

Notice of Rulemaking Hearing

Department of Health - 1200
Board of Alcohol and Drug Abuse Counselors
Division of Health Related Boards

There will be a hearing before the Tennessee Board of Alcohol and Drug Abuse Counselors to consider the promulgation of amendments to rules pursuant to T.C.A. §§ 4-5-202, 4-5-204, and 68-24-605. The hearing will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, Tennessee Code Annotated, Section 4-5-204 and will take place in the Department of Health Conference Center's Mockingbird Room on the First Floor of the Heritage Place Building located at 227 French Landing, Nashville, TN at 2:30 p.m. (CDT) on the 3rd day of April, 2007.

Any individuals with disabilities who wish to participate in these proceedings (review these filings) should contact the Department of Health, Division of Health Related Boards to discuss any auxiliary aids or services needed to facilitate such participation or review. Such initial contact may be made no less than ten (10) days prior to the scheduled meeting date (the date such party intends to review such filings), to allow time for the Division to determine how it may reasonably provide such aid or service. Initial contact may be made with the ADA Coordinator at the Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

For a copy of the entire text of this notice of rulemaking hearing contact:

Jerry Kosten, Regulations Manager, Division of Health Related Boards, 227 French Landing, Suite 300, Heritage Place, MetroCenter, Nashville, TN 37243, (615) 532-4397.

Substance of Proposed Rules

Amendments

Rule 1200-30-1-.05, Licensure Process, is amended by deleting part (1) (a) 11. in its entirety and substituting instead the following language, so that as amended, the new part (1) (a) 11. shall read:

- (1) (a) 11. An applicant shall successfully complete the examinations as required by Rule 1200-30-1-.08. Procedures for scheduling of the examination are determined by the testing agency.

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

Rule 1200-30-1-.06, Fees, is amended by deleting paragraph (2) in its entirety and substituting instead the following language, so that as amended, the new paragraph (2) shall read:

- (2) Except for the examination fees established by the written examination testing agency and renewal fees processed online via the Internet, all fees established by paragraph (3) of this rule must be submitted to the Board by certified or personal check or postal money order. Such checks or money orders are to be made payable to the Board of Alcohol and Drug Abuse Counselors.

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

Rule 1200-30-1-.07, Application Review, Approval, Denial, Interview, is amended by deleting part (8) (a) 1. in its entirety and substituting instead the following language, so that as amended, the new part (8) (a) 1. shall read:

- (8) (a) 1. The application has not been completed by the applicant within one hundred and twenty (120) days after it was initially reviewed and received by the Board.

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

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

- (1) (a) The written examination adopted by the Board is the examination developed by NAADAC and administered by its designated testing agency.
- (1) (b) The Board shall include with its application materials information regarding how to acquire an application to take the written examination.
- (1) (c) The applicant shall submit to the Board's administrative office, along with his/her application for licensure, a completed application to take the written examination and a check of an amount established by the written examination testing agency and made payable to "NCC Examination."
- (1) (d) In order to be scheduled to take the next available examination, the applicant must submit his/her application for licensure, the application to take the written examination, and the check made payable to "NCC Examination" so that it is received in the Board's administrative office at least seventy (70) days prior to the examination registration deadline.

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

Rule 1200-30-1-.17, Advertising, is amended by inserting the following language as new paragraph (5) and renumbering the current paragraph (5) as paragraph (6):

- (5) Use of Titles - Any person who possesses a valid, current and active license issued by the Board that has not been suspended or revoked has the right to use the titles "Alcohol and Drug Abuse Counselor" or "Licensed Alcohol and Drug Abuse Counselor" and to practice alcohol and drug abuse counseling, as described in T.C.A. §§ 68-24-608 and 68-24-609. Any person licensed by the Board to whom this rule applies must use one of the titles authorized by this rule in "advertising" [as that term is defined in rule 1200-30-1-.01 (1)] he or she publishes or the failure to do so will constitute an omission of a material fact which makes the advertisement misleading and deceptive and subjects the alcohol and drug abuse counselor to disciplinary action pursuant to rule 1200-30-1-.15.

Authority: T.C.A. §§ 4-5-202, 4-5-204, 63-1-145, 68-24-605, 68-24-608, and 68-24-609.

The notice of rulemaking set out herein was properly filed in the Department of State on the 26th day of January, 2007. (FS 01-33-07, DBID 557)