of perceptual inability to recognize empirical facts, problems of appropriately displaying emotions and inappropriate responses to the environment of individuals, couples and families as part of the alcohol and other drugs of abuse therapy process or in the development of a treatment plan in the context of chemical abuse systems.

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(6) Nothing in this chapter shall be construed as permitting an individual licensed as a Licensed Alcohol and Drug Abuse Counselor to administer, dispense, or prescribe drugs or in any manner engage in the practice of medicine as defined by Tennessee Law.

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(Rule 1200-30-01-.02, continued)

(7) The professional practice domains and transdisciplinary competencies in which Licensed Alcohol and Drug Abuse Counselors may engage are as follows:

- (a) Clinical Evaluation;
- (b) Treatment Planning;
- (c) Referral;
- (d) Service Coordination;
- (e) Counseling;
- (f) Client, family, and community education;
- (g) Documentation; and,
- (h) Professional and ethical responsibilities.

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Authority: T.C.A. §§ 4-5-202, 4-5-204, and 68-24-605 through 68-24-609. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed August 5, 2011; effective November 3, 2011.

1200-30-01-.03 NECESSITY OF LICENSURE.

~~(1) Only persons who are licensed by the Board may represent themselves as licensed Alcohol and Drug Abuse Counselors or hold themselves out to the public as being licensed by means of using a title on signs, mailboxes, address plates, letterheads, announcements, telephone listings, business cards, or other instruments of professional identification.~~

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(1) Only persons who are licensed by the Board may represent themselves or practice as Licensed Alcohol and Drug Abuse Counselors or hold themselves out to the public as being licensed by means of using a title on signs, mailboxes, address plates, letterheads, announcements, telephone listings, business cards, or other instruments of professional identification.

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(2) No person shall hold himself out to the public by a title or description of services incorporating the words licensed Alcohol and Drug Abuse Counselor unless he is licensed by the Board. Nothing in this rule shall prohibit a person from stating or using the educational degrees which he has obtained.

(3) The provisions of this chapter do not apply to a person who is preparing for the practice of alcohol and drug abuse counseling under a qualified supervisor in a training institution or facility or supervisory arrangement pursuant to these rules and such person is designated by such titles as "alcohol and drug abuse counseling intern", "alcohol and drug abuse counseling trainee" or other designations clearly indicating a training status.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000.

1200-30-01-.04 QUALIFICATIONS FOR LICENSURE.

(Rule 1200-30-01-.04, continued)

~~(1) Licensure by examination. Prior to submitting an application for licensure, each of the following minimum qualifications must be met:~~

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~~(a) The applicant must have attained twenty-one (21) years of age.~~

~~(b) The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in rule 1200-30-01-.13.~~

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(1) Licensure by examination.

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(a) Prior to submitting an application to become a Level I Licensed Alcohol and Drug Abuse Counselor, each of the following minimum qualifications must be met:

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1. The applicant must have attained twenty-one (21) years of age.

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2. The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.

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3. The applicant must have a high school diploma or a high school equivalency diploma.

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4. The applicant must have completed six thousand (6000) hours of experience where the applicant has performed all of the eight (8) domains, as listed in TCA § 68-24-606, while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.

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5. The applicant must have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606. Six (6) hours of the 270 total hours of education shall pertain to alcohol and drug abuse counseling professional ethics.

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6. The applicant must have completed a written philosophy of treatment as defined in the licensure application.

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7. The applicant must pass a jurisprudence examination approved by the Board.

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8. The applicant must pass the National Certified Addiction Counselor (NCAC) Level I written examination that is administered by the National Certification Commission for Addiction Professionals (NCC AP) or the Master Addiction Counselor (MAC) written examination.

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(b) Prior to submitting an application to become a Level II Licensed Alcohol and Drug Abuse Counselor, each of the following minimum qualifications must be met:

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1. The applicant must have attained twenty-one (21) years of age.

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2. The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in Rule 1200-30-01-.13.

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3. The applicant must:

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(i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an accredited institution of

(Rule 1200-30-01-.04, continued)

higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.

(ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.

4. The applicant must have completed a written philosophy of treatment, as defined in the licensure application.

5. The applicant must pass a jurisprudence examination approved by the Board.

6. The applicant must pass the National Certified Addiction Counselor (NCAC) Level II written examination that is administered by the National Certification Commission for Addiction Professionals (NCC AP) or the Master Addiction Counselor (MAC) written examination.

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7. The applicant must pass an oral examination demonstrating competency in the eight (8) domains listed in T.C.A. § 68-24-606.

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8. Each person currently licensed in good standing as a Licensed Alcohol and Drug Abuse Counselor before January 1, 2016 shall thereafter be licensed as a Level II Licensed Alcohol and Drug Abuse Counselor. The Board will not impose any additional fee or require any additional application for the issuance of a license pursuant to this section.

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(c) Education. The education requirement must be completed prior to the date of application.

~~1. A high school diploma or a G.E.D. certificate, a certified or notarized copy of which is to be included with the application.~~

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1. The Level I applicant must:

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(i) Have a high school diploma or a high school equivalency diploma, a certified or notarized copy of which is to be included in the application

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(ii) Have completed two hundred seventy (270) total hours of alcohol and drug abuse counseling education and training within the eight (8) domains, as listed in TCA § 68-24-606 while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor. Six (6) hours of the 270 total hours of education shall pertain to alcohol and drug abuse counseling professional ethics. There is no time limit in which this education must have been obtained.

