



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**

Friday, May 17, 2024 – 9:00 AM CDT

Join Zoom Meeting

<https://us02web.zoom.us/j/89482710546?pwd=dXBYbUJTTDhpeEtaM2Y2RTJ0Q2JLZz09>

or call 312 626 6799

Meeting ID: 894 8271 0546

Passcode: 133595

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 Board Minutes: February 16, 2024
- 5) Approval of Financial Statement: April 30, 2024
- 6) Executive Session (Pursuant to SDCL 1-25-2(3) for consultation with legal counsel for consideration of proposed contested cases or litigation and preparing for contract negotiations)
- 7) Old Business
 - a. Counseling Compact Legislation Update
 - b. Executive Services Contract Approval
- 8) New Business
 - a. Counseling Compact Delegate Approval
 - b. Albertsen Consulting Contract Renewal
 - c. Board Approved Supervisor/Supervisee Limitations
- 9) Other Business
 - a. Office Update
 - b. DSS Update
- 10) Announcements
 - a. Next Meetings: August 23, 2024 at 9:00 am (CST) via Zoom
- 11) Adjourn



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South Dakota Board of Examiners for Counselors & Marriage and Family Therapists
Via Videoconference
February 16, 2024

President Butler called the meeting to order at 9:00 am central and determined a quorum.

Board Members Present via Videoconference: Tiffany Butler, Cheryl Hartman, Maureen Gustafson, Jill Janecke, Jay Trenhaile, Jeff Wangen, Mary Guth, Amy Hartman, and Stacy Solsaa

Board Members Absent: None.

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Natalie Young, administrative staff; Greg Tishkoff, Board Legal Counsel, Department of Social Services; Erin Handke, Assistant Attorney General; Tracy Mercer, Department of Social Services

Motion to approve the proposed agenda by Trenhaile. Seconded by C. Hartman. **Motion carried.**

Butler asked for comments from the public. There were no comments offered.

Motion to approve the meeting minutes of January 5, 2024 by Wangen. Seconded by Trenhaile. **Motion carried.**

Motion to accept the financial report as of January 31, 2024 by Trenhaile. Seconded by C. Hartman. **Motion carried.**

Motion to go into executive session for the purposes noticed at 9:12 am by C. Hartman. Seconded by Janecke. **Motion carried.**

Butler declared the Board out of executive session at 10:01 am.

Motion to dismiss Complaint 2023-26 by Butler. Seconded by Trenhaile. **Motion carried.**

Motion to adopt the Findings of Facts, Conclusions of Law, and Final Order in the Matter of Complaint 2023-15 and Complaint 2023-16 with grammatical corrections and revocation of license for noncompliance by Wangen. Seconded by Butler. Janecke, Guth, Solsaa, A. Hartman recused. **Motion carried.**

Stalley provided an update on the Counseling Compact.

Stalley provided the Board an update on the RFP for the executive services contact.

Jancke provided the Board an update from her attendance at the AASCB meeting.

Stalley provided an office update.

Mercer provided the Board with a Department update.

The Board's next meeting is scheduled for May 17, 2024 at 9:00am (central) via Zoom.

Motion to adjourn at 10:20 am by Trenhaile. Seconded by C. Hartman. **Motion carried.**

