

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 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 1200-30-01-.08.

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

Rule 1200-30-01-.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 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 1200-30-01-.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; or

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

Rule 1200-30-01-.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, and is further amended by deleting subparagraphs (1) (e) and (1) (f), 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 the written examination.
- (1) (c) Passing scores on the examination are determined by NAADAC and are adopted by the Board as constituting successful completion of the written examination.
- (1) (d) NAADAC will notify both the Board and the candidate of his/her passing or failing status.

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

Rule 1200-30-01-.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 title "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 the title authorized by this rule in "advertising" [as that term is defined in rule 1200-30-01-.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 licensed alcohol and drug abuse counselor to disciplinary action pursuant to rule 1200-30-01-.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 rulemaking hearing rules set out herein were properly filed in the Department of State on the 26th day of November, 2008, and will become effective on the 9th day of February, 2009. (FS 11-46-08; DBID 3840)

Addendum

Economic Impact Statement

The Board of Alcohol and Drug Abuse Counselors must, pursuant to the Regulatory Flexibility Act of 2007, consider whether the proposed rule amendments will have an economic impact on small businesses (businesses with fifty (50) or fewer full-time employees). The proposed rule amendments are for the purpose of amending Rule 1200-30-01-.05, Licensure Process; Rule 1200-30-01-.06, Fees; Rule 1200-30-01-.07, Application Review, Approval, Denial, Interview; Rule 1200-30-01-.08, Examinations; and Rule 1200-30-01-.17, Advertising.

As required by the Regulatory Flexibility Act of 2007, the Tennessee Department of Health conducted an analysis based on the criteria set forth in the Tennessee Code Annotated Section 4-5-403 to determine the economic impact, if any, that the proposed rule amendments will have on small businesses. The outcome of the analysis is as follows:

- (1) The type or types of small business and an identification and estimate of the number of small businesses subject to the proposed rule that would bear the cost of, or directly benefit from the proposed rule:
 - (a) Alcohol and drug abuse counselors who are currently licensed in Tennessee and who seek to obtain licensure in Tennessee for the purpose of practicing as a sole proprietor, or as a member of a partnership or limited liability company, or as a member of a professional corporation.
 - (b) The National Association of Alcohol and Drug Abuse Counselors and/or its designated testing agency.
 - (c) As of April 25, 2008, Tennessee had four hundred sixty (460) licensed alcohol and drug abuse counselors who are eligible for licensure renewal.
- (2) The projected reporting, recordkeeping and other administrative costs required for compliance with the proposed rule, including the type of professional skills for preparation for the report or record:

The proposed rule amendments, which have an economic impact on small businesses, will not have an increased or new reporting, recordkeeping, or other administrative cost associated with compliance.

(3) A 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 amendments to the licensure requirements and procedures and to the advertising requirements. The licensure process will become more efficient, and the advertising requirements will become clearer and more concise.

(b) Consumers of alcohol and drug abuse counseling services may find such services more readily available because of the efficiency of the licensure requirements and procedures.

(4) A description of any less burdensome, less intrusive or less costly alternative methods of achieving the purpose and objectives of the proposed rule that may exist, and to what extent the alternative means might be less burdensome to small businesses:

The Board does not believe that there are less burdensome alternatives to the proposed rule amendments because the amendments make the licensure process more efficient and the advertising requirement clearer and more concise, and is therefore the less burdensome alternative.

(5) A comparison of the proposed rule amendments with any federal or state counterparts:

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

(b) State: When addressed by the other states, the proposed rule amendments are similar in nature to the rules of the licensing boards in Virginia, North Carolina, and Kentucky.

(6) 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 amendments because the impacted small businesses are the Board's licensees. Tennessee Code Annotated Section 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."