



South Dakota Board of Examiners for Counselors &
Marriage and Family Therapists

P.O. Box 340, 1351 N. Harrison Ave., Pierre, SD 57501-0340

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**SOUTH DAKOTA STATE BOARD OF EXAMINERS FOR COUNSELORS &
MARRIAGE AND FAMILY THERAPISTS**

Via Videoconference

Friday, April 9, 2021 – 9:00 AM CDT

Join the Meeting via Zoom

<https://us02web.zoom.us/j/86126811609?pwd=bnE2K3l2R3ZRSUIvOURPcXc1b2VPQT09>

or call 1-312-626-6799

Meeting ID: 861 2681 1609

Passcode: 661615

Proposed Meeting Agenda

- 1) Call to Order
- 2) Approval of Agenda
- 3) Open Forum: *5 minutes for the public to address the Board*
- 4) Approval of Minutes: January 29, 2021
- 5) Financial Report as of February 27, 2021
- 6) Executive Session (Pursuant to SDCL 1-25-2(3) for consultation with legal counsel for consideration of proposed contested cases or litigation)
- 7) Old Business
 - a. Findings of Fact and Conclusions of Law and Order in the Matter of the Professional License of R. Meyers (2020-02)
- 8) New Business
 - a. Office Update
 - b. Records Retention Policy Draft
 - c. Executive Services Contract Renewal
- 9) Other Business
 - a. DSS Updates
- 10) Announcements
 - a. Next Meeting: August 27th 10:00 am – 3:00 pm (Pierre)
- 11) Adjourn



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South Dakota Board of Examiners for Counselors & Marriage and Family Therapists
Via Videoconference
January 29, 2021

President Rice Brinkworth called the meeting to order at 9:03 am central and determined a quorum.

Board Members Present via Videoconference: Sherry Bartels, Tiffany Butler, Bobbi Brown, Cheryl Hartman, Roswitha Konz, Woody Schrenk, Jay Trenhaile, Jeff Wangen and Lynell Rice Brinkworth

Board Members Absent: None.

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Karen Cudmore, administrative staff; Erin Handke, Assistant Attorney General; Ryan Loker, Board Legal Counsel, Department of Social Services, Brenda Tidball-Zeltinger, Department of Social Services, Marilyn Kinsman, Department of Social Services, Heather Lammers Bogard and Rebecca Meyers

Motion to approve the proposed agenda by Konz. Seconded by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Rice Brinkworth asked for comments from the public. There were no comments offered.

Rice Brinkworth noted the time and place for hearing regarding the license of Rebecca Meyers. Ryan Loker, Board Legal Counsel presided over the hearing. Meyers appeared before the Board with her legal counsel.

Motion to go into executive session for consideration of contested cases at 10:25 am by Brown. Seconded by Trenhaile. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.** Konz was excused from the executive session.

Rice Brinkworth declared the Board out of executive session at 11:35 am.

Motion to suspend the professional counseling – mental health license of Rebecca Meyers until May 20, 2021 or until she secures a board approved supervisor to provide weekly supervision for her for a period of 12 months, whichever date is later; require Meyers to continue personal counseling, as appropriate, with her counselor; and prohibit Meyers from serving as a board approved supervisor for the duration of her required supervision period by Trenhaile. Seconded

by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Schrenk, Trenhaile and Wangen voted aye. Konz abstained. **Motion carried.**

Motion to approve the meeting minutes of November 20, 2020 with a grammatical correction by Schrenk. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Motion to accept the financial report as of December 31, 2020 by Brown. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Stalley and Cudmore provided an update on the 2020 Renewal process. The process is complete with action taken on 97.1% of total licenses. Licensees who did not renew were contacted by Board staff at least two times prior to expiration to advise the licensee of the impacts of not renewing the license. The online license verification portal is now live and operational.

Stalley provided an update on the Board's records retention policy. The Board needs to update its records retention policy to reflect the changes made to the Board's filing system. Proposed changes to the records retention policy will be presented at the next meeting for the Board's consideration.

Stalley provided an update on pending legislation impacting the Board. The Board will review any adopted legislative changes at the next meeting.

The Board discussed the appropriate designation for a person under a plan of supervision. The Board indicated that the preferred designation for a supervisee is to use the full word "supervisee" when using a title. This preferred designation provides clarity and removes confusion with licensees who may be supervisors. The Board instructed Stalley to communicate this preferred designation to supervisees.

Stalley provided an update on 2021 national meeting dates for the AASCB and AMFTRB annual meetings. Board members wishing to attend the AASCB annual meeting may do so electronically on February 26 and March 26, 2021. The AMFTRB annual meeting is scheduled for September 21-22, 2021 in Washington, DC.

The Board's next meeting is scheduled for April 9, 2021 at 9:00 am (central).

Motion to adjourn by Brown. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Schrenk, and Wangen voted aye. **Motion carried.**

The Board adjourned at 12:20 pm.

