

Rulemaking Hearing Rules

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

Chapter 1200-30-01
Rules Governing Licensure of Alcohol and Drug Abuse Counselors

Amendments

Rule 1200-30-01-.05, Licensure Process, is amended by deleting parts (1) (b) 8., (1) (b) 9. and (1) (b) 10. in their entirety and substituting instead the following language, and is further amended by deleting paragraph (6) in its entirety and renumbering paragraph (7) as the new paragraph (6), so that as amended, the new parts (1) (b) 8., (1) (b) 9. and (1) (b) 10. shall read:

- (1) (b) 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.
- (1) (b) 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.
- (1) (b) 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.

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 adding the following language as new subparagraphs (2) (e) and (2) (f), and is further amended by deleting subparagraph (3) (c) in its entirety and substituting instead the following language, so that as amended, the new subparagraphs (2) (e) and (2) (f), and the new subparagraph (3) (c) shall read:

- (2) (e) TAADAS (The Tennessee Association of Alcohol, Drug and Other Addiction Services)
- (2) (f) TAMHO (The Tennessee Association of Mental Health Organizations)
- (3) (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.

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

Rule 1200-30-01-.15, Disciplinary Actions and Civil Penalties, is amended by adding the following language as new paragraph (8), and renumbering the present paragraph (8) as the new paragraph (9):

- (8) Reconsiderations and Stays. The Board authorizes the member who chaired the Board for a contested case to be the agency member to make the decisions authorized pursuant to rule 1360-4-1-.18 regarding petitions for reconsiderations and stays in that case.

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

The rulemaking hearing rules set out herein were properly filed in the Department of State on the 3rd day of July, 2007, and will become effective on the 16th day of September, 2007. (FS 07-06-07; DBID 2602)

The amendment to Rule 1200-30-01-.15 has no economic impact to small businesses.

(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:

- (a) Alcohol and drug abuse counselors who are licensed in another state and are seeking licensure in Tennessee with the intent to practice as a sole proprietor, or as a member of a partnership or limited liability company, or as a member of a professional corporation; and
- (b) Continuing education course providers who are not permanently approved by current Board rules and who seek Board approval for their courses.

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

As of December 31, 2006, Tennessee had four hundred and eighty-nine (489) licensed alcohol and drug abuse counselors who were eligible for licensure renewal.

(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 proposed amendments which have economic impact on small businesses have no increased or new reporting, recordkeeping and other administrative costs that are required for compliance. However, requirements for reciprocity licensure are being eased by having applicants submit copies of current statutes and rules from the states where they are currently licensed instead of the law that were in effect at their time(s) of original licensure. Also, the proposed rules will reduce the length of time a continuing education course provider has to request course approval from the Board.

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

- (a) Employers of alcohol and drug abuse counselors and independently practicing alcohol and drug abuse counselors who are applying for initial licensure in Tennessee will benefit from the easing of licensure requirements and procedures.
- (b) Consumers of alcohol and drug abuse counseling services may find such services more readily available because of the easing of licensure requirements and procedures.
- (c) Some continuing education course providers will have to develop and plan their courses further in advance of the course offering date than what is presently done.

(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:

The Board does not believe there are less burdensome alternatives to the proposed rule amendments because the proposed easing of reciprocity licensure requirements is the less burdensome alternative.

Additionally, before a licensee spends time and money to take a continuing education course, the Board believes the licensee is entitled to know that the Board has reviewed and approved the course. This cannot be accomplished when the Board is not given enough time in advance of the course to conduct a proper review, and obviously cannot be accomplished if the Board is requested to retroactively review and approve a course.

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

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

State: The proposed rule amendments are similar to current or proposed state rules for most of the health-related licensing boards, committees, and councils.

(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.

It is not possible to exempt the impacted small businesses from all or any part of the requirements contained in the proposed rule because the impacted small businesses are the Board's licensees and the Board-approved continuing education course providers. T.C.A. § 68-24-605 (a) empowers the Board to "license the minimal competence of alcohol and drug abuse counselors based on satisfactory completion of its licensure process, including passing examinations, maintaining competence and professional standards and paying reasonable fees."