



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

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

**Via Teleconference**

**Friday, June 12, 2020 – 10:00 AM CDT**

**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: April 17, 2020
- 5) Financial Report as of May 31, 2020
- 6) Executive Session (Pursuant to SDCL 1-25-2 (3) for consideration of proposed contested cases or contractual matters)
- 7) Old Business
  - a. Order in the Matter of the Licensed Professional Counselor Plan of Supervision Application of Wendy Lohan
  - b. COVID-19 Update
  - c. Database Update
  - d. Implementation of Senate Bill 18 and Senate Bill 19
- 8) New Business
  - a. Office Update
  - b. Administrative Rule Changes
- 9) Announcements
- 10) Adjourn



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### South Dakota Board of Examiners for Counselors & Marriage and Family Therapists Via Videoconference April 17, 2020

President Rice Brinkworth called the meeting to order at 9:06 am central and determined a quorum.

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

Board Members Absent: None

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Karen Cudmore, administrative staff; Erin Handke, Assistant Attorney General; Marilyn Kinsman, Department of Social Services; and Brenda Tidball-Zeltinger, Department of Social Services

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

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

Motion to approve the meeting minutes of February 14, 2020 by Schrenk. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Motion to accept the financial report as of April 4, 2020 by Konz. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Motion to go into executive session for consideration of contested cases and contractual matters at 9:14 am by Butler. Seconded by Schrenk. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Rice Brinkworth declared the Board out of executive session at 10:05 am.

Motion to dismiss complaint 2019-05 by Butler. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Wangen and Olson voted aye. Schrenk and Brown were recused. Motion carried.

The Department of Social Services provided an update to the Board. Kinsman introduced Brenda Tidball-Zeltinger to the Board. Tiball-Zeltinger is taking over Amy Iversen-Pollreis's duties at the Department. Tidball-Zeltinger introduced herself and provided an update on her role at the Department. Kinsman will continue as the Board's primary contact for the Department. Kinsman noted the date for records retention changes has been moved to June 5th. Tidball-Zeltinger updated the Board on the use of Department legal staff to provide general counsel services to the Board moving forward.

Stalley provided the Board with an update on the Board's legislation. Senate Bill 18 and 19 passed and become law on July 1<sup>st</sup>. The administrative rules of the Board need to be revised to comport with the changes in the law. Stalley discussed the process for making administrative rule changes with the Board.

Rice Brinkworth appointed Rice Brinkworth, Butler and Schrenk to be a taskforce to help with identifying changes in administrative rules to be considered by the Board at the next Board meeting.

Motion to add a Board meeting on August 14, 2020 to serve as a Board meeting and public hearing for proposed administrative rule changes by Butler. Seconded by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Stalley provided an office update, including the list of new licensees since the last meeting, Olson's resignation from the Board, discussions with other Department of Social Services boards concerning similar licenses, and the status of the database project. Stalley also introduced Karen Cudmore, as a new staff person serving the Board.

The Board discussed the implications of COVID-19 on licensure requirements. The Board noted Governor Noem's executive order 2020-04 directing state agencies to do everything reasonably possible to assist effort to respond to and recover from the COVID-19 emergency.

Motion by Hartman to allow for the approval of plan of supervision applications for a professional counselor without passage of the National Counselors Examination as a prerequisite of approval of a plan of supervision application until September 1, 2020, due to COVID-19 impacts to national testing agencies. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Motion by Butler to allow for the approval of plan of supervision applications for a marriage and family therapist without passage of the National Examination in Marital and Family Therapy as a prerequisite of approval of a plan of supervision application until September 1, 2020, due to COVID-19 impacts to national testing agencies. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Motion by Schrenk to renew the contract with Midwest Solutions for executive and administrative services with a 2% increase in the contract. Seconded by Hartman. The Board

voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

Motion to sign a letter of engagement for legal services from Carlon Law Office at a rate of \$125 per hour by Konz. Seconded by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Brown, Wangen and Olson voted aye. Motion carried.