Respectfully Submitted,

Jennifer Stalley, Executive Secretary

Remaining Authority by Object/Subobject

Expenditures current through 02/27/2021 12:50:31 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 34.0 %

0891	Board of Counselor Examiners - Info					PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	3,141	2,820	0	0	321	10.2
Subtotal	3,141	2,820	0	0	321	10.2
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	321	216	0	0	105	32.7
Subtotal	321	216	0	0	105	32.7
51 Personal Services						
Subtotal	3,462	3,036	0	0	426	12.3
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	4,331	0	0	0	4,331	100.0
5203100 Lodging/in-state	1,507	0	0	0	1,507	100.0
5203130 Non-employ. Travel-in St.	1,100	0	0	0	1,100	100.0
5203140 Meals/taxable/in-state	112	0	0	0	112	100.0
5203150 Non-taxable Meals/in-st	450	0	0	0	450	100.0
5203260 Air-comm-out-of-state	2,000	0	0	0	2,000	100.0
5203280 Other-public-out-of-state	180	0	0	0	180	100.0
5203300 Lodging/out-state	2,024	0	0	0	2,024	100.0
5203320 Incidentals-out-of-state	75	0	0	0	75	100.0
5203330 Non-employ Travel-out-st.	1,000	0	0	0	1,000	100.0
5203350 Non-taxable Meals/out-st	700	0	0	0	700	100.0
Subtotal	13,479	0	0	0	13,479	100.0
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	1,550	1,400	0	0	150	9.7
5204050 Computer Consultant	0	26,003	1,878	0	-27,881	0.0
5204080 Legal Consultant	7,000	0	0	0	7,000	100.0
5204090 Management Consultant	54,605	40,085	28,615	0	-14,095	0.0
5204131 Other Consulting	7,500	0	0	0	7,500	100.0
5204160 Workshop Registration Fee	1,550	0	0	0	1,550	100.0
5204200 Central Services	82	0	0	0	82	100.0
5204201 Central Services	1,584	1,442	0	0	142	9.0
5204204 Central Services	0	153	0	0	-153	0.0
5204207 Central Services	521	872	0	0	-351	0.0
5204360 Advertising-newspaper	300	172	0	0	128	42.7
5204460 Equipment Rental	750	0	0	0	750	100.0
5204510 Rents-other	3,300	0	0	0	3,300	100.0

Remaining Authority by Object/Subobject

Expenditures current through 02/27/2021 12:50:31 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 34.0 %

0891	Board of Counselor Examiners - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
5204530 Telecommunications Srves	1,100	0	0	0	1,100	100.0	
5204590 Ins Premiums & Surety Bds	2,270	0	0	0	2,270	100.0	
5204740 Bank Fees And Charges	0	3,590	0	0	-3,590	0.0	
5204960 Other Contractual Service	0	16	0	0	-16	0.0	
Subtotal	82,112	73,733	30,493	0	-22,114	0.0	
SUPPLIES & MATERIALS							
5205020 Office Supplies	0	374	0	0	-374	0.0	
5205028 Office Supplies	400	325	0	0	75	18.8	
5205310 Printing-state	0	586	0	0	-586	0.0	
5205328 Printing-commercial	1,350	0	0	0	1,350	100.0	
5205350 Postage	2,000	1,829	0	0	171	8.6	
5205390 Food Stuffs	150	0	0	0	150	100.0	
Subtotal	3,900	3,114	0	0	786	20.2	
52 Operating							
Subtotal	99,491	76,847	30,493	0	-7,849	0.0	
Total	102,953	79,883	30,493	0	-7,423	0.0	

**BOARD OF COUNSELOR EXAMINERS
REVENUE SUMMARY
FOR MONTH ENDING 02-28-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4896000	0	0	0891000	648		2021	08	\$ 850.00	\$ -
6503	4920045			0891000	648		2021	08	\$ 2,646.60	\$ -
6503	4293945	0	0	0891000	648		2021	08	\$ 3,400.00	\$ 1,100.00
6503	4293946	0	0	0891000	648		2021	08	\$ 1,100.00	\$ -
6503	4293947	0	0	0891000	648		2021	08	\$ 4,275.00	\$ 325.00
6503	4293948	0	0	0891000	648		2021	08	\$ 97,075.00	\$ 1,125.00
6503	4293949	0	0	0891000	648		2021	08	\$ 50.00	\$ -
6503	4293950	0	0	0891000	648		2021	08	\$ 3,800.00	\$ 400.00
6503	4293951	0	0	0891000	648		2021	08	\$ 500.00	\$ 200.00
6503	4293952	0	0	0891000	648		2021	08	\$ 2,475.00	\$ 675.00
6503	4293953	0	0	0891000	648		2021	08	\$ 76,050.00	\$ 225.00
6503	4293961	0	0	0891000	648		2021	08	\$ 900.00	\$ 25.00
6503	4293962	0	0	0891000	648		2021	08	\$ 75.00	\$ -
6503	4293963	0	0	0891000	648		2021	08	\$ 100.00	\$ -
6503	4293980	0	0	0891000	648		2021	08	\$ 300.00	\$ -
6503	4293981	0	0	0891000	648		2021	08	\$ 500.00	\$ -
6503	4293982	0	0	0891000	648		2021	08	\$ 625.00	\$ -
6503	4293983	0	0	0891000	648		2021	08	\$ 19,375.00	\$ 225.00
6503	4293990	0	0	0891000	648		2021	08	\$ 50.00	\$ -
									\$ 214,146.60	\$ 4,300.00

