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Sequence Number: 11,05-13
 Notice ID(s): 2094
 File Date: 11/8/13

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission:	Board of Alcohol and Drug Abuse Counselors
Division:	
Contact Person:	Caroline Tippens, Assistant General Counsel Office of General Counsel 665 Mainstream Drive
Address:	Nashville, Tennessee 37243
Phone:	(615) 741-1611
Email:	Caroline.Tippens@tn.gov

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	ADA Coordinator 710 James Robertson Parkway,
Address:	Andrew Johnson Building, 5 th Floor, Nashville, Tennessee 37243
Phone:	(615) 741-6350
Email:	Tina.M.Harris2@tn.gov

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Metro Center
Address 2:	665 Mainstream Drive, Poplar Room
City:	Nashville, Tennessee
Zip:	37228
Hearing Date :	1/17/2014
Hearing Time:	9:00 am <input checked="" type="checkbox"/> CST/CDT <input type="checkbox"/> EST/EDT

Additional Hearing Information:

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Revision Type (check all that apply):

- Amendment
 New
 Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. 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-.04	Qualifications for Licensure
1200-30-01-.06	Fees
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 to Rule 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 and substituting instead the following language, so that as amended, the new paragraph (16) shall read:

- (16) Qualified Clinical Supervisor. A person who provides supervision for Licensed Alcohol and Drug Abuse Counselors and applicants. Such a Qualified Clinical Supervisor must hold a current license in the State of Tennessee, in good standing, as a Level II Licensed Alcohol and Drug Abuse Counselor, have held said license for at least five (5) years and must have either at least two (2) years of experience supervising Licensed Alcohol and Drug Abuse Counselors or have completed two (2) years of experience providing clinical supervision to Licensed Alcohol and Drug Abuse Counselors, or have completed at least thirty-six (36) contact hours of supervised supervisory work, and subsequently be approved by the Board as a Qualified Clinical Supervisor. Licensed Alcohol and Drug Abuse Counselors who were licensed and in good standing prior to the implementation of the tiered licensure system, and are hereinafter grandfathered in as Level II counselors, must have been licensed as a Licensed Alcohol and Drug Abuse Counselor for five (5) years prior to applying to be Board-approved as a Qualified Clinical Supervisor.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 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, excluding those who are self-employed in private practice. 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 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. §§ 4-5-202, 4-5-204, and 68-24-605 through 68-24-609.

Rule 1200-30-01-.04 Qualifications for Licensure 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-.04 Qualifications for Licensure

- (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 qualification 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 general equivalency diploma.
 4. The applicant must have completed six thousand (6000) hours of work where the applicant has performed all of the eight (8) domains listed in T.C.A. § 68-24-606 while providing alcohol and drug abuse counseling services under the direct supervision of a Qualified Clinical Supervisor as deemed under the rules of the Board.
 5. The applicant must have completed two hundred seventy (270) hours of formal classroom training in chemical dependency, with a minimum number of ten (10) contact hours documented on each of the eight (8) domains listed in T.C.A. § 68-24-606. Six (6) hours of the two hundred seventy (270) total hours of education shall be on alcohol and drug abuse professional ethics.
 6. The applicant must have completed a written philosophy of treatment.

