

FOR AN ACT ENTITLED, An Act to provide for issuing a license to a professional counselor, professional counselor-mental health, or marriage and family therapist licensed in another state under certain circumstances and to declare an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-32-16 be amended to read.

~~Upon payment of the fee as may be promulgated by the board, the board may grant a license to any person who, at the time of application, is licensed under the laws of a state or territory of the United States that imposes substantially the same requirements as this chapter. Notwithstanding the provisions of 36-32-13, the board may issue a license to an applicant licensed to practice counseling in another state if the applicant demonstrates the following qualifications:~~

- (1) Verification from the authority that issued the license that:
  - (a) the applicant is currently licensed and has been licensed by the authority for at least three years; and
  - (b) the applicant is in good standing with the authority;
- (2) Verification from the applicant of an active practice in the state of current licensure;
- (3) Verification the applicant passed the National Counselor Examination; and
- (4) An absence of unprofessional conduct by the applicant.

~~Notwithstanding the provisions of 36-32-42, the board may issue a license to an applicant licensed to practice mental health counseling in another state if the applicant demonstrates the following qualifications:~~

- (1) Verification from the authority that issued the license that:
  - (a) the applicant is currently licensed and has been licensed for at least five years;

- (b) the applicant has been licensed at the highest level of independent practice in the state for at least three years; and
- (c) the applicant is in good standing with the authority;
- (2) Verification from the applicant of an active practice in the state of current licensure;
- (3) Verification the applicant passed the National Counselors Examination;
- (4) Verification the applicant passed the National Clinical Mental Health Counselor Examination; and
- (5) An absence of unprofessional conduct by the applicant.

For purposes of this section, the term active practice means the applicant accumulated at least 1,500 hours of clinical experience in the three years immediately preceding the application.

Section 2. That § 36-33-18 be amended to read:

~~Upon payment of the fee as may be promulgated by the board pursuant to chapter 1-26, the board may grant a license to any person who, at the time of application, is licensed under the laws of a state or territory of the United States that imposes substantially the same or greater requirements as this chapter.~~ Notwithstanding the provisions of 36-33-9, the board may issue a license to an applicant licensed to practice marriage and family therapy in another state if the applicant demonstrates the following qualifications:

- (1) Verification from the authority that issued the applicant's license that:
  - (a) the applicant is currently licensed and has been licensed by the authority for at least five years;
  - (b) the applicant has been licensed at the highest level of independent practice in the state for at least three years; and
  - (c) the applicant is in good standing with the authority;

- (2) Verification from the applicant of an active practice in the state of current licensure;
- (3) Verification the applicant passed the National Examination for Marriage and Family Therapy; and
- (4) An absence of unprofessional conduct by the applicant.

For purposes of this section, the term active practice means the applicant accumulated at least 1,500 hours of clinical experience in the three years immediately preceding the application.

Section 3. That ARSD 20:68:01:04 be repealed.

~~The applicant for licensure by reciprocity must hold an active professional counselor license and be in good standing with the state's board that issued the current license. Applications may be secured from the board. Completed applications shall be accompanied by the fee required by § 20:68:02:03.~~

Section 4. That ARSD 20:71:02:03 be repealed.

~~The applicant for licensure by reciprocity must hold an active license and be in good standing with the state's board that issued the current license. Applications may be secured from the board. Completed applications shall be accompanied by the fee required by § 20:71:04:02.~~

Section 5. That ARSD 20:73:01:03 be repealed.

~~The applicant for licensure by reciprocity must hold an active clinical mental health counselor license and be in good standing with the state's board that issued the current license. The applicant must also hold or be eligible by reciprocity to receive a professional counselor license pursuant to SDCL chapter [36-32](#). Applications may be secured from the board. Completed applications shall be accompanied by the fee required by subdivision 20:73:02:02(4).~~

Section 6. Whereas, this Act is needed for the immediate preservation of the public peace, health, or safety, an emergency is hereby declared to exist, and the Act shall be in full force and effect from and after its passage and approval.