**BOARD OF COUNSELOR EXAMINERS
REVENUE DETAIL
FOR MONTH ENDING 02-28-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	DESCRIPTION	AMOUNT
6503	4293945	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ (600.00)
6503	4293945	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 600.00
6503	4293945	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 600.00
6503	4293947	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293948	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 450.00
6503	4293950	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 300.00
6503	4293952	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 225.00
6503	4293953	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 225.00
6503	4293961	0	0	0891000	648	08	09	2021	C08210152	BE OF COUNSELOR EXAMINERS C	\$ 25.00
6503	4293945	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ (500.00)
6503	4293945	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 500.00
6503	4293945	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 500.00
6503	4293947	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 225.00
6503	4293948	0	0	0891000	648	08	23	2021	C08210161	BOARD OF COUNCELOR EXAMINERS C	\$ 675.00
6503	4293950	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293951	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 200.00
6503	4293952	0	0	0891000	648	08	23	2021	C08210160	BD OF COUNSELOR EXAMINERS C	\$ 450.00
6503	4293983	0	0	0891000	648	08	23	2021	C08210161	BOARD OF COUNCELOR EXAMINERS C	\$ (225.00)
6503	4293983	0	0	0891000	648	08	23	2021	C08210161	BOARD OF COUNCELOR EXAMINERS C	\$ 225.00
6503	4293983	0	0	0891000	648	08	23	2021	C08210161	BOARD OF COUNCELOR EXAMINERS C	\$ 225.00
											\$ 4,300.00

**BOARD OF COUNSELOR EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 02-28-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0891000	648		2021	08	\$ 2,820.00	\$ 540.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0891000	648		2021	08	\$ 215.73	\$ 41.31
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0891000	648		2021	08	\$ 1,400.00	\$ -
6503	5204050	0	0	COMPUTER CONSULTANT	0891000	648		2021	08	\$ 26,002.50	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0891000	648		2021	08	\$ 40,084.79	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0891000	648		2021	08	\$ 1,442.14	\$ 535.34
6503	5204204	0	0	RECORDS MGMT SERVICES	0891000	648		2021	08	\$ 153.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0891000	648		2021	08	\$ 871.83	\$ 22.96
6503	5204360	0	0	ADVERTISING-NEWSPAPER	0891000	648		2021	08	\$ 171.53	\$ -
6503	5204740	0	0	BANK FEES AND CHARGES	0891000	648		2021	08	\$ 3,589.64	\$ 3,589.64
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0891000	648		2021	08	\$ 15.68	\$ -
6503	5205020	0	0	OFFICE SUPPLIES	0891000	648		2021	08	\$ 374.42	\$ -
6503	5205028	0	0	OFFICE SUPPLIES	0891000	648		2021	08	\$ 325.00	\$ -
6503	5205310	0	0	PRINTING-STATE	0891000	648		2021	08	\$ 585.73	\$ 236.46
6503	5205350	0	0	POSTAGE	0891000	648		2021	08	\$ 1,829.14	\$ 115.04
										\$ 79,881.13	\$ 5,080.75

BOARD OF COUNSELOR EXAMINERS
 EXPENDITURE DETAIL REPORT
 FOR MONTH ENDING 02-28-21

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	FUND CENTER	SUB SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	VENDOR NUMBER/ INVOICE NUMBER	CHECK NUMBER	VENDOR NAME	AMOUNT
6503	5204207	0	0	0891000	648	08	04	2021	PL101042	HUMAN RESOURCE SERVICES BILLI		0891	\$ 22.96
6503	5205310	0	0	0891000	648	08	05	2021	CD101020	CENTRAL DUPLICATING SERVICES C		0894	\$ 236.46
6503	5205350	0	0	0891000	648	08	12	2021	MS101033	CENTRAL MAIL SERVICES C		0891	\$ 115.04
6503	5101030	0	0	0891000	648	08	16	2021	CGEX210211	C			\$ 540.00
6503	5102010	0	0	0891000	648	08	16	2021	CGEX210211	C			\$ 41.31
6503	5204201	0	0	0891000	648	08	17	2021	FM112049	CENTRAL SERVICE BILLINGS C		0891	\$ 535.34
6503	5204740	0	0	0891000	648	08	25	2021	D0821BF024	BOARD OF COUNSELOR BANK FEES	MC21217		\$ 3,589.64
6503	5204740	0	0	0891000	648	08	25	2021	D0821BF024	BOARD OF COUNSELOR BANK FEES	MC21217		\$ 3,589.64
6503	5204740	0	0	0891000	648	08	25	2021	D0821BF024	BOARD OF COUNSELOR BANK FEES	MC21217		\$ (3,589.64)
													\$ 5,080.75

THE SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES
BOARD OF EXAMINERS FOR COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