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(Rule 1200-30-01-.04, continued)

~~2. Applicants must have at least two hundred and seventy (270) contact hours of formal classroom training in chemical dependency, with a minimum number of ten (10) contact hours documented on each Primary Function pursuant to rules 1200-30-01-.02(4) and .05(1)(a)8. The two hundred and seventy (270) contact hours may be acquired through a single training program giving the required number of hours or through a combination of short-term classroom training programs. There is no time limit in which education is to have been gained.~~

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~~3. Applicants must furnish documentation of six (6) contact hours of education in ethics. This six (6) hour requirement may be part of the two hundred and seventy (270) contact hours of education required for licensure.~~

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2. The Level II applicant must:

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(i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.

(ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.

(iii) There is no time limit in which the (270) total hours of alcohol and drug abuse counseling education and training within the eight domains must have been obtained.

~~3.4. Applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder under Rule 1200-30-01-.02(2) shall have no 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, annual continuing education hours, or a combination of such hours.~~

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(d) Experience.

~~1. Applicants shall furnish documentation of six thousand (6,000) clinically supervised counseling experience contact hours, during which all twelve (12) alcohol and drug abuse counseling Primary Functions have been performed over a time period of a minimum of three (3) years.~~

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(Rule 1200-30-01-.04, continued)

~~2. The six thousand (6,000) clinically supervised alcohol and drug abuse counseling experience contact hours, during which all twelve (12) Primary Functions have been performed over a time period of a minimum of three (3) years, may be paid or "volunteer" (unpaid), or a combination thereof.~~

1. The Level I applicant must have completed six thousand (6000) hours of experience during which the applicant has performed all of the eight (8) domains, as listed in TCA § 68-24-606, over a time period of a minimum of three (3) years, which may be paid or "volunteer" (unpaid), or a combination thereof, while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.

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2. The Level II applicant must:

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(i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.

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(ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board.

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3. ~~In order for "volunteer" (unpaid), clinically supervised counseling experience to be given credit, the "volunteer" experience must have been accrued in a facility or agency where the institution or agency head authorized the volunteer program, specifically appointed/designated in writing the person as a participant in that volunteer program, and where the services and duties were performed and supervised pursuant to written guidelines, i.e., a "job description".~~

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4. Applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder under Rule 1200-30-01-.02(2) shall provide evidence that a portion of the clinically supervised counseling experience included contact with no less than ten (10) patients impacted by a compulsive gambling disorder.

(e) An applicant shall successfully complete the examinations as required in Rule 1200-30-01-.08. The applicant shall also provide to the Board an authorization for release of examination scores along with his/her application.

~~(2) Licensure by reciprocity. Individuals seeking licensure by reciprocity must meet the following qualifications:~~

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(2) Individuals seeking licensure by reciprocity as a Level I or Level II Licensed Alcohol and Drug Abuse Counselor must meet the following qualifications:

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(a) The applicant must have attained twenty-one (21) years of age.

(Rule 1200-30-01-.04, continued)

- (b) The applicant must be highly regarded as possessing good moral character and professional ethics, as specified in rule 1200-30-01-.13.
- ~~(c) The applicant must hold a current license or equivalent from another state. The other state's standards for licensure must be comparable to or exceed the requirements for licensure in Tennessee.~~
- ~~(c) The applicant must hold a current license or equivalent from another state. The other state's standards for licensure must be comparable to or exceed the requirements for the level of licensure sought in Tennessee.~~
- (d) An applicant shall successfully complete the jurisprudence examination as required in Rule 1200-30-01-.08.

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Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, 68-24-606 and 68-24-608. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed June 15, 2004; effective August 29, 2004. Amendments filed August 5, 2011; effective November 3, 2011.

1200-30-01-.05 LICENSURE PROCESS.

- (1) To become licensed as an Alcohol and Drug Abuse Counselor in Tennessee an applicant must comply with the following procedures and requirements:
 - (a) Licensure by examination.
 - 1. An application packet shall be requested from the Department.
 - 2. Applications will be accepted by the Board administrator throughout the year. Supporting documents required by the application instructions and these rules must be received by the Board administrator within sixty (60) days of receipt of the application or the file will be closed and to resume the licensure process a new application must be filed. Application files which are completed on or before the thirtieth (30th) day prior to a Board meeting will ordinarily be processed at that meeting.
 - 3. An applicant shall respond truthfully and completely to every question or request for information contained in the application form. The applicant shall submit the application along with all required documentation and fees to the Board. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 - 4. At the time the application is submitted, an applicant shall pay the nonrefundable application fee as provided in these rules.
 - 5. An applicant shall submit a certified copy of his birth certificate which indicates that the applicant is at least twenty-one (21) years of age at the time of application.
 - 6. An applicant shall attach to his application a signed passport style photograph taken within the preceding twelve (12) months. The back of the photograph is to be signed by the applicant.

(Rule 1200-30-01-.05, continued)

7. An applicant shall submit evidence of good moral character and professional ethics. Such evidence shall include two (2) recent (dated within the preceding twelve (12) months), original, signed letters from mental health professionals, one of which must be a licensed Alcohol and Drug Abuse Counselor in good standing, attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead. The applicant shall also submit a signed and notarized affidavit stating the applicant is in compliance with alcohol and drug abuse counselor ethical standards and these rules.