Respectfully Submitted,



Jennifer Stalley, Executive Secretary

DRAFT

Remaining Authority by Object/Subobject

Expenditures current through 05/04/2024 04:20:45 PM

SOCIAL SERVICES -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 15.9 %

0891 Subobject	Board of Counselor Examiners - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
EMPLOYEE SALARIES							
5101010	F-t Emp Sal & Wages	3,250	0	0	0	3,250	100.0
5101030	Board & Comm Mbrs Fees	3,692	1,320	0	0	2,372	64.2
Subtotal		6,942	1,320	0	0	5,622	81.0
EMPLOYEE BENEFITS							
5102010	Oasi-employer's Share	374	101	0	0	273	73.0
Subtotal		374	101	0	0	273	73.0
51 Personal Services		7,316	1,421	0	0	5,895	80.6
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	622	0	0	1,378	68.9
5203280	Other-public-out-of-state	180	20	0	0	160	88.9
5203300	Lodging/out-state	2,024	723	0	0	1,301	64.3
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	130	0	0	570	81.4
Subtotal		13,479	1,495	0	0	11,984	88.9
CONTRACTUAL SERVICES							
5204020	Dues & Membership Fees	1,550	500	0	0	1,050	67.7
5204050	Computer Consultant	4,000	0	0	0	4,000	100.0
5204080	Legal Consultant	4,000	0	0	0	4,000	100.0
5204090	Management Consultant	54,605	71,232	19,761	0	-36,388	0.0
5204131	Other Consulting	7,500	0	0	0	7,500	100.0
5204160	Workshop Registration Fee	1,550	675	0	0	875	56.5
5204200	Central Services	88	0	0	0	88	100.0
5204201	Central Services	1,584	2,295	0	0	-711	0.0
5204204	Central Services	0	666	0	0	-666	0.0
5204207	Central Services	521	618	0	0	-97	0.0
5204360	Advertising-newspaper	300	0	0	0	300	100.0
5204460	Equipment Rental	750	0	0	0	750	100.0

Remaining Authority by Object/Subobject

Expenditures current through 05/04/2024 04:20:45 PM

SOCIAL SERVICES -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 15.9 %

0891 Subobject	Board of Counselor Examiners - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
5204510	Rents-other	3,300	0	0	0	3,300	100.0
5204530	Telecommunications Srvc	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	300	0	0	-300	0.0
5204960	Other Contractual Service	0	50	0	0	-50	0.0
Subtotal		83,118	76,336	19,761	0	-12,979	0.0
SUPPLIES & MATERIALS							
5205020	Office Supplies	0	203	0	0	-203	0.0
5205028	Office Supplies	400	0	0	0	400	100.0
5205310	Printing-state	0	278	0	0	-278	0.0
5205328	Printing-commercial	1,350	0	0	0	1,350	100.0
5205350	Postage	2,000	895	0	0	1,105	55.3
5205390	Food Stuffs	150	0	0	0	150	100.0
Subtotal		3,900	1,376	0	0	2,524	64.7
52 Operating Subtotal		100,497	79,207	19,761	0	1,529	1.5
Total		107,813	80,628	19,761	0	7,424	6.9

**BOARD OF COUNSELOR EXAMINERS
REVENUE SUMMARY
FOR MONTH ENDING 04-30-24**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293945	0	0	0891000	648		2024	10	\$ 6,600.00	\$ 400.00
6503	4293946	0	0	0891000	648		2024	10	\$ 1,900.00	\$ 200.00
6503	4293947	0	0	0891000	648		2024	10	\$ 11,700.00	\$ 1,350.00
6503	4293950	0	0	0891000	648		2024	10	\$ 5,000.00	\$ 400.00
6503	4293951	0	0	0891000	648		2024	10	\$ 3,300.00	\$ 700.00
6503	4293952	0	0	0891000	648		2024	10	\$ 15,525.00	\$ 2,025.00
6503	4293953	0	0	0891000	648		2024	10	\$ 225.00	\$ -
6503	4293980	0	0	0891000	648		2024	10	\$ 1,000.00	\$ 300.00
6503	4293981	0	0	0891000	648		2024	10	\$ 1,625.00	\$ 200.00
6503	4293982	0	0	0891000	648		2024	10	\$ 3,375.00	\$ 450.00
6503	4293986	0	0	0891000	648		2024	10	\$ 225.00	\$ -
6503	4920045			0891000	648		2024	10	\$ 6,429.77	\$ -
									\$ 56,904.77	\$ 6,025.00