7. The applicant must have passed a jurisprudence examination approved by the Board.
 8. The applicant must have passed the National Certified Addiction Counselor Level I written examination that is administered by the National Commission of Addiction Professionals.
- (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 or higher level college degree from an accredited institution of higher learning, and submit an official transcript, have completed two (2) years of full-time or four thousand (4,000) hours of experience as a Licensed Alcohol and Drug Abuse Counselor, and have completed two hundred seventy (270) hours of alcohol and drug abuse counseling education and training in the eight (8) domains listed in T.C.A. § 68-24-606; or
 - (ii) Have a master's degree or higher level college degree 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 as a Licensed Alcohol and Drug Abuse Counselor, and have completed one hundred twenty (120) hours of alcohol and drug abuse counseling education in the eight (8) domains listed in T.C.A. § 68-24-606; and
 4. The applicant must have completed six (6) hours of alcohol and drug abuse professional ethics training.
 5. The applicant must have passed a jurisprudence examination approved by the Board.
 6. The applicant must have passed the National Association of Alcoholism and Drug Abuse Counselors/National Certification Commission's (NAADAC/NCC) National Certified Addiction Counselor (NCAC) II written examination.
 7. The applicant must have passed an oral examination demonstrating competency in the eight (8) domains listed in T.C.A. § 68-24-606.
 8. Each person currently licensed and in good standing as a Licensed Alcohol and Drug Abuse Counselor (before the implementation of these rules) shall thereafter be licensed as a Level II Licensed Alcohol and Drug Abuse Counselor. The Board may not impose any additional fee or require any additional application for the issuance of a license pursuant to this section.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, 68-24-606 and 68-24-608.

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

2. Applicants must have at least two hundred seventy (270) contact hours of formal classroom training in chemical dependency, with a minimum number of ten (10)

contact hours documented on each of the eight (8) domains pursuant to rules 1200-30-01-.02(7). The two hundred and seventy (270) contact hours may be acquired through a single training program given 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.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 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. Applicants shall furnish documentation of six thousand (6000) clinically supervised counseling experience contact hours, during which all eight (8) alcohol and drug counseling domains have been performed over a time period of a minimum of three (3) years.
2. The six thousand (6000) clinically supervised alcohol and drug abuse counseling experience contact hours, during which all eight (8) alcohol and drug counseling domains have been performed over a time period of a minimum of three (3) years, may be paid or "volunteer" (unpaid), or a combination thereof.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, 68-24-606 and 68-24-608.

Rule 1200-30-01-.04 Qualifications for Licensure is amended by deleting paragraph (2) in its entirety and substituting instead the following language, and is further amended by adding language to subparagraph (2)(c), 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 licensure in Tennessee. for the level of licensure sought in Tennessee.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605, 68-24-606 and 68-24-608.

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

8. Applicants 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. 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.

Authority: T.C.A. §§ 4-3-1011, 4-5-202, 4-5-204, 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:

1200-30-01-.08 EXAMINATIONS. 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. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606.

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

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.

Rule 1200-30-01-.10 Supervision 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) Pursuant to Rule 1200-30-01-.04, an applicant for licensure as a Level I 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 paragraphs (2) or (3).

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605 and 68-24-608.

Rule 1200-30-01-.10 Supervision is amended by deleting subparagraph (2)(a) in its entirety and substituting instead the following language, so that as amended, the new subparagraph (2)(a) 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

Authority: T.C.A. §§ 4-5-202, 4-5-204, 68-24-605 and 68-24-608.

Rule 1200-30-01-.10 Supervision is amended by adding the following language to subparagraph (2)(b), so that as amended, the new subparagraph (2)(b) shall read:

- (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 Clinical 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.

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:

1200-30-01-.12 Continuing Education. 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.

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 (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. §§ 4-5-202, 4-5-204, 68-24-605, and 68-24-606.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: November 8, 2013

Signature: Caroline R. Tippens

Name of Officer: Caroline Tippens

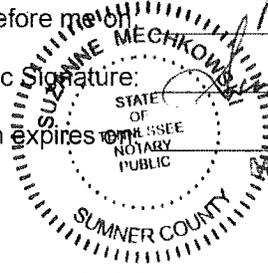
Assistant General Counsel

Title of Officer: Department of Health

Subscribed and sworn to before me on 11-8-13

Notary Public Signature: Suzanne Mechkowski

My commission expires on 11-8-13



MY COMMISSION EXPIRES
APRIL 19, 2017

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Filed with the Department of State on: 11/8/13

Tre Hargett

Tre Hargett
Secretary of State

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