IN THE MATTER OF THE PROFESSIONAL COUNSELOR LICENSING STATUS OF REBECCA S. MEYERS (LPC – MH2249)	BECMFT No. 2020-02 ORDER
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Based upon the Findings of Fact and Conclusions of Law herein, where it was determined by the South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (hereinafter “the Board”) that Rebecca S. Meyers MH 2249 (hereinafter “Meyers”) did violate SDCL 36-32-83(10), SDCL 36-32-84, ARSD 20:73:07:01, and the American Counseling Association Code of Ethics, including A.1.a, A.4.a, A.5.c, C.1, I.1.a, and I.1.b., it is hereby:

ORDERED that:

1. The LPC-MH license issued to Myers by the Board is suspended for six (6) months beginning on November 20, 2020.
2. The appropriate and required reports pertinent to this action will be submitted to the National Practitioners’ Database by the Board.
3. The above LPC-MH license may be reinstated by the Board, on or after May 21, 2021, provided Meyers has obtained a Board Approved Supervisor and provided evidence of same to the Board.
4. In the event Meyers has not obtained a Board Approved Supervisor by May 21, 2021, Meyers’ LPC-MH license shall continue to be suspended, but shall be reinstated upon

the obtainment of a Board Approved Supervisor, once evidence of same is provided to the Board.

5. Upon reinstatement of Meyers' LPC-MH license on or after May 21, 2021, Meyers must subsequently complete twelve (12) months of supervised practice under a Board Approved Supervisor, and make a good faith effort to meet with said Board Approved Supervisor weekly during the twelve (12) month period subsequent to the reinstatement of her LPC-MH license.
6. Meyers shall not engage in duties of a Board Approved Supervisor, nor shall she hold herself out to others as being able to function in that capacity, for the duration of this order.
7. Meyers shall continue to engage in personal therapy as appropriate. Should Meyers' personal therapy terminate for any reason during the duration of this order, Meyers shall self-report said termination to the Board within seven (7) days of said termination.
8. Any subsequent ethical complaints, or violations of any Federal, State, or Tribal Law, shall warrant modification or termination of this Order, and immediate revocation of Meyers' license.
9. This order shall terminate upon the successful completion and compliance by Meyers with all requirements described above, specifically including the twelve (12) months supervised practice under a Board Approved Supervisor as described above.

Dated this ___ day of _____, 2021.

BY THE BOARD OF EXAMINERS FOR COUNSELORS
AND MARRIAGE AND FAMILY THERAPISTS

Lynell Rice Brinkworth, President

ATTEST:

Jennifer Stalley, Executive Secretary

THE SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES

BOARD OF EXAMINERS FOR COUNSELORS AND MARRIAGE & FAMILY THERAPISTS

IN THE MATTER OF THE PROFESSIONAL
COUNSELOR LICENSING STATUS OF
REBECCA S. MEYERS (LPC – MH2249)

BECMFT No. 2020-02

**FINDINGS OF FACT AND CONCLUSIONS
OF LAW**

A complaint was filed with the South Dakota Board of Examiners for Counselors and Marriage and Family Therapists (hereinafter “the Board”) against Rebecca S. Meyers, LPC – MH 2249 (hereinafter “Meyers”) alleging that Meyers had an inappropriate romantic relationship with Patient Z, potentially constituting a violation of SDCL 36-32-83(10), SDCL 36-32-84, ARSD 20:73:07:01, and various sections of the American Counseling Association Code of Ethics, including A.1.a, A.4.a, A.5.c, C.1, I.1.a, and I.1.b. The complaint was duly investigated by the Board, and it was determined that the nature of the complaint warranted the holding of an adversarial administrative hearing pursuant to the authority and jurisdiction granted to the Board by SDCL Chapter 36-32, and applicable rules of the State of South Dakota.

On January 29, 2021, said hearing was held and conducted via the ZOOM teleconferencing platform. Meyers appeared at the hearing, along with her counsel Heather Lammers Bogard. The interests of the State of South Dakota at the hearing were represented by Assistant Attorney General Erin E. Handke. A quorum of the Board was present, and the Board’s General Counsel Ryan J. Loker served as Hearing Officer.

Based upon the evidence presented, the Board makes the following:

FINDINGS OF FACT

1. Meyers graduated with her Masters Degree in 2008.
2. Meyers currently holds an LPC-MH license issued by the Board on October 24, 2013, and is resultingly subject to the disciplinary jurisdiction of the Board.
3. Meyers is currently employed by the Department of Veterans Affairs, and currently works in Hot Springs, South Dakota, and has been employed by the Department for approximately three (3) years.
4. Patient Z was a patient under the care of the Department of Veterans Affairs and was previously under the direct care of Meyers.
5. Subsequent to his discharge from care at the Department of Veterans Affairs, Patient Z contacted Meyers on her government cell phone, expressing "feelings" for Meyers.
6. Meyers subsequently provided Patient Z with the number of her personal cell phone.
7. Meyers later regretted providing Patient Z with her personal cell phone number and blocked him from contacting her via said personal cell phone.
8. Subsequent to blocking Patient Z from contacting her via her personal cell phone, Meyers was approached by Patient Z in a local park.
9. Meyers, in her words, in "a horrible lapse of judgment", upon being approached by Patient Z in said local park, agreed to a dating relationship with Patient Z.
10. Meyers and Patient Z went on approximately four dates over an approximate one-month period.
11. Said dates between Meyers and Patient Z were "short", and Meyers soon believed they were "inappropriate".
12. Meyers subsequently advised Patient Z that their dating relationship should be discontinued, and Patient Z agreed.
13. There was no sexual relationship between Meyers and Patient Z.

