



Decision Making and Appeals Process

This document articulates the policies and procedures for making decisions by the Tennessee Colleague Assistance Foundation (TCAF), including the decision making process, the time frames for making decisions, and the principles, standards, and criteria applied by the decision makers. Also outlined is the appeals process by which a TCAF client may dispute a TCAF decision made regarding his or her case. These policies and procedures are designed to ensure “due process” for resolving differences between the recommendations of the TCAF recovery team, and the objections by the client responsible for implementing the recommendations.

These policies are designed to ensure that the decision making process is systematic, fair, objective, transparent, and strikes a balance between the rights of the client, the interest of the State of Tennessee, and the objectives of TCAF. To this end, the policies are collegial in that they enable the client to participate in the decision making process, and contribute to the outcome. The appeal process balances the privacy of the client with TCAF’s duty of accountability. The entire process also is designed to suppress bias by providing appeals to the TCAF Board of Directors and to the Department of Health, Office of Investigation, State of Tennessee.

I. The Decision Making Process

Principles and Criteria for making Recommendations & Decisions

TCAF balances its responsibilities to the state of Tennessee, to the needs of its clients, and to the ethical responsibilities of the profession of psychology. TCAF’s duties to the state, the client, and to the profession are inherently complementary, although not coincidental. Given the fact that that these responsibilities may come into conflict, these policies have been established to provide a statement of the duties owed to each principle. This statement also describes how the TCAF balances its duties to the various parties - i.e., to the needs of the client, to the BOE in Psychology, and to our profession.

The legislature of the State of Tennessee established laws to license and regulate the practice of psychology. The Governor charged the Boards of Healing Arts through the BOE in Psychology with administering these laws to protect the public. TCAF has a contract with the state of Tennessee to provide services to the BOE in support of their mission to protect the public. Therefore, TCAF must ensure that ***recommendations and decisions are consistent with Tennessee law and serve to protect the public.***

TCAF provides primary, secondary and tertiary prevention, including programs of information, education and prevention, referral for evaluation and treatment, and monitoring services for psychologists, senior psychological examiners, psychological examiners and certified psychological assistants whose ability to practice may be impaired by substance abuse and/or by behavioral health issues, (including but not limited to drug and alcohol abuse, boundary issues, anger management, and stress management, or who are risk for such impairment). While TCAF does not provide direct evaluation and treatment services, our mission is to address the clinical needs of the licensee by referring him/her for **competent, comprehensive, independent, objective, and effective evaluation and treatment**. TCAF is also charged with monitoring the evaluation and treatment process. The objective of the evaluation, treatment, and monitoring services is to ensure the licensee's **fitness for practice**.

There are several points at which the TCAF makes decisions during the delivery of services to a client. Specifically, the TCAF recovery team makes recommendations to the client about referrals for evaluation, for treatment, and for monitoring, and TCAF may also make recommendations to such agencies as the Tennessee Board of Examiners (BOE). The TCAF Director and the recovery team chair are responsible for ensuring that the following policies and procedures are followed.

Step 1: Developing a plan of action

The chair of the recovery team will employ a consensus model to reach decisions. This model requires the members of the TCAF recovery team engage in frank discussions that maximizes input from knowledgeable professionals, ensures that the opinions of all members of the recovery team are heard, and fosters creative problem solving that considers all sides of an issue and examines a range of options before a decision is reached. When the recovery team meets with the client, the chair will create a dialogue to achieve consensus. This collaborative process insures that the client's concerns and issues are fully and carefully considered, and encourages the client to consider new ideas, options, and creative ways to address the issue at hand. The process should maximize compliance with the final recommendation.

However, if a consensus can not be reached, the chair of the recovery team asks the client to excuse him/herself from the meeting. The chair meets with the members of the recovery team to develop a specific written plan for the client. If the team can not reach a consensus, the chair calls for a secret vote by members of the team. The majority vote of the recovery team is the policy of the entire recovery committee. If there is not consensus, the person casting the dissenting vote may write a "minority opinion" which can be used if the decision is appealed.