~~8. Applicants shall submit verification of having completed a minimum of three (3) years clinically supervised substance abuse counseling experience (6,000 contact hours) during which all twelve (12) Primary Functions have been performed. This experience may have been acquired anytime prior to the submission of the application. The Board may ask for additional documentation to substantiate this required experience. Actual time spent in a recognized counselor internship or counselor trainee program may be substituted for up to one (1) of the three (3) years experience.~~

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~~8. A Level I applicant shall submit verification of having completed a minimum of three (3) years clinically supervised substance abuse counseling experience (6000 contact hours) during which all eight (8) domains have been performed pursuant to TCA § 68-24-606. This experience may have been acquired at any time prior to the submission of the application. The Board may ask for additional documentation to substantiate this required experience. Actual time spent in a recognized counselor internship or counselor trainee program may be substituted for up to one (1) of the three (3) years of experience.~~

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~~9. An applicant shall submit a notarized photocopy of his high school diploma or GED. If the applicant indicates holding a college degree, the applicant must request that a transcript from his degree granting institution be submitted directly from the school to the Board. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure.~~

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9. For Level II applicants:

~~(i) Have a bachelor's degree in a behavioral health related field or higher level degree in a non-behavioral health related field from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full time or four thousand (4000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse counseling education and training within the eight domains, as listed in TCA § 68-24-606.~~

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~~(ii) Have a master's or higher level degree in a behavioral health related field from an accredited institution of higher learning, and submit an official transcript, and have completed one (1) year of full time experience or two thousand (2000) hours of experience while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor who meets the requirements of the rules of the Board and have completed (270) total hours of alcohol and drug abuse~~

(Rule 1200-30-01-.05, continued)

counseling education and training within the eight domains, as listed in
TCA § 68-24-606.

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- ~~10. An applicant shall complete and submit the application worksheet for the contact hours of classroom training and/or the required clinically supervised practice experience, along with proof of attendance.~~

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10. An applicant shall submit a notarized photocopy of his high school diploma or high school equivalency diploma. If the applicant indicates holding a college degree, the applicant must request that a transcript from his degree granting institution be submitted directly from the school to the Board. The institution granting the degree must have been accredited at the time the degree was granted. The transcript must show that the degree has been conferred and carry the official seal of the institution and reference the name under which the applicant has applied for licensure.

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11. An applicant shall successfully complete the examinations as required by Rule 1200-30-01-.08.
- (b) Licensure by reciprocity. The Board may issue a license to any individual who holds a current license in good standing or its equivalent from another state, upon the determination that the standards for licensure in the other state are comparable to or exceed the current requirements for licensure in Tennessee.
1. An application packet shall be requested from the Department.
 2. Applications will be accepted throughout the year. Supporting documents required by the application instructions and these rules must be received by the Board administrator within sixty (60) days of receipt of the application or the file will be closed and a new application must be filed to resume the licensure process. Application files which are completed on or before the thirtieth (30th) day prior to a Board meeting will ordinarily be processed at that meeting.
 3. An applicant shall respond truthfully and completely to every question or request for information contained in the application form. The applicant shall submit the application along with all required documentation and fees to the Board. It is the intent of this rule that all steps necessary to accomplish the filing of the required documentation be completed prior to filing an application and that all documentation be filed simultaneously.
 4. At the time the application is submitted, an applicant shall pay the nonrefundable application fee as provided in these rules.
 5. An applicant shall submit a certified copy of his birth certificate which indicates that the applicant is at least twenty-one (21) years of age at the time of application.
 6. An applicant shall attach to his application a signed passport style photograph taken within the preceding twelve (12) months. The back of the photograph is to be signed by the applicant.
 7. An applicant shall submit evidence of good moral character and professional ethics. Such evidence shall include two (2) recent (dated within the preceding twelve (12) months), original, signed letters from mental health professionals, one of which must be a licensed Alcohol and Drug Abuse Counselor in good

(Rule 1200-30-01-.05, continued)

- standing, attesting to the applicant's personal character and professional ethics and typed on the signator's letterhead. The applicant shall also submit a signed and notarized affidavit stating that the applicant is in compliance with alcohol and drug abuse counselor ethical standards and these rules.
8. An applicant shall submit a copy of his original licensure or its equivalent with the license number from the original issuing state in effect at the time the original was issued.
 9. An applicant must submit a copy of his most recent renewal certificate or its equivalent from the current issuing state with the number and expiration date.
 10. The applicant shall provide the Board with a copy of current licensing statutes and rules from all states where the applicant is currently licensed.
 11. The applicant shall direct the appropriate certification/licensing agency in his state to send an official statement which indicates that such certificate/license is in effect and in good standing and under what provision such certificate was issued (e.g., grandfathering, examination, reciprocity, endorsement, etc.).
 12. An applicant shall successfully complete the jurisprudence examination as required in Rule 1200-30-01-.08.
- (2) Each applicant shall disclose the circumstances surrounding any of the following:
- (a) Conviction of any criminal law violation of any country or state, except minor traffic violations;
 - (b) The denial of licensure by any other state or territory of the United States or by any other entity assigned to the Division of Health Related Boards as provided in Rule 1200-10-1-.01 (3), or the professional discipline of the applicant in any state or territory of the United States or by any other entity assigned to the Division of Health Related Boards as provided in Rule 1200-10-1-.01 (3);
 - (c) Loss or restriction of licensure in any state or territory of the United States or by any other entity assigned to the Division of Health Related Boards as provided in Rule 1200-10-1-.01 (3); and
 - (d) Any civil suit judgment or civil suit settlement in which the applicant was a party defendant including, without limitation, actions involving malpractice, breach of contract, antitrust activity or any other civil action recognized under that country's or state's statutory, common, or case law.
- (3) Each applicant shall cause to be submitted to the Board's administrative office directly from the vendor identified in the Board's licensure application materials, the result of a criminal background check.
- (4) All documents required to be submitted that were not issued or produced in English shall be translated into English and such translation shall be certified, along with the original document, as to authenticity by the issuing source.
- (5) Application procedures shall be governed by Rule 1200-30-01-.07, and applicant review and licensure decisions shall be governed by Rule 1200-30-01-.15.