14. Meyers subsequently sought therapy for the purposes of understanding the root causes behind her decision to engage in a dating relationship with Patient Z.
15. Meyers' therapist encouraged her to self-report to the Board, and she was in the process of doing so, securing an attorney to assist her in doing so, prior to the filing of this complaint.
16. Meyers claimed at the hearing that during the relevant period she was suffering "cognitive impairment" as the result of a "medical procedure" that impacted her "impulse control".
17. Meyers stated during her testimony at the hearing that her duties at the Department of Veterans Affairs are varied, but do not specifically under South Dakota Law require LPC-MH licensure, and claims that the Department independently, by their own policy, requires said licensure.
18. Meyers has subsequently to the incident with Patient Z completed a significant number of Continuing Education Courses of the subject matter of dual relationships.
19. Meyers admitted during her testimony at the hearing that her relationship with Patient Z constituted a boundary crossing.
20. Meyers stated during her testimony at the hearing that she is aware of "warning signs" that might trigger similar subsequent inappropriate behaviors and that she has a "plan" to deal with them.
21. Meyers' testimony to the Board at the hearing was candid and honest, and she voluntarily provided the Board details of the underlying incident leading to this complaint.
22. Despite Meyers' candor and honesty, her testimony at the hearing made it both clear, and plainly obvious to the Board that Meyers did indeed engage in an inappropriate

romantic relationship with a former patient, and that the complaint that is the subject of this proceeding was well founded.

23. Meyers, in engaging in an inappropriate romantic relationship with a former patient, demonstrated failure to respect the dignity and promote welfare of clients, failure to avoid harm to clients, failure to maintain knowledge of and adherence to the American Counseling Association Code of Ethics and applicable laws and regulations, as well as failure to exercise ethical decision making.

CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the provisions of SDCL Chapter 36-32.
2. The Board has the authority to investigate complaints of violations of SDCL 36-32-83(10), SDCL 36-32-84, ARSD 20:73:07:01, and the American Counseling Association Code of Ethics, including A.1.a, A.4.a, A.5.c, C.1, I.1.a, and I.1.b.
3. The Board concludes, via the evidence introduced, and the testimony of Meyers, that Meyers' conduct that is the subject of this complaint did violate SDCL 36-32-83(10), SDCL 36-32-84, ARSD 20:73:07:01, and American Counseling Association Code of Ethics, including A.1.a, A.4.a, A.5.c, C.1, I.1.a, and I.1.b.
4. The Board has both jurisdiction, and cause, to take action on Meyers' LPC – MH license.
5. Any Finding of Fact of Conclusion of Law that has been improperly designated is hereby redesignated and incorporated into the appropriate section.

Dated this ____ day of _____, 2021.

BY THE BOARD OF EXAMINERS FOR COUNSELORS
AND MARRIAGE AND FAMILY THERAPISTS

Lynell Rice Brinkworth, President

ATTEST:

Jennifer Stalley, Executive Secretary

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March 10, 2021

Via US Mail and Fax

Ryan J. Loker
Office of the Secretary
Division of Legal Services
700 Governors Drive
Pierre, SD 57501 - 2291

RE: Rebecca Meyers
BECMFT 2020-02
Our file no. 202132.000

Dear Mr. Loker:

We are in receipt of your correspondence of February 28, 2021, with enclosed draft Findings of Fact and Conclusions of Law. One minor inquiry we have relates to finding 17. It was my recollection that Ms. Meyers did not know whether, pursuant to SD law, her duties at the VA required licensure, but testified that her Department required licensure. Thank you.

Sincerely,


Heather Lammers Bogard

HLB/asw

Cc: Rebecca Meyers (via email)

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MAR 12 2021
LEGAL SERVICES



~~BOARD OF COUNSELOR~~
~~EXAMINERS~~ BOARD OF
EXAMINERS FOR COUNSELORS &
MARRIAGE AND FAMILY
THERAPISTS

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

RECORDS MANAGEMENT PROGRAM
104 S Garfield Avenue; Bldg E
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3589
Fax: (605) 773-5955

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE:

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers and supporting documents; warrants; personnel and payroll records; client/case files; capital asset inventories; cash receipts; and duplicate copies of state publications.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management practices.

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OFFICE: Licensing Boards
PROGRAM: Board of Counselor Examiners
RECORDS OFFICER: Jessica Tyler
RM CUSTOMER #: 1171

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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CE-1. **ADMINISTRATIVE REFERENCE FILES:**

02-001

This series is arranged alphabetically by subject matter and contains information used in the daily administration of the agency. Information may include: vendor information, mailing list, file management, administrative rules, South Dakota Codified Laws, current state purchasing contracts, operations guides, administrative messages from other governmental agencies, and other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office. Destroy superseded or obsolete.