**BOARD OF COUNSELOR EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 04-30-24**

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		2024	10	\$ 1,320.00	\$ 60.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0891000	648		2024	10	\$ 100.98	\$ 4.59
6503	5203260	0	0	AIR-COMM-OUT-OF-STATE	0891000	648		2024	10	\$ 621.60	\$ -
6503	5203280	0	0	OTHER-PUBLIC-OUT-OF-STATE	0891000	648		2024	10	\$ 20.00	\$ -
6503	5203300	0	0	LODGING/OUT-OF-STATE	0891000	648		2024	10	\$ 722.73	\$ -
6503	5203350	0	0	NON-TAXABLE MEALS/OUT-ST	0891000	648		2024	10	\$ 130.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0891000	648		2024	10	\$ 500.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0891000	648		2024	10	\$ 71,232.28	\$ 6,451.01
6503	5204160	0	0	WORKSHOP REGISTRATION FEE	0891000	648		2024	10	\$ 675.00	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0891000	648		2024	10	\$ 2,295.01	\$ 737.66
6503	5204204	0	0	RECORDS MGMT SERVICES	0891000	648		2024	10	\$ 665.88	\$ 95.00
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0891000	648		2024	10	\$ 618.04	\$ 233.70
6503	5204740	0	0	BANK FEES AND CHARGES	0891000	648		2024	10	\$ 300.00	\$ 12.00
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0891000	648		2024	10	\$ 50.00	\$ -
6503	5205020	0	0	OFFICE SUPPLIES	0891000	648		2024	10	\$ 203.16	\$ 22.17
6503	5205310	0	0	PRINTING-STATE	0891000	648		2024	10	\$ 278.36	\$ 155.80
6503	5205350	0	0	POSTAGE	0891000	648		2024	10	\$ 894.96	\$ 108.95
										\$ 80,628.00	\$ 7,880.88

**BOARD OF COUNSELOR EXAMINERS
EXPENDITURE DETAIL REPORT
FOR MONTH ENDING 04-30-24**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	VENDOR NUMBER/ INVOICE NUMBER	CHECK NUMBER	VENDOR NAME	AMOUNT
6503	5101030	0	0	0891000	648		10	01	2024	CGEX240327	C			\$ 60.00
6503	5102010	0	0	0891000	648		10	01	2024	CGEX240327	C			\$ 4.59
6503	5204740	0	0	0891000	648		10	02	2024	D084BF0059	BD OF CMFT-BANK FEES C	F25454		\$ 12.00
6503	5204740	0	0	0891000	648		10	02	2024	D084BF0059	BD OF CMFT-BANK FEES C	F25454		\$ 12.00
6503	5204740	0	0	0891000	648		10	02	2024	D084BF0059	BD OF CMFT-BANK FEES C	F25454		\$ (12.00)
6503	5205310	0	0	0891000	648		10	02	2024	CD403018	CENTRAL DUPLICATING SERVICES C		0891	\$ 155.80
6503	5204204	0	0	0891000	648		10	03	2024	RM403031	RECORDS MANAGEMENT BILLING C		0894	\$ 95.00
6503	5204207	0	0	0891000	648		10	03	2024	PL403040	HUMAN RESOURCE SERVICES BILLING C		0891	\$ 233.70
6503	5204090	0	0	0891000	648		10	04	2024	500488	1230106824SC081015-MAR 0M	00002546261	ALBERTSONC	\$ 225.00
6503	5205020	0	0	0891000	648		10	10	2024	504912	1212441447048 010M	00100907938	JCOFFICESU	\$ 22.17
6503	5204090	0	0	0891000	648		10	11	2024	505635	1219990224SC081003-MAR 0M	00100907497	MIDWESTSOL	\$ 6,226.01
6503	5205350	0	0	0891000	648		10	16	2024	MS403028	CENTRAL MAIL SERVICES C		0891	\$ 108.95
6503	5204201	0	0	0891000	648		10	29	2024	FM403047	CENTRAL SERVICE BILLINGS C		0891	\$ 737.66
														\$ 7,880.88

COUNSELING COMPACT

Welcome! We are excited that your state has joined the Counseling Compact.

The Counseling Compact facilitates the interstate practice of professional counseling while protecting public health and safety.

Once the Compact is fully operational, licensed professional counselors will be able to apply for a privilege to practice in-person and through telehealth in other member states.

The Counseling Compact Commission held its inaugural meeting in October 2022. The Commission continues to establish bylaws and committees. The Commission is hoping to begin issuing privileges to practice in late 2024.

