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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. TCA Section 4-5-205*

<b>Agency/Board/Commission:</b>	Department of Health
<b>Division:</b>	Bureau of Alcohol and Drug Abuse Services
<b>Contact Person:</b>	Rachel Appelt, Assistant General Counsel
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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-.02	Scope of Practice
1200-30-01-.04	Qualifications for Licensure
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>)

1200-30-01-.02 Scope of Practice is amended by adding a new paragraph (2) and renumbering the remaining paragraphs accordingly, so that as amended the new paragraph shall read:

- (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.

Authority: T.C.A. § 68-24-608.

1200-30-01-.04 Qualifications for Licensure is amended by adding a new part 4 to subparagraph (1)(c), so that as amended the new part shall read:

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.

The rule is further amended by adding a new part 4 to subparagraph (1)(d), so that as amended the new part shall read:

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.

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

1200-30-01-.10 Supervision is amended by adding new subparagraph (c) to paragraph (1) and renumbering the remaining subparagraphs accordingly, so that as amended the new subparagraph shall read:

- (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.

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

1200-30-01-.12 Continuing Education is amended by deleting the language in the heading and substituting it instead with the following, so that as amended the new heading language shall read:

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.

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

1200-30-01-.12 Continuing Education is amended by adding a new subparagraph (g) to paragraph (2), so that as amended the new subparagraph shall read:

(g) Tennessee Department of Mental Health.

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)
Sherry Butler	X				
Garner Cagle	X				
Richard "Terry" Kinnaman	X				
Major McNeil	X				
Jacques Tate	X				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Bureau of Alcohol and Drug Services on 10/22/2010, and is in compliance with the provisions of TCA 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 08/31/10

Rulemaking Hearing(s) Conducted on: (add more dates). 10/22/10

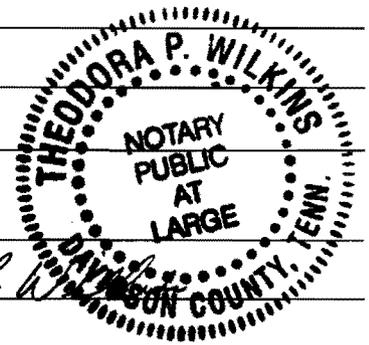
Date: 12/23/10

Signature: Rachel Appelt

Name of Officer: Rachel Appelt

Assistant General Counsel

Title of Officer: Department of Health



Subscribed and sworn to before me on: 12/23/10

Notary Public Signature: Theodora P. Wilkins

My commission expires on: 11/2/11

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.

Robert E. Cooper, Jr.

Robert E. Cooper, Jr.  
Attorney General and Reporter

7-17-11

Date

**Department of State Use Only**

RECEIVED  
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Filed with the Department of State on: 8/5/11

Effective on: 11/3/11

Tre Hargett by [Signature], POA

Tre Hargett  
Secretary of State

## 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.

**PUBLIC HEARING COMMENTS**  
**RULEMAKING HEARING**  
**TENNESSEE DEPARTMENT OF HEALTH**  
**BOARD OF ALCOHOL AND DRUG ABUSE COUNSELORS**

The rulemaking hearing for the Tennessee Department of Health, Board of Alcohol and Drug Abuse Counselors was held on October 22, 2010 in the Department of Health Conference Center's Poplar Room on the First Floor of the Heritage Place Building in MetroCenter, Nashville, Tennessee. Rachel Appelt, Assistant General Counsel, presided over the hearing.

There were no written comments received prior to the meeting; however, several comments were received from the audience.

Debbie Hillin – Buffalo Valley: asked for clarification on the sixty (60) hours required for gambling in Rule 1200-30-01-.02. She stated the new rule does not specify whether this is an annual requirement. Ms. Hillin stated there is no way to acquire this number of hours in gambling education in one year – it is possible to get fifteen (15) to twenty (20); [the state of] Tennessee has not had gambling hours in four (4) to (5) years. She asked that the Board take this fact into consideration.