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CE-2. ADMINISTRATIVE RULES PROMULGATION FILES:

02-001

This series is arranged by subject matter and contains administrative rules promulgation files. Information may include: notices of public hearings, affidavits of publication of notices, written comment from the public, transcripts of hearings, and final decisions. Files have little reference activity once the hearing has been held unless someone requests a copy of the transcript. This record series is maintained for documenting the proper promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: FINAL DECISIONS: Retain permanently in office.

ALL OTHER DOCUMENTATION: Retain in office for as long as rules are in effect, then destroy.

(Note: SDCL 1-26-7 states in part that "each agency shall keep the original records, documents, and instruments required by the chapter." There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the Courts unless properly adopted," the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26a-2, which cures all defects in the adoption of rules appearing in the 1974 printed ARSD.)

(Consider maintaining on microfilm instead of paper and destroying paper after microfilm has been inspected and verified to meet quality standards.)

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CE-3. ASSOCIATIONS AND ORGANIZATIONS FILES

02-001

This series is arranged alphabetically and contains current correspondence and newsletters from professional associations and organizations to which the Board of Counselor Examiners belongs. Information may include: minutes of the association or organization meetings, conference agendas, participants' names, and examples of other states' legislation. This record series is maintained for reference purposes concerning ideas and policies suggested and used by the association or organization.

RETENTION: Retain 2 1 years in office, then destroy.

CE-4. AUDIT REPORTS:

02-001

This series contains the Department of Legislative Audit reports concerning the expenditure and administration of state funds. The reports are reviewed to identify problem areas and discrepancies so that corrective measures can be taken. The auditing agency also maintains a copy of the report.

RETENTION: ~~Retain 3 years in office, then destroy.~~ Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains reports permanently in office on microfilm.)

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CE-5.	<u>BOARD MEMBER FILES:</u>	
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02-001

This series is arranged ~~alphabetically~~ by fiscal year and contains information regarding individual board members. Information may include: letters of appointment, terms, expiration dates, payroll/per diem information, travel requests, and correspondence. This record series is maintained to document member appointments to the ~~Counselor Examiners~~ Board, and any related information pertaining to each.

RETENTION: ~~Retain current in office. Transfer terminated to storage for 3 years. Destroy 3 years after termination provided sufficient data on hours worked and compensation received is maintained by the Department of Labor, Division of Retirement and Insurance; and provided 1 year has passed since an independent post-audit report has been received.~~ Retain 4 years after termination, then destroy.

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CE-6.	<u>BUDGET FILES:</u>	
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02-001

This series is arranged chronologically and contains the yearly budget summaries for the agency. Information may include: mission statement, revenues, program performance indicators, amounts budgeted by sub-object, and narrative justifications. This record series is maintained for use throughout the year in monitoring program activities and for preparing future budget requests. The budget (Appropriations Bill) approved by the Legislature and signed by the Governor and is filed permanently with the Secretary of State.

RETENTION: Retain 3 years in office, then destroy.

(Note: Subject to archival screening prior to disposal.)

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CE-7. COMPLAINT FILES:

02-001

This series contains all related correspondence received from either the general public or initiated by the Board of Counselor Examiners concerning problems which have occurred with licensed or unlicensed counselors. Information may include: nature of complaint, related correspondence, investigation of the allegation, conclusion of the hearing, and all other related materials. This record series is used by the Board to determine if a complaint is substantiated and if so, to take corrective action and report to national reporting entities.

RETENTION: ~~Retain unsubstantiated cases 3 years in office, then destroy.~~

~~Retain substantiated cases for 4 years in office, then transfer to storage for 2 years. Destroy after 6 years.~~

~~(Note: Consider microfilming substantiated cases when volume warrants.)~~ LICENSEE/SUPERVISOR/SUPERVISEE: Retain until case closed, then transfer to the respective "Licensee File", "Supervisor File", or "Supervisee File."

NON-LICENSEE: Retain 4 years, then destroy.

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CE-8.	<u>CONTINUING EDUCATION PROGRAM RECORDS:</u>	
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02-001

This series is arranged numerically by date of program and contains approved continuing education requests from program sponsors. Information may include: the program request forms and supporting documentation. This record series is used to verify the programs meet the Board's continuing education standards.

RETENTION: Retain ~~3~~ 4 years in office, then destroy.

CE-9.	<u>CONTRACTS AND AGREEMENTS:</u>	
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02-001

This series contains ~~both originals (copies of record) and reference~~ copies of contracts and agreements between the ~~agency~~ Board and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is maintained for reference and audit purposes.

RETENTION: Retain ~~originals (copies of record)~~ current in office. Destroy 6 years after terminated provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

~~Retain reference copies current in office. Destroy terminated.~~

(Note: SDCL 1-24A-1 requires that a copy of all consultant contracts be filed with the State Auditor.) ~~within five days after such contract is entered into and finally approved by the contracting parties. All consultant contracts should be filed with the Office of State Auditor prior to the work being performed.)~~

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CE-10. CORRESPONDENCE, GENERAL:

02-001

This series is arranged chronologically and contains both copies of letters and memorandums sent and the originals of letters and memorandums received. The information is used for occasional reference and documentation.