(Rule 1200-30-01-.07, continued)

Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed July 31, 2000; effective October 14, 2000. Amendment filed November 26, 2008; effective February 9, 2009.

~~1200-30-01-.08 EXAMINATIONS. In addition to having filed an application, an individual seeking licensure by examination shall be required to successfully complete the Board's written, oral, and jurisprudence examinations. In addition to having filed an application, an individual seeking licensure by reciprocity shall be required to successfully complete the Board's jurisprudence examination.~~

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In addition to having filed an application, an individual seeking licensure by examination as a Level I Licensed Alcohol and Drug Abuse Counselor shall be required to successfully complete the Board's written and jurisprudence examinations, and an individual seeking licensure by examination as a Level II Licensed Alcohol and Drug Abuse Counselor shall be required to successfully complete the Board's oral, written, and jurisprudence examinations.

(1) Written examination.

~~(a) The written examination adopted by the Board is the examination developed by NAADAC and administered by its designated testing agency.~~

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(a) The written examination adopted by the Board is the examination developed by NAADAC/MAC and administered by its designated testing agency.

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(b) The Board shall include with its application materials information regarding the written examination.

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~~(c) Passing scores on the examination are determined by NAADAC and are adopted by the Board as constituting successful completion of the written examination.~~

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(c) Passing scores on the examination are determined by NAADAC/MAC and are adopted by the Board as constituting successful completion of the written examination.

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~~(d) NAADAC will notify both the Board and the candidate of his/her passing or failing status.~~

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(d) NAADAC/MAC will notify both the Board and the candidate of his or her passing or failing status.

(2) Oral examination.

(a) An oral examination is required for each applicant other than those applying by reciprocity. The applicant shall be eligible to sit for the oral examination only after obtaining a passing score on the written examination.

(b) The oral examination shall be administered by a panel consisting of

1. any three (3) members of the Board; or

2. a panel of three (3) examiners selected by the Board who

(i) possess active, unrestricted, and unencumbered licenses to practice alcohol and drug abuse counseling in Tennessee that have not been disciplined, restricted, or encumbered for the past five (5) years; and

(ii) if licensed or certified to practice alcohol and drug abuse counseling in other states, possess active, unrestricted, and unencumbered licenses to

(Rule 1200-30-01-.08, continued)

- practice alcohol and drug abuse counseling in such other states that have not been disciplined, restricted, or encumbered for the past five (5) years; and
- (iii) if licensed or certified to practice any other health-related profession in Tennessee or in any other state, possess active, unrestricted, and unencumbered licenses to practice such health-related professions that have not been disciplined, restricted, or encumbered for the past five (5) years.
- (c) An oral examination is scheduled for each applicant as soon as reasonable after receipt of a passing score from the written examination. Notification of the test date and site of the oral examination will be provided to an applicant in writing from the Board at least thirty (30) days prior to the oral examination date.
- (d) The oral examination of an applicant shall cover:
1. The applicant's knowledge of the content and interpretation of these rules and the NAADAC Code of Ethics.
 - ~~2. The applicant's knowledge and skill of the Primary Functions as stated in Rule 1200-30-01-.02(4) and described in the Board's licensure application.~~
 2. The applicant's knowledge and skill of the eight (8) domains as stated in Rule 1200-30-01-.02(7) and described in the Board's licensure application.
 3. Other practice-related areas, including but not limited to past work history, professional experiences and hypothetical situations.
- (e) The oral examination panel shall make a recommendation of pass or fail and the Board shall review such recommendation before making its decision. At its discretion, the Board may accept the examination panel's recommendation, reverse the recommendation, or request another examination by a new panel. The written report of the oral examination panel, including the panel recommendation, becomes a part of the applicant's licensure file. It is required that all oral examinations be audiotaped. At its discretion, the Board may review the entire contents of the audiotaped record before making its decision. The audiotaped record of every failed oral examination will be maintained at the Board office until the applicant has successfully passed the oral examination.
- (f) The Board will notify the applicant of his/her passing or failing status within ten (10) working days of the Board's ratification of the oral examination results.
- (3) Jurisprudence Examination. All applicants for licensure must successfully complete the Board's jurisprudence examination as a prerequisite to licensure.
- (a) The Board shall include a jurisprudence examination with all applications for licensure that are mailed from the Board's administrative office, or the applicant may obtain the jurisprudence examination from the Board's Internet web page that can be accessed at www.Tennessee.gov.
 - (b) The applicant shall include a completed jurisprudence examination when his/her completed application for licensure is returned to the Board's administrative office.
 - (c) There is no fee for the jurisprudence examination.