Board: The Board thanked Ms. Hillin for her comments. There were no changes to the proposed rule.

There was a comment by Board member Kinnaman referencing Rule 1200-30-01-.12 concerning the multi-media hours for continuing education. He felt that no more than five (5) hours should be multi-media because it is important to have face-to-face contact hours.

Debbie Hillin replied it is very costly to provide training. It is disruptive to clients and disrupts the availability of services.

Board responded that TACAC provides bi-monthly face-to-face training at low cost.

Johnny Welch – Memphis Technological Seminary stated face-to-face training is very important. Most seminars provide six (6) content hours and he urged the board to consider revising the rule to be nine (9) face-to-face hours and allow six (6) hours to be multi-media to stay competitive with other state boards.

Debbie Hillin suggested to add the words "although face-to-face hours are strongly encouraged" to the beginning of the rule amendment.

Ms. Benson stated she recognizes the cost and burden to facilities; however, the requirement is being reduced from thirty (30) hours yearly with fifteen (15) being allowed as multi-media to a total of fifteen (15) hours; she urged the board to find a compromise to use both face-to-face and multi-media hours.

Board stated the intent of the rule amendment is to reduce the hours and make them easier to obtain. The board voted to amend the proposed rule to nine (9) hours of face-to-face and six (6) hours may be multi-media with at least three (3) of the fifteen (15) hours relating to ethics.

Katherine Meese of A&D Services stated there was former discussion of a three-tier LADAC certification and wondered if this was planned for the future.

Board responded this would require a changed in the law.

Vern Martin of TADAS questioned the proposed amendment to Rule 1200-30-01-.04(2)(c) regarding reciprocity. He stated passing the NADAC exam is evidence of comparability of programs between states.

David Brown of CADAS stated he does not understand the new added language requiring test scores to be given if the reciprocal state had comparable guidelines to those of Tennessee. Mr. Brown further questioned whether one had to be a LADAC to counsel for gambling.

Board voted not to add the additional sentence to the rule. This will keep the current Rule 1200-30-01-.04(2)(c) as it stands.

### **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.

#### **Regulatory Flexibility Analysis**

- (1) The proposed rules do not overlap, duplicate, or conflict with other federal, state, or local government rules.
- (2) The proposed rules exhibit clarity, conciseness, and lack of ambiguity.
- (3) 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.
- (4) The compliance requirements throughout the proposed rules are as "user-friendly" as possible while still allowing the Division to achieve its mandated mission the protection of the health, safety and welfare of the citizens of Tennessee. There is sufficient notice between the rulemaking hearing and the final promulgation of rules to allow licensees to come into compliance with the proposed rules.
- (5) 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 standards required in the proposed rules are very basic and do not necessitate the establishment of performance standards for small businesses.
- (7) There are no unnecessary entry barriers or other effects in the proposed rules that would stifle entrepreneurial activity or curb innovation.

**STATEMENT OF ECONOMIC IMPACT TO SMALL BUSINESSES**

**Name of Board, Committee or Council:** Tennessee Department of Health, Board of Alcohol and Drug Abuse Counselors.

**Rulemaking hearing date:** October 22, 2010

**Types of small businesses that will be directly affected by the proposed rules:**

These rule changes only affect licensed alcohol and drug abuse counselors. There is no impact on small businesses.

**Types of small businesses that will bear the cost of the proposed rules:**

None known.

**Types of small businesses that will directly benefit from the proposed rules:**

None known.

**Description of how small business will be adversely impacted by the proposed rules:**

The rule changes should have no adverse impact on small business as they primarily affect individual licensees.

**Alternatives to the proposed rule that will accomplish the same objectives but are less burdensome, and why they are not being proposed:**

The Department of Health, Board of Alcohol and Drug Abuse Counselors does not believe there are less burdensome alternatives to the proposed rule amendments.