RETENTION: Retain ~~2~~ 1 years in office, then destroy.

CE-11. EXAMINATION FILES:

02-001

This series is arranged ~~chronologically~~ alphabetically and contains information on ~~license applicants registered to take counselor examinations.~~ individuals taking national examinations. Information may include: ~~the registration form with their name, address, candidate ID, examination date, examination result, score, max score and score required to pass. and social security number, admission letters, and sign in sheets.~~ This record series is used to document examination results, and for annual reporting purposes. Results are filed in each respective examinee's licensing file.

RETENTION: ~~Retain 2 years in office, then destroy. Transfer to the respective "Application File" or "Application File, Incomplete/Non-Approved".~~

NON-APPLICANT EXAMINATION SCORES: Retain 1 year, then destroy.

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CE-12. LEGISLATION FILES:

02-001

This series is arranged chronologically and constitutes the agency's central file of all proposed legislation and legislation from previous years. Information may include: resource materials, bill tracking printouts, copies of House and Senate bills, preliminary bill drafts, and the final drafts of proposed legislation. This record series is used for bill drafting, submission, and tracking during the legislative session.

RETENTION: Retain current in office. Destroy superseded or obsolete.

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CE-13. LICENSEE FILES, BOARD OF COUNSELOR EXAMINERS:

02-001

This series is arranged ~~alphabetically by last name~~ numerically by assigned record identification (ID) number and documents personal data for ~~licensed counselor examiners active, inactive and expired licensees~~ licensed by the Board. Information may include: original applications, college grade educational transcripts, examination scores, references, internship verification, experience verification, renewal applications, and renewal dates and other related information. This record series is used to document the licensing and renewal processes ~~of all counselor expiration~~.

RETENTION: ~~Retain 1 year in office after expired, then transfer to storage for 3 years. Destroy 4 years after last license expiration. Retain in office 5 years after license expiration or inactivation, then scan paper and convert digital images to microfilm. Maintain images and microfilm for 46 years. Destroy images and microfilm after 50 years.~~

CE-14. MINUTES:

02-001

This series is arranged numerically by board meeting date and contains copies of minutes from each. Information may include: dates of meetings, members present, topics discussed, actions taken, and authorized signatures. The record series is maintained for reference concerning actions taken and for reporting purposes.

RETENTION: Retain 3 years in office, then destroy.

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~~CE-15. RECEIPT BOOKS:~~

~~02-001~~

~~This series is most often arranged chronologically and contains forms issued to document the receipt of money. Receipts are pre-numbered and may include: date money was received, amount received, funds and accounts to be credited, the amount to be credited, and signature of the person receiving the money. This record series is maintained for audit purposes.~~

~~**RETENTION:** Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years, provided all litigation, claims, or audit findings involving the records have been resolved and final action has been taken.~~

~~Delete CE-15 Series. See BCE-XX Deposits.~~

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CE-16. SOUTH DAKOTA FINANCIAL SYSTEM REPORTS:

02-001

These daily, weekly, monthly**, and year-end** reports are used to monitor and reconcile fiscal year receipts and expenditures. Information is maintained by the Finance Officer and may include: revenue and journal voucher reports*, advance travel-accounts receivable reports, revenue analysis report, state general ledger trial balance*, company general ledger trial balance*, expenditure report*, bank reconciliation report*, employee receivables report*, warrant register report*, projects report*, budget adjustments report, special Bureau of Administration revenue report, agency funds activity report*, company 8000 trial balance by center*, encumbrance balances report*, and special travel expenditure report. The reports are maintained for audit purposes.

RETENTION: Retain 4 years in office. Destroy after 4 years provided all litigation, claims, or audit findings involving the records have been resolved and final action has been taken.

(Note: The asterisk (*) indicates reports maintained permanently on microfilm or COM by the Bureau of Finance and Management. (**) Many of the June monthly reports serve as the year-end reports.)

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CE-17. VOUCHERS:

02-001

~~This series may contain copies of travel, non-cash direct, receiving, and journal vouchers. Each voucher includes: purpose of expenditure, amount, account code credited, date, to whom or to what account the funds were transferred, and authorized signatures. Vouchers are used for reference to determine quantities and descriptions of supplies and services ordered, and for vendor information and for audit purposes. Audit copies of vouchers may also include attachments such as purchase orders, requisitions, invoices, and packing slips. direct vouchers, receiving vouchers, non-cash vouchers, travel vouchers and journal vouchers, along with copies of any supporting invoices or receipts. Vouchers are used to enter transactions on the central accounting system.~~

~~**RETENTION:** Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigations, claims, or audit findings involving the records have been resolved and final action has been taken. Retain 4 years, then destroy provided all litigation, claims, and audit finds involving the records have been resolved and final action has been taken.~~

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BCE-XX-3 ANNUAL REPORTS: 02-001

This series is arranged chronologically and contains the originals of all annual reports written by the Board to summarize their activities for the previous year. Information may include: number of licenses issued, number of complaints noted, time reports, and other related information. A copy of this report is filed annually with the Department of Social Services. This record series is used for reference to compare activities from year to year.