As of January 17, 2024, there are 32 Compact member states. The states are:

- Alabama
- Arkansas
- Colorado
- Connecticut
- Delaware
- Florida
- Georgia
- Indiana
- Iowa
- Kansas
- Kentucky
- Louisiana
- Maine
- Maryland
- Mississippi
- Missouri
- Montana
- Nebraska
- New Hampshire
- New Jersey
- North Carolina
- North Dakota
- Ohio
- Oklahoma
- Tennessee
- Utah
- Vermont*
- Virginia
- Washington
- West Virginia
- Wisconsin
- Wyoming

*Effective July 1, 2024.

Enabling legislation is pending in 5 jurisdictions, so additional members may join this year.

As part of the Counseling Compact, your state's Counseling Regulatory Authority must appoint a representative to serve as your state's delegate on the Counseling Compact Commission. As stated in Section 9(B)(1) and (2) of the Counseling Compact legislation, these representatives shall be empowered to act on behalf of the Compact state and shall be limited to:

1. A current member of the licensing board at the time of appointment, who is a Licensed Professional Counselor or public member; or
2. An administrator of the licensing board.

In appointing your delegate, please consider the following:

1. **Availability of your representative** - The Commission requires significant involvement, including face-to-face meetings, conference calls, committee assignments, and email correspondence as the governing documents and implementation components for the Compact are created.
2. **Ongoing participation** - The full Commission must meet at least once a year. As the work of the Commission is ongoing, providing continuity of representation will make this a more cohesive and functional group.
3. **Knowledge of state statutes/regulations and Compact legislation** - It will be helpful to have a working knowledge of your state statutes and regulations and of the Compact in particular to assist the Commission in the development of governing documents and to guide the decision-making process regarding specific components of the Compact.
4. **Conflict of Interest** - A state should consider if any real or potential disqualifying conflict of interest exists when selecting a delegate. Please refer to the code of conduct form for more details. For any questions regarding whether a conflict exists, please contact us.

Please contact me at gsearls@clear-ams.org for assistance.

Thank you again and we look forward to working with you.

Sincerely,

Greg Searls
Executive Director
Counseling Compact Commission



Re: Appointment of Counseling Compact Commission Delegates

Pursuant to (*state statutory reference*), I am the duly authorized representative of the appropriate appointing authority for the Counseling Compact. In consultation with the agency/board that is responsible for the licensing and regulation of professional counselors, I have made the appointments described below:

(Name) is appointed as the Counseling Compact Commission Delegate by the (*state*) agency/board responsible for the licensing and regulation of professional counselors. This delegate is a current member of the board/agency who is either a professional counselor or a public member or administrator of the board/agency responsible for the licensing and regulation of professional counselors and shall be entitled to one (1) vote regarding the promulgation of rules and creation of bylaws and shall otherwise have an opportunity to participate in the business and affairs of the Commission, subject to the terms of the Counseling Compact. They can be reached at (*phone number*) and (*email*).

Optional: (*name*) is appointed as the authorized temporary representative in the unavoidable absence of the appointed delegate at meetings. They can be reached at (*phone number*) and (*email*). The delegate must notify the Commission in advance of any meeting if the temporary representative will be attending on their behalf. The temporary representative is the only individual authorized to vote on behalf of the delegate unless a new temporary representative is appointed utilizing this form.

In order to participate and vote at any meeting of the Commission, both the delegate and the temporary representative must first execute and return the attached Code of Conduct form to be kept on file with the Commission. As of January 3, 2024, the designated recipient for forms is Greg Searls (gsearls@clear-ams.org).

These appointments are effective (*mm/dd/yyyy*). If you need additional information regarding this appointment, please contact (*name*) in my office at (*phone number*) or (*email*).

Sincerely,

Title
Organization

Counseling Compact Commission Administrative Policy

Code of Conduct

Date: _____, 20__

I. Introduction

As a joint government entity created by the enactment of the Counseling Compact (Compact) by the member states, the Counseling Compact Commission (Commission) affords great deference to its member states in selecting Counseling Compact Commission Delegates (Delegates) to represent them. The diverse personal, educational, and professional backgrounds of Delegates are one of the Commission's greatest assets. However, this diversity means that some Delegates may have personal pecuniary interests which are affected by the outcomes of management and other decisions which must be made concerning the administration of the Compact Commission at times. This policy was implemented to ensure transparency, accountability, and integrity in the Commission's decision-making process.