**Comparison of the proposed rule with federal or state counterparts:**

**Federal:** The Department of Health, Board of Alcohol and Drug Abuse Counselors is not aware of any federal counterparts.

**State:** The proposed rule amendments have no state counterpart.

## **Impact on Local Governments**

Pursuant to T.C.A. 4-5-220 and 4-5-228 "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 impact on local governments." (See Public Chapter Number 1070 (<http://state.tn.us/sos/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

These rule amendments are not expected to have an impact on local government.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to TCA 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;

1200-30-01-.02 Adds alcohol and drug abuse counselors who evaluate and treat persons significantly affected by compulsive gambling disorder to the scope of practice.  
1200-30-01-.04 Adds an educational requirement for applicants seeking to evaluate and treat persons who have been significantly affected by compulsive gambling disorder to the qualifications for licensure.  
1200-30-01-.10 Adds an educational requirement for supervisors seeking to supervise an applicant in the evaluation and treatment of compulsive gambling disorder; and  
1200-30-01-.12 Deletes the heading language of the rule and replaces it with a requirement for fifteen contact hours of alcohol and drug abuse continuing education per calendar year. Adds a requirement for ethics, a requirement for face to face hours, and an allowance for multimedia hours. Adds the Tennessee Department of Mental Health and Developmental Disabilities to the list of approved providers of 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;

T.C.A. § 68-24-608

- (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;

Persons seeking licensure under these rules as a Licensed Alcohol and Drug Abuse Counselor, and more specifically, applicants seeking to evaluate and treat persons with compulsive gambling disorder.

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

To the best of our knowledge, there are no Attorney General opinions relative to the new rules.

- (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;

There will be neither a positive nor a negative fiscal impact because the new rules will implement a program that is self-sufficient.

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

Rachel Appelt, Assistant General Counsel, Department of Health, as well as the board administrator, Melody Spitznas, are the appropriate agency representatives possessing substantial knowledge of these new rules.

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

Rachel Appelt, Assistant General Counsel, Department of Health, as well as the board administrator, Melody Spitznas, are the appropriate agency representatives who will explain the rule at a scheduled 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

Rachel Appelt, Assistant General Counsel, Office of General Counsel, Tennessee Department of Health, 220 SS-7037 (July 2010)

Athens Way, Suite 210, Nashville, TN 37243, (615) 741-1611, [Rachel.Appelt@tn.gov](mailto:Rachel.Appelt@tn.gov). Melody Spitznas, Bureau of Health Licensure and Regulation, 227 French Landing Drive, Suite 300 Nashville, TN 37243, (615) 532-5088, [Melody.Spitznas@tn.gov](mailto:Melody.Spitznas@tn.gov)

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

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

less than sixty (60) formal classroom hours of instruction related to compulsive gambling disorder.

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- (23) 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.
- (34) 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.
- (45) 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.
  - (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.

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

- (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.

**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.

#### 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.
- (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.

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

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

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.

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.
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.
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.
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".
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.

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(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:

- (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.
- (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.

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

- (d) An applicant shall successfully complete the jurisprudence examination as required in Rule 1200-30-01-.08.

**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 June 15, 2004; effective August 29, 2004.

**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.
  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

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

- (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.

**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).
  - (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.

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

- (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.
  - (ed) 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.
  - (de) 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.
  - (ef) 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.
  - (fg) 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.
- (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
  - (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.
- (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.

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

- (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 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, and 68-24-605. **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.

#### 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 thirty (30) contact hours of alcohol and drug abuse continuing education during each calendar year (January 1 to December 31).~~

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.

- (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.

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

(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.
- (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

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

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 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.

(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.
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.

- (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.

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

- (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.
  - (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.

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

- (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.

#### 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.

**Authority:** T.C.A. §§4-5-202, 4-5-204, and 68-24-604 through 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-.14 LICENSE.