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(Rule 1200-30-01-.08, continued)

- (d) The scope and content of the examination shall be determined by the Board but limited to statutes and regulations governing the practice of alcohol and drug abuse counselors (T.C.A. §§ 68-24-604, et seq., and Chapter 1200-30-01 of the rules of the Tennessee Department of Health) and the NAADAC Code of Ethics. Copies of the applicable statutes, regulations, and the NAADAC Code of Ethics are available upon request from the Board's administrative office.
 - (e) The format of the examination shall be "open-book."
 - (f) Correctly answering ninety percent (90%) of the examination questions shall constitute successful completion of the jurisprudence exam.
- (4) Re-examination.
- ~~(a) Written examination. Applicants who fail to pass the written examination may apply to the NAADAC for re-examination. Hand-scoring and/or appeal requests are to be directed to the NAADAC.~~
 - (a) Written Examination. Applicants who fail to pass the written examination may apply to the NAADAC or the MAC for re-examination. Hand-scoring and/or appeal questions are to be directed to the NAADAC or MAC.
 - (b) Oral examination.
 - 1. Applicants who fail to pass the oral examination may apply to the Board for re-examination.
 - 2. It is not required that an applicant repeat the written examination in order to repeat the oral examination.
 - 3. Should the applicant fail a second oral examination, the Board shall deny licensure pursuant to rule 1200-30-01.07. In such event, the applicant must then retake the written examination if the applicant reapplies.
 - (c) Jurisprudence Examination
 - 1. Applicants who fail to successfully complete the jurisprudence examination must continue to retake the examination until it has been successfully completed before the application will be deemed complete and presented to the Board for review.
 - 2. It is not required that an applicant repeat the written or oral examinations in order to repeat the jurisprudence examination.
- (5) If an applicant neglects, fails, or refuses to take any of the required examinations or fails to successfully complete the examinations within twelve (12) months after being approved, the application will be deemed abandoned. Such applicant may thereafter make a new application accompanied by the required fee. The applicant shall meet the requirements in effect at the time of the new application.

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Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment

(Rule 1200-30-01-.08, continued)

*filed August 19, 2002; November 2, 2002. Amendment filed June 15, 2004; effective August 29, 2004.
Amendment filed November 26, 2008; effective February 9, 2009.*

1200-30-01-.09 RENEWAL OF LICENSE.

- (1) Renewal application.
 - (a) The due date for license renewal is the expiration date indicated on the licensee's renewal certificate.
 - (b) Methods of Renewal
 1. Internet Renewals - Individuals may apply for renewal and pay the necessary fees via the Internet. The application to renew can be accessed at:

www.tennesseeanytime.org
 2. Paper Renewals - For individuals who have not renewed their license online via the Internet, a renewal application form will be mailed to each individual licensed by the Board to the last address provided to the Board. Failure to receive such notification does not relieve the licensee from the responsibility of meeting all requirements for renewal.
 - (c) To be eligible for renewal, an individual must submit the following to the Board on or before the expiration date:
 1. A completed and signed renewal application form; and
 2. The biennial renewal fees as provided in these rules.
 - (d) Renewals may be issued administratively or by the Board.
 - (e) Licensees who fail to comply with the renewal rules or notification received by them concerning failure to timely renew shall have their licenses processed pursuant to rule 1200-10-1-.10.
- (2) Reinstatement of Expired License
 - (a) Reinstatement of an expired license may be accomplished upon filing a reinstatement application and payment of reinstatement, renewal and late renewal fees pursuant to rule 1200-30-01-.06.
 - (b) An applicant for reinstatement must comply with the continuing education requirements of rule 1200-30-01-.12.
 - (c) If requested, an applicant for reinstatement shall appear before the Board for an interview.
- (3) Anyone submitting a signed renewal or reinstatement application which is found to be untrue may be subject to disciplinary action as provided in these rules.
- (4) Application procedures shall be governed by Rule 1200-30-01-.07, and applicant review and licensure decisions shall be governed by Rule 1200-30-01-.15.

(Rule 1200-30-01-.09, continued)

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 13, 2000; effective February 26, 2001. Amendment filed August 19, 2002; November 2, 2002. Amendment filed October 18, 2004; effective January 1, 2005.

1200-30-01-.10 SUPERVISION.

~~(1) Pursuant to Rule 1200-30-01-.04, an applicant for licensure as an alcohol and drug abuse counselor shall present documentation, at the time the application is submitted, of completion of six thousand (6000) hours of clinical experience supervised by a supervisor who meets the requirements of paragraphs (2) or (3).~~

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(1) Pursuant to Rule 1200-30-01-.04, an applicant for licensure as a Level I or Level II Licensed Alcohol and Drug Abuse Counselor shall present documentation, at the time the application is submitted, of completion of clinical experience hours that have been supervised by a supervisor who meets the requirements of paragraph (2) or (3).

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- (a) One hundred (100) hours of the six thousand (6000) hour requirement shall be face-to-face supervision.
 - 1. No more than fifty (50) hours of the one hundred (100) hours may occur during any calendar year in which part of the six thousand (6000) supervised hours transpire.
 - 2. No less than twelve (12) hours of the one hundred (100) hours may occur during any calendar year in which part of the six thousand (6000) supervised hours transpire.
- (b) Group supervision may occur provided that the applicant has a minimum of six (6) face-to-face individual supervision hours per year.
- (c) A Supervisor seeking to supervise an alcohol and drug abuse counselor subject to Rule 1200-30-01-.04(1)(d)4 shall obtain no less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder prior to undertaking such supervision.
- (d) Documentation includes, but is not limited to, dates of supervision, beginning and ending times, names of clinicians present, topic areas discussed, clinical recommendations, follow-up on previous recommendations, professional issues/concerns, professional development needs/accomplishments, and number of cases reviewed per clinical participant with signatures of supervisor and all supervision participants.
- (e) The supervisor shall follow methods of supervision used in accordance with a standard practice (e.g., Family Systems, Transactional Analysis, Reality Therapy, Gestalt, Psychodrama, etc.) or a combination of standard practices of the supervisor's choice.
- (f) The supervisor shall maintain copies of records of supervision for eight (8) years. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
- (g) Failure to conduct supervision in accordance with these rules or falsification of the records of supervision is considered a breach of professional conduct and may result in disciplinary action as provided in Rule 1200-30-01-.15.