RETENTION: Retain 4 years in office, then destroy.

BCE-XX. APPLICATION FILES: 02-001

This series is arranged alphabetically and documents individuals applying for licensure, a plan of supervision or approved supervisor status. Information may include: application, examination score, official transcript, and verification of licensure in another state. This record series is used to determine eligibility for licensure, plan of supervision or approved supervisor status.

RETENTION: Transfer approved applications to respective "Licensee File", "Plan of Supervision File" or "Board Approved Supervisor File".

BCE-XX. APPLICATIONS, INCOMPLETE/NON-APPROVED 02-001

This series is arranged alphabetically and contains applications that are incomplete or otherwise not approved for licensure, a plan of supervision or approved supervisor status. Information may include: application, verification of education, examination score, official transcript, and verification of licensure in another state. This record series is used to determine eligibility for licensure, plan

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of supervision or approved supervisor status. This record series is maintained to document application work in progress pending Board action.

RETENTION: Retain 1 year in office from the date of initial application, then destroy.

BCE-XX. BOARD MEETING FILES: 02-001

This series is arranged chronologically by meeting date and may contain handout material and agenda items to be discussed at the next Board meeting. Information may include: date, time and location of the meeting, items under old business, items under new business, financial information, handouts, and any licensure or registration related issues. This record series is used to determine the course of the board meetings.

RETENTION: Retain current in office. Destroy superseded or obsolete once the meeting minutes have been approved.

BCE-XX. BOARD OF EXAMINERS FOR COUNSELORS AND MARRIAGE AND FAMILY THERAPIST DATABASE RECORDS: 02-001

This computer licensure database system is arranged numerically by assigned record identification (ID) number and contains information for each licensee, supervisee, and supervisor under the jurisdiction of the Board. Information may include: name, address, date of birth, social security number, license number or status, education, and exam information. This record series is maintained for verification and licensure purposes.

RETENTION: Retain 50 years after inactivation, expiration, suspension, or revocation, then delete.

BCE-XX. CONTINUING EDUCATION AUDITS: 02-001

This series is arranged by fiscal year and contains random audits of continuing education credits received by licensees. Information may include: date of audit, name, findings of fact, and education verifications. This record series is used to verify that licensees have received the education stated on their continuing education records.

RETENTION: Retain 4 years in office, then destroy.

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BCE-XX. DEPOSITS : 02-001

This series is arranged chronologically and contains the standard form used to deposit funds into the State Treasury. Information may include date of deposit, agency name, agency number, accounting codes, dollar amounts, total deposits and authorized signatures. This record series is maintained for documenting and crediting each account with the amount deposited.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

BCE-XX. ELECTRONIC COMMUNICATION RECORDS: 02-001

This series may contain e-mail messages, voicemail messages, recorded telephone conversations, instant messages, etc. created or received by employees of the agency.

RETENTION: Determine the record status of the message based on the content. If the message is an official record made or received pursuant to law or in connection with the transaction of official business, the retention period should be covered by an existing record series in the respective agency's retention manual. It is permissible to print record e-mails and file them with like paper records.

NON-RECORD MESSAGES: Retain until action has been taken, then destroy or delete.

BCE-XX. FINANCIAL STATEMENTS: 02-001

Financial statements provide an overview of the agency's financial condition for a given year. Information may include: balance sheets, statement of revenues, expenditures, and changes in fund balances (budgeted and actual); statement of fixed assets; summary of significant accounting procedures; supplemental information and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Social Services
DIVISION: Community Behavioral Health
OFFICE: Licensing Boards
PROGRAM: Board of Counselor Examiners
RECORDS OFFICER: Jessica Tyler
RM CUSTOMER #: 1171

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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and final action has been taken.

BCE-XX. JOB TICKETS, CENTRAL DUPLICATING: **02-001**

This series is arranged numerically contains the printing requisition as submitted by the Board. Information may include: agency code, agency name, mailing address, submitted by, job description, date sent, date needed, number of pages, quantity of copies, printing specifications, and description. The information is used to ensure accurate completion of the request.

RETENTION: Retain 4 years in office, then destroy.

BCE-XX. PLAN OF SUPERVISION FILES: **02-001**

This series is arranged numerically by record identification (ID) number and documents personal data for active plans of supervision issued by the Board. Information may include: original application, educational transcripts, examination scores and other related information. This record series is used to document the plan of supervision and licensing process.

RETENTION: If no respective "Licensee File", retain in office 2 years after plan of supervision expired date, then destroy.

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Social Services
DIVISION: Community Behavioral Health
OFFICE: Licensing Boards
PROGRAM: Board of Counselor Examiners
RECORDS OFFICER: Jessica Tyler
RM CUSTOMER #: 1171

RECORD R.D.B.
SERIES NO. TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE AUTHORITY
NUMBER

BCE-XX. SURPLUS PROPERTY FILES: 02-001

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 4 years, then destroy provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.