II. Code of Conduct

Delegates and their Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representative shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state.

No Delegate or Temporary Representative shall vote or participate in debate upon a matter in which they have a direct or indirect financial or other personal interest resulting in a personal benefit that conflicts with the fair and impartial conduct of official duties. The Executive Committee shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate's home state.

III. Definition

A Conflict of Interest is a set of circumstances that creates a risk that professional judgement or actions regarding a primary interest will be unduly influenced by a secondary personal interest economic or otherwise.

IV. Disclosure of Conflicts of Interest

1. All Delegates and Temporary Representatives are required to complete a Code of Conduct form. The form constitutes an agreement by each Delegate and Temporary Representative to disclose personal interests that may impact the ability of a Delegate or Temporary Representative to conduct business in a "fair and impartial" manner

and that the Delegate or Temporary Representative will recuse from debating or voting on such a matter in fulfilling the duties of an OT Compact Delegate or Temporary Representative.

2. Completed Code of Conduct forms must be submitted to the Executive Director by January 31 of each year, regardless of whether there have been any changes in status from the previous year. If a Delegate or Temporary Representative is appointed after January 31, a completed Code of Conduct form must be submitted prior to participation in a Commission meeting. For the first year of implementation of this policy, all Delegates and Temporary Representatives must complete the form prior to the October 25 & 26 2022 Inaugural Meeting.
3. Completed Code of Conduct forms are public documents which may be disclosed by the Commission upon request.

V. Delegate and Temporary Representative Recusal

Prior to the discussion of an issue in which a Delegate or Temporary Representative believes a conflict of interest may exist, the Delegate or Temporary Representative must announce to the Committee or Commission meeting that they are recusing themselves from participating in the caucus and voting. Once recused, the Delegate or Temporary Representative will not be able to participate in the debate or the vote concerning the matter which led to the recusal.

VI. Concerns over Financial Disclosure and Conflict of Interest

Concerns over conflicts of interest should be brought to the attention of the Chair of the Commission for consideration by the Executive Committee. The Executive Committee will determine if any of the provisions of the Commission's Policy on Conflicts of Interest have been violated and decide the appropriate action, if any.

VII. Notification of Home State Appointing Authority

If any of the following conditions are met, the Commission may notify the appropriate appointing authority in the home state of the Delegate or Temporary Representative regarding its concern about the ability of the Delegate or Temporary Representative to perform his/her duties in a fair and impartial manner.

1. The Delegate or Temporary Representative has a substantial financial conflict of interest in the outcome of the matter, such as the awarding of a contract for services or employment;
2. The Delegate or Temporary Representative has a substantial positional conflict of interest in the outcome of the matter, such as a leadership position for another organization whose purpose is contrary to that of the Commission;

3. The Delegate or Temporary Representative has been found in violation of criminal or civil state or federal statute or regulation;
4. The Executive Committee determines that a Delegate or Temporary Representative is not performing their duties consistent with this policy.

Code of Conduct Form

Delegates or Temporary Representatives appointed by the states are responsible for upholding the integrity of the Commission and its member states. No Delegate or Temporary Representatives shall engage in criminal or unethical conduct prejudicial to the Commission, any other Delegate, or any other state. No Delegate or Temporary Representative shall have a direct or indirect financial interest that conflicts with the fair and impartial conduct of official duties. The Executive Committee, in consultation with Legal Counsel to the Commission, shall have the sole authority to consider allegations of breaches of this code, including appeals from Delegates alleged to be in violation herewith. In the case of a breach, the Executive Committee may direct the Chair to notify the appropriate appointing authority in the Delegate or Temporary Representative's home state.

I, _____,
(print name)

_____ for the State of _____
(title—delegate or temporary representative)

hereby swear or affirm that I have read and understand the Counseling Compact Commission Code of Conduct and will comply with said policy in all matters pertaining to my duties and obligations as a Delegate, Temporary Representative, or Officer of the Commission, including my obligation to recuse myself from consideration, debate or voting on any matter that conflicts with the fair and impartial conduct of my official duties.

(Signature)

Dated this ___ day of _____, 20__.