(Rule 1200-30-01-.10, continued)

- (2) Before supervision may begin, the supervisor of an applicant for licensure as an alcohol and drug abuse counselor shall obtain from the Board a Certificate of Qualified Clinical Supervision by meeting the following requirements:

~~(a) The supervisor has been a licensed alcohol and drug abuse counselor for at least five (5) years. The supervisor's license must be currently active, unencumbered, and unconditioned, and the supervisor must cease supervising if it becomes encumbered and/or conditioned; and~~

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(a) The supervisor has been a Level II Licensed Alcohol and Drug Abuse Counselor for at least five (5) years. The supervisor's license must be currently active, unencumbered, and unconditioned, and the supervisor must cease supervising if his or her license becomes encumbered and/or conditioned; and

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~~(b) The supervisor has two (2) years experience supervising alcohol and drug abuse counselors or has received at least thirty-six (36) contact (clock) hours of supervision (by a qualified supervisor) of his supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counseling.~~

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(b) The supervisor has two (2) years of experience supervising alcohol and drug abuse counselors and has received thirty six (36) contact (clock) hours of supervision (by a qualified supervisor) of his or her supervisory work by supervision of at least one (1) person doing alcohol and drug abuse counseling and has obtained a minimum of thirty (30) hours of training specific to alcohol and drug clinical supervision, including six (6) hours of supervision ethics.

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- (3) An applicant whose supervisor meets the requirements of paragraph (2) but is not licensed in Tennessee as an alcohol and drug abuse counselor may submit, with the licensure application, an approval request to the Board that documents the supervisor's qualifications. This request must include means by which verification of the qualifications may be independently confirmed (e.g., contact data for other state licensing or certification agencies, NAADAC, or proof of supervision).
- (4) Supervision that is consistent with the regulations that were effective prior to the effective date of this rule amendment will be accepted as qualified supervision.
- (a) Licensees providing clinical supervision when these rules become effective will be permitted to continue supervising applicants whose supervision had already begun.
- (b) Under no circumstances shall a licensee begin providing new clinical supervision without meeting the requirements of paragraphs (2) or (3).
- (5) Conflict of Interest - Supervision provided by the applicant's parents, spouse, former spouse, siblings, children, cousins, in-laws (present or former), aunts, uncles, grandparents, grandchildren, stepchildren, employees, present or former counselor, present or former romantic partner, or anyone sharing the same household shall not be acceptable toward fulfillment of licensure requirements. Any exceptions must be approved by the Board prior to such supervision. For the purposes of this rule, a supervisor shall not be considered an employee of the applicant, if the only compensation received by the supervisor consists of payments for the actual supervisory hours.
- (6) Accountability – In all cases the specific terms of the supervisory arrangement are the responsibility of the qualified supervisor upon whom it is incumbent to assure appropriate

(Rule 1200-30-01-.10, continued)

supervisory time. Likewise, it is the responsibility of the applicant to obtain supervision. The education, training, experience, and ongoing performance of the applicant must be considered by the supervisor. The arrangements for supervision must be agreed to by both the qualified supervisor and the applicant. Ultimately, the qualified supervisor of record must protect the welfare of the client and assure compliance with Tennessee law and professional ethics.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605 and 68-24-608. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 5, 2003; effective February 18, 2004. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed August 5, 2011; effective November 3, 2011.

1200-30-01-.11 LICENSURE RETIREMENT AND REACTIVATION.

- (1) License holders who wish to retain their licenses, but not actively practice alcohol and drug counseling, may avoid expiration of licensure and/or compliance with the licensure renewal process by licensure retirement. A license may be retired by obtaining from and submitting to the Board an affidavit of retirement form along with any documentation which may be required.
- (2) Any licensee whose license has been retired may reactivate the license by:
 - (a) Paying the licensure renewal fee.
 - (b) If requested, appearing before the Board for an interview regarding continued competence in the event of licensure retirement in excess of two (2) years.
 - (c) Successfully completing the written examination for licensure if licensure retirement was in excess of five (5) years and the Board determines that re-examination is necessary to protect the public.
 - (d) Complying with the continuing education requirements.
- (3) Application procedures shall be governed by Rule 1200-30-01-.07, and applicant review and licensure decisions shall be governed by Rule 1200-30-01-.15.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed December 13, 2000; effective February 26, 2001.

1200-30-01-.12 CONTINUING EDUCATION. ~~Each licensee is required to complete fifteen (15) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31). Nine (9) hours must be face to face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics.~~

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Level I Licensed Alcohol and Drug Abuse Counselors, and Level II Licensed Alcohol and Drug Abuse Counselors must complete fifteen (15) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31). Nine (9) hours must be face to face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics. A Qualified Clinical Supervisor (QCS) must complete a minimum of five (5) additional contact hours of training annually, in addition to the normal fifteen (15) contact hours necessary to maintain licensure. Such additional contact hours must be specific to Alcohol and Drug Clinical Supervision. Three (3) hours of the five (5) additional total hours of continuing education must be specific to clinical supervision ethics.