The chair of the recovery team provides to the client the recovery team's written recommendations. The client is also told that he/she can appeal the recommendations of the team, and provides the client written information about the procedures for filing an appeal to the Board of Directors of TCAF. If, after thoughtful deliberations, the client does not accept the recommendations of the team, the chair of the recovery team will ask the client to develop a written document that includes, but is not limited to:

- a. Identify the client's specific objections to the recommendation(s),

- b. Give the reasons why the client objects to the recommendation(s),
- c. Propose one or more recommendation(s) that the client believes will more effectively meet the objectives of the team's recommendations,
- d. Explain why the client's proposed recommendation(s) more effectively meet the objectives and goals of the TCAF than the recommendations of the recovery team.

II. Appeal Process

If a client does not agree with the written recommendations of the recovery team, client may submit a **written appeal** to the chair of the Board of Directors of the TCAF. The client must follow the following steps:

- e. The client submits to the chair of the Board of Directors, TCAF a written request to appeal the committee's recommendations.
- f. This written request is sent by registered mail, return receipt requested.
- g. The request is received within 15 days following the date of the last meeting of the recovery committee.
- h. The client's request includes, but is not limited to the above issues (listed in a-d). However, the request must be in sufficient detail to ensure that a comprehensive review can be conducted by a panel established by the chair of the TCAF Board of Directors.
- i. The client may identify three members of the TCAF Board of Directors to review the appeal.
- j. Upon receipt of an appeal, the chair of the Board of Directors sends a copy of the appeal document to the chair of the client's recovery team, and asks the team chair to develop a document that addresses issues (a- d), and any other pertinent issues.
- k. If the recovery team has a "minority opinion" the chair of the team will include a copy of that opinion in the packet of information from the recovery team.

The chair of the Board of Directors of TCAF **empanels a three person appeals board** to review the complaint and recommend a resolution consistent with the needs of the client, the goals of the TCAF, and the interest of the State of Tennessee. The following procedures will be followed:

- l. Within (30) thirty days of receiving the registered appeals letter, the chair of the Board of Directors appoints three TCAF board members to review the appeal.
- m. The chair of the Board of Directors appoints a chair for the appeal panel.
- n. The appeal panel chair will give thoughtful consideration to appointing the individuals requested by the client. However, the chair may appoint any TCAF Board members to the panel. In making the appointments, the chair will strive to ensure that the panel has sufficient professional knowledge and experience to provide a competent, fair, and comprehensive review. The chair will also strive to suppress bias.

- o. The chair of the Board of Directors notifies the client of the membership of the panel, and sets a date for a decision.
- p. The appeals panel may hold face-to-face meetings, conference calls, and/or a review of the written records. The chair of the appeals panel has the authority to obtain additional testimony from the client, from the recovery committee, and/or conduct other investigations necessary to render a well informed and reasoned decision.
- q. Should the panel need an extension of the 30 day dead-line, the chair of the appeal panel submits a letter to the chair of the TCAF Board, requesting an extension, and giving the reasons for additional time.
- r. The chair of the TCAF Board sends the client and the chair of the appeal panel a registered letter explaining the decision concerning granting an extension. While preference is given to conducting a comprehensive and balanced review, the chair of the Board of Directors places value on the committee reaching its decision with deliberate haste.

Within 30 days of receipt of the written materials, the appeal panel renders its **findings, reasoning, and conclusions** in a written report, which is sent via registered mail to the chair of the TCAF Board of Directors, to the client and to members of the client's recovery team. Upon receiving the registered letter from the appeal panel, the client has 15 days to reply by registered mail to the TCAF's Board of Directors chair, stating either

- i. The client accepts the decision of the appeal panel, or
- ii. The client rejects the decision of the appeal panel.

Step 3: Appeal to the Board of Healing Arts

Should the client reject the decision of the TCAF's appeals panel, the chair of the Board of Directors takes one of two actions, depending on whether the client is referred by the BOE or whether the client obtains TCAF's services through some other channel:

- s. For the client who is ordered by the BOE in Psychology to use the services of TCAF: the chair of the TCAF Board of Directors sends a registered letter to the Boards of Healing Arts stating that the client rejected the recommendations of TCAF, and that TCAF's services to the client are hereby terminated.
- t. Client is self-referred, or is "other" referred (e.g., by a colleague, by a member of the public, by an spouse): the chair of the Board of Directors of TCAF sends a letter to the client, and to the referring source, stating that the client and TCAF were not able to develop a program of services that was mutually acceptable, and TCAF's services to the client are terminated.