The Board thanked Olson for his service to the Board.

The Board's next meeting is scheduled for June 12th at 10:00 am (central) by teleconference.

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

The Board adjourned at 10:47 am.

Respectfully Submitted,

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Jennifer Stalley, Executive Secretary

# Remaining Authority by Object/Subobject

Expenditures current through 05/30/2020 12:21:04 PM

SOCIAL SERVICES -- Summary

FY 2020 Version -- AS -- Budgeted and Informational

FY Remaining: 8.8 %

5

0891 Subobject	Board of Counselor Examiners - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
<b>EMPLOYEE SALARIES</b>							
5101030	Board & Comm Mbrs Fees	3,079	3,900	0	0	-821	0.0
<b>Subtotal</b>		<b>3,079</b>	<b>3,900</b>	<b>0</b>	<b>0</b>	<b>-821</b>	<b>0.0</b>
<b>EMPLOYEE BENEFITS</b>							
5102010	Oasi-employer's Share	312	301	0	0	11	3.5
<b>Subtotal</b>		<b>312</b>	<b>301</b>	<b>0</b>	<b>0</b>	<b>11</b>	<b>3.5</b>
<b>51 Personal Services</b>							
<b>Subtotal</b>		<b>3,391</b>	<b>4,201</b>	<b>0</b>	<b>0</b>	<b>-810</b>	<b>0.0</b>
<b>TRAVEL</b>							
5203030	Auto-priv (in-st.) H/rte	4,331	2,404	0	0	1,927	44.5
5203100	Lodging/in-state	1,507	288	0	0	1,219	80.9
5203120	Incidentals-travel-in St.	0	20	0	0	-20	0.0
5203130	Non-employ. Travel-in St.	1,100	0	0	0	1,100	100.0
5203140	Meals/taxable/in-state	112	32	0	0	80	71.4
5203150	Non-taxable Meals/in-st	450	272	0	0	178	39.6
5203260	Air-comm-out-of-state	2,000	617	0	0	1,383	69.2
5203280	Other-public-out-of-state	180	51	0	0	129	71.7
5203300	Lodging/out-state	2,024	428	0	0	1,596	78.9
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	92	0	0	608	86.9
<b>Subtotal</b>		<b>13,479</b>	<b>4,204</b>	<b>0</b>	<b>0</b>	<b>9,275</b>	<b>68.8</b>
<b>CONTRACTUAL SERVICES</b>							
5204020	Dues & Membership Fees	1,550	1,400	0	0	150	9.7
5204050	Computer Consultant	0	15,037	27,600	0	-42,637	0.0
5204080	Legal Consultant	7,000	2,996	0	0	4,004	57.2
5204090	Management Consultant	54,605	60,918	6,582	0	-12,895	0.0
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	2,317	0	0	-733	0.0
5204204	Central Services	0	163	0	0	-163	0.0
5204207	Central Services	521	828	0	0	-307	0.0
5204360	Advertising-newspaper	300	0	0	0	300	100.0
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 05/30/2020 12:21:04 PM

SOCIAL SERVICES -- Summary

FY 2020 Version -- AS -- Budgeted and Informational

FY Remaining: 8.8 %

0891	<b>Board of Counselor Examiners - Info</b>						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
5204530 Telecommunications Srvc	1,100	949	0	0	151	13.7	
5204590 Ins Premiums & Surety Bds	2,270	1,721	0	0	549	24.2	
5204960 Other Contractual Service	0	34	0	0	-34	0.0	
<b>Subtotal</b>	<b>74,612</b>	<b>86,363</b>	<b>34,182</b>	<b>0</b>	<b>-45,933</b>	<b>0.0</b>	
<b>SUPPLIES &amp; MATERIALS</b>							
5205020 Office Supplies	0	479	0	0	-479	0.0	
5205028 Office Supplies	400	0	0	0	400	100.0	
5205310 Printing-state	0	567	0	0	-567	0.0	
5205328 Printing-commercial	1,350	0	0	0	1,350	100.0	
5205350 Postage	2,000	2,095	0	0	-95	0.0	
5205390 Food Stuffs	150	0	0	0	150	100.0	
<b>Subtotal</b>	<b>3,900</b>	<b>3,141</b>	<b>0</b>	<b>0</b>	<b>759</b>	<b>19.5</b>	
<b>52 Operating</b>							
<b>Subtotal</b>	<b>91,991</b>	<b>93,708</b>	<b>34,182</b>	<b>0</b>	<b>-35,899</b>	<b>0.0</b>	
<b>Total</b>	<b>95,382</b>	<b>97,909</b>	<b>34,182</b>	<b>0</b>	<b>-36,709</b>	<b>0.0</b>	

STATE OF SOUTH DAKOTA  
CASH CENTER BALANCES  
AS OF: 05/31/2020

AGENCY: 08 SOCIAL SERVICES  
BUDGET UNIT: 0891 BOARD OF COUNSELOR EXAMINERS

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	0891000648	1140000	114,427.62	DR	BOARD OF COUNSELOR EXAMINERS
COMPANY/SOURCE TOTAL 6503 648			114,427.62	DR *	
COMP/BUDG UNIT TOTAL 6503 0891			114,427.62	DR **	
BUDGET UNIT TOTAL 0891			114,427.62	DR ***	

AVAILABLE FUNDS  
 AS OF: 05/31/2020  
 FY YEAR REMAINING: 8.5%  
 PAY DAYS REMAINING: 2

MONTHLY

BUDGET UNIT 0891

DATE 05/30/2020

BUDGET UNIT NAME BOARD OF COUNSELOR EXAMINERS

COMP	ORIGINAL APPROPRIATION	APPROPRIATION TRANSFERS	YEAR-TO-DATE COMMITMENTS	YEAR-TO-DATE ENCUMBRANCES	YEAR-TO-DATE EXPENDITURES	AVAILABLE APPROPRIATIONS	CASH BALANCE
6503-I	95,382.00	0.00	0.00	34,181.55	97,908.27	36,707.82-	114,427.62
BUDGETED TOT	95,382.00	0.00	0.00	34,181.55	97,908.27	36,707.82-	
ALL COMP TOT	95,382.00	0.00	0.00	34,181.55	97,908.27	36,707.82-	

TOTAL BUDGETED:

	OBJECT OF EXPENDITURE	AMOUNT BUDGETED	COMMITMENTS YEAR-TO-DATE	ENCUMBRANCES YEAR-TO-DATE	EXPENDITURES		BUDGET AVAILABLE	PCT AVL
					MONTHLY	YEAR-TO-DATE		
5101	EMPLOYEE SALARIES	3,079.00	0.00	0.00	720.00	3,900.00	821.00-	0.0
5102	EMPLOYEE BENEFITS	312.00	0.00	0.00	55.08	300.80	11.20	3.6
5203	TRAVEL	13,479.00	0.00	0.00	0.00	4,203.03	9,275.97	68.8
5204	CONTRACTUAL SVCS	74,612.00	0.00	34,181.55	6,095.26	86,363.76	45,933.31-	0.0
5205	SUPPLIES & MATRLS	3,900.00	0.00	0.00	198.05	3,140.68	759.32	19.5
	TOTALS	95,382.00	0.00	34,181.55	7,068.39	97,908.27	36,707.82-	0.0

BREAKOUT BY COMPANY:

COMPANY 6503-I PROFESSIONAL & LICENSING BOARDS

5101000	EMPLOYEE SALARIES	3,079.00	0.00	0.00	720.00	3,900.00	821.00-	0.0
5102000	EMPLOYEE BENEFITS	312.00	0.00	0.00	55.08	300.80	11.20	3.6
5203000	TRAVEL	13,479.00	0.00	0.00	0.00	4,203.03	9,275.97	68.8
5204000	CONTRACTUAL SVCS	74,612.00	0.00	34,181.55	6,095.26	86,363.76	45,933.31-	0.0
5205000	SUPPLIES & MATRLS	3,900.00	0.00	0.00	198.05	3,140.68	759.32	19.5
	PS SUBTOTALS	3,391.00	0.00	0.00	775.08	4,200.80	809.80-	0.0
	OE SUBTOTALS	91,991.00	0.00	34,181.55	6,293.31	93,707.47	35,898.02-	0.0
	COMPANY 6503-I TOT	95,382.00	0.00	34,181.55	7,068.39	97,908.27	36,707.82-	0.0



STATE OF SOUTH DAKOTA  
 MONTHLY OBJECT/SUB-OBJECT REPORT BY BUDGET UNIT  
 FOR PERIOD ENDING: 05/31/2020

AGENCY 08 SOCIAL SERVICES  
 BUDGET UNIT 0891 BOARD OF COUNSELOR EXAMINERS

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO		6503				
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS				
0891000648	6503	510103000	BOARD & COMM MBRS FEES	720.00	3,900.00	
ACCT: 5101		EMPLOYEE SALARIES		720.00	3,900.00	*
0891000648	6503	510201000	OASI-EMPLOYER'S SHARE	55.08	300.80	
ACCT: 5102		EMPLOYEE BENEFITS		55.08	300.80	*
ACCT: 51		PERSONAL SERVICES		775.08	4,200.80	**
0891000648	6503	520303000	AUTO-PRIV (IN-ST.) H/RTE	.00	2,404.08	
0891000648	6503	52031000	LODGING/IN-STATE	.00	36.38	
0891000648	6503	520310000	LODGING/IN-STATE	.00	251.27	
0891000648	6503	520312000	INCIDENTALS-TRAVEL-IN ST.	.00	20.00	
0891000648	6503	520314000	TAXABLE MEALS/IN-STATE	.00	32.00	
0891000648	6503	520315000	NON-TAXABLE MEALS/IN-ST	.00	272.25	
0891000648	6503	520326000	AIR-COMM-OUT-OF-STATE	.00	616.60	
0891000648	6503	520328000	OTHER-PUBLIC-OUT-OF-STATE	.00	50.75	
0891000648	6503	520330000	LODGING/OUT-OF-STATE	.00	427.70	
0891000648	6503	520335000	NON-TAXABLE MEALS/OUT-ST	.00	92.00	
ACCT: 5203		TRAVEL		.00	4,203.03	*
0891000648	6503	520402000	DUES & MEMBERSHIP FEES	.00	1,400.00	
0891000648	6503	520405000	COMPUTER CONSULTANT	.00	15,037.00	
0891000648	6503	520408000	LEGAL CONSULTANT	.00	2,996.05	
0891000648	6503	520409000	MANAGEMENT CONSULTANT	5,567.25	60,918.45	
0891000648	6503	520420100	BFM CENTRAL SERVICES	528.01	2,317.18	
0891000648	6503	520420400	RECORDS MGMT SERVICES	.00	163.20	
0891000648	6503	520420700	HUMAN RESOURCES SERVICES	.00	828.36	
0891000648	6503	520453000	TELECOMMUNICATIONS SRVCS	.00	948.75	
0891000648	6503	520459000	INS PREMIUMS & SURETY BDS	.00	1,720.89	
0891000648	6503	520496000	OTHER CONTRACTUAL SERVICE	.00	33.88	
ACCT: 5204		CONTRACTUAL SERVICES		6,095.26	86,363.76	*
0891000648	6503	520502000	OFFICE SUPPLIES	.00	478.58	
0891000648	6503	520531000	PRINTING-STATE	109.05	567.20	
0891000648	6503	52053500	POSTAGE	.00	96.49	
0891000648	6503	520535000	POSTAGE	89.00	