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(Rule 1200-30-01-.12, continued)

- (1) Continuing education for new licensees - For new licensees, submitting proof of successful completion of all education and training requirements required for licensure in Tennessee, pursuant to subparagraphs 1200-30-01-.04 (1) (c) and 1200-30-01-.05 (1) (a), shall be considered proof of sufficient preparatory education to constitute continuing education credit for the calendar year in which such education and training requirements were completed.
- (2) The following organizations and entities are authorized to present, sponsor, or approve continuing education courses, events, and activities related to the practice of alcohol and drug abuse counseling:
 - (a) Nationally or regionally accredited institutions of higher education
 - (b) NAADAC (The Association for Addiction Professionals)
 - (c) TAADAC (The Tennessee Association of Alcohol and Drug Abuse Counselors)
 - (d) Tennessee Department of Health
 - (e) TAADAS (The Tennessee Association of Alcohol, Drug and Other Addiction Services)
 - (f) TAMHO (The Tennessee Association of Mental Health Organizations)
 - (g) Tennessee Department of Mental Health.
- (3) Continuing education program approval process for providers of education.
 - (a) All providers of continuing education not authorized by paragraph (2) must request and receive approval of their program content by the Board to fulfill the continuing education requirements set forth in this rule. Providers who intend to offer more than one (1) presentation of the same course, event, or activity during one (1) calendar year may combine in a single application the information required by subparagraph (3) (b) for the multiple presentations.
 - (b) Application for approval shall contain the topic, credentials of the speaker or presenter, a brief description of program content or content objectives, the date and length in minutes of each presentation, the place of instruction and the sponsoring institution or organization. Application for approval of Multi-Media courses, as provided in subparagraph (5) (c), shall submit this information on an annual basis as applicable, and shall also submit a brief description of the course format.
 - (c) All applications for approval must be submitted to the Board at least thirty (30) days prior to a regularly scheduled meeting of the Board that precedes the educational offering. The Board shall review each application and shall rule on whether the offering(s) in whole or in part shall be accepted as valid for the purposes of the continuing education requirements of this rule. The decision of the Board shall be final in all such matters.
- (4) Documentation.
 - (a) On a Board provided form, each licensee must check a box and/or enter his signature which indicates attendance and completion of all the required contact hours of continuing education and that such hours were obtained.

(Rule 1200-30-01-.12, continued)

- (b) Each licensee shall retain independent documentation of attendance and completion of all continuing education courses. This documentation must be retained for a period of three (3) years from the end of the renewal period in which the course is completed. This documentation must be produced for inspection and verification, if requested in writing by the Board during its verification process.
- (c) Documentation of continuing education includes:
 - 1. A certificate verifying the individual's attendance at the continuing education program.
 - 2. An original letter on official institution letterhead from the instructor of the graduate level course verifying that the course was completed and listing the number of credit hours of attendance completed by the individual.
 - 3. An official transcript verifying credit hours earned. One semester academic credit hour is equivalent to fifteen (15) contact hours. One quarter academic credit hour is equivalent to twelve (12) contact hours.
 - 4. A certificate or letter verifying successfully passing a written post experience examination to evaluate material retention upon completion of a Multi-Media course, as provided in subparagraph (5) (c). The certificate or letter must include the contact hours awarded (continuing education units must be converted to contact hours), date completed, program title, licensee's name, and license number.
- (5) It is the licensee's responsibility, using his professional judgment, to determine whether or not a particular educational/training experience is applicable and appropriate to his professional development and meets the standards specified in these rules.
 - (a) If a person submits documentation for training that is not clearly identifiable as appropriate continuing education, the Board may request a written description of the training and how it applies to the individual's professional practice. If the Board determines that the training cannot be considered appropriate continuing education, the individual will be given ninety (90) days to replace the hours not allowed. Those hours will be considered replacement hours and cannot be counted during the next year.
 - (b) Continuing education credit or contact hours of training will not be allowed for the following:
 - 1. Regular work activities, administrative staff meetings, case staffing/reporting, etc.;
 - 2. Membership in, holding office in, or participation on boards or committees, business meetings of professional organizations or banquet speeches;
 - 3. Independent, unstructured or self-structured learning; or
 - 4. Training specifically related to policies and procedures of an agency.
 - (c) Multi-Media
 - 1. Notwithstanding the provisions of part (5) (b) 3., continuing education courses may be presented in the traditional lecture and classroom formats or, in

(Rule 1200-30-01-.12, continued)

accordance with paragraphs (2) and (3) and with successful completion of a written post experience examination to evaluate material retention, courses may be presented in Multi-Media formats. Multi-Media courses may include courses utilizing:

- (i) The Internet
- (ii) Closed circuit television
- (iii) Satellite broadcasts
- (iv) Correspondence courses
- (v) Videotapes
- (vi) CD-ROM
- (vii) DVD
- (viii) Teleconferencing
- (ix) Videoconferencing
- (x) Distance learning

~~2. A maximum of fifteen (15) contact hours may be granted for multi-media courses during each calendar year.~~

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2. A maximum of six (6) contact hours may be granted for multi-media courses during each calendar year.

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~~1. A maximum of six (6) contact hours may be granted for multi-media courses during each calendar year.~~

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(6) Continuing education for reactivation of license.

(a) Reactivation of retired license.

~~1. Any individual requesting reactivation of a license which has been retired one or more years shall so indicate on a Board provided form which indicates the attendance and completion of thirty (30) continuing education hours. The continuing education hours must have been begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement.~~

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1. Any individual requesting reactivation of a license which has been retired one or more years shall so indicate on a Board provided form which indicates the attendance and completion of fifteen (15) continuing education hours. The continuing education hours must have been begun and successfully completed within twelve (12) months immediately preceding the date of the requested reinstatement.

2. The Board, upon receipt of a written request and explanation, may waive or condition any or all of the contact hours requirement for reactivation of a retired license in emergency situations.

(Rule 1200-30-01-.12, continued)

- (b) Reactivation of revoked license – No person whose license has been revoked for failure to comply with the continuing education contact hours requirement may be reinstated without complying with the requirement. The continuing education hours will accumulate at the same rate and are required the same as those for licenses which are active. A license which has been revoked for noncompliance with the continuing education requirement shall also be subject to the late renewal fee.
 - (c) Reactivation of expired license – No person whose license has expired as a result of failure to comply with the renewal requirements of rule 1200-30-01-.09 may be reinstated without complying with the requirements of this rule. The continuing education hours will accumulate at the same rate and are required the same as those for licenses which are active. A license which has expired as a result of failure to comply with the renewal requirements of rule 1200-30-01-.09 shall also be subject to the late renewal fee.
 - (d) Any licensee requesting reactivation of either a retired or revoked license shall indicate on a Board provided form that he has complied with the continuing education requirement pursuant to this rule and that such continuing education hours were begun and successfully completed within twelve (12) months immediately preceding the date of requested reinstatement.
 - (e) Continuing education hours obtained as a prerequisite for reactivating either a retired or revoked license may not be counted toward the current licensure renewal year requirement.
- (7) Waiver of continuing education.
- (a) The Board may grant a waiver of attendance and completion of the required hours of continuing education, if it can be shown that the failure to comply was not attributable to the individual or was beyond the physical capabilities of the individual, e.g., disability, residence abroad, military service or other good cause. A request for waiver must be received by the Board on or before the license expiration date.
 - (b) Waiver requests will be considered only on an individual basis and may be made by submitting the following items to the Board:
 - 1. A written request for a waiver which specifies what requirement is sought to be waived and an explanation of the reason(s) for the request, dated and signed by the licensee.
 - 2. Any documentation which supports the reason(s) for the waiver requested or which may be subsequently requested.
 - (c) An approved waiver is effective only for the calendar year for which the waiver of the requirement is sought, unless otherwise specified in writing by the Board.
- (8) Violations.
- (a) Any licensee who falsely attests to attendance and completion of the hours of continuing education may be subject to disciplinary action pursuant to the provisions of these rules.
 - (b) Any licensee who fails to obtain the required continuing education hours may be subject to disciplinary action pursuant to the provisions of these rules.

(Rule 1200-30-01-.12, continued)

- (c) Continuing education hours obtained as a result of compliance with the terms of enforcement action taken by the Board shall not be counted toward the continuing education hours required to be obtained in any renewal cycle.
- (d) Prior to the institution of any disciplinary proceedings, a letter shall be issued to the last known address of the individual stating the facts or conduct which warrant the intended action.
- (e) The licensee has thirty (30) days from the date of notification to show compliance with all lawful requirements for the retention of the license.
- (f) Any licensee who fails to show compliance with the required continuing education hours in response to the notice contemplated by subparagraph (d) above may be subject to disciplinary action.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606. **Administrative History:** Original rule filed May 25, 1994; effective August 9, 1994. Repeal and new rule filed January 30, 1997; effective May 30, 1997. Repeal and new rule filed December 28, 1999; effective March 12, 2000. Amendment filed September 13, 2001; effective November 27, 2001. Amendment filed August 19, 2002; November 2, 2002. Amendments filed October 18, 2004; effective January 1, 2005. Amendment filed November 2, 2005; effective January 16, 2006. Amendment filed May 18, 2007; effective August 1, 2007. Amendment filed July 3, 2007; effective September 16, 2007. Amendments filed August 5, 2011; effective November 3, 2011.

1200-30-01-.13 PROFESSIONAL ETHICS.

- (1) A licensed Alcohol and Drug Abuse Counselor and anyone under his supervision shall conduct his professional practice in conformity with the NAADAC Code of Ethics and these rules.
- (2) Each applicant or license holder is responsible for being familiar with and following these standards.
- (3) In the event an applicant, license holder, or other individual has a question regarding legal, ethical and professional standards, neither the Board nor its administrative personnel shall consider such questions unless presented with a proper petition for a declaratory order.
- (4) A licensee must report any other licensee believed to be practicing in such a way as to indicate impairment, potential harm to clients, and/or to cause undue negative reflection or harm to his profession. Such reporting shall be made to the Department of Health, Division of Health Related Boards, Investigative Section.
 - (a) A licensee who is aware of unethical conduct or unprofessional modes of practice must report such inappropriate behavior, unless constrained by the need to protect patient confidentiality.
 - (b) A licensee shall cooperate with the Department's Investigative Section and promptly supply necessary information unless constrained by the need to protect patient confidentiality.
 - (c) In the event a supervisor suspects the person being supervised is guilty of unethical conduct, the supervisor shall adhere to the standards of the profession and shall report such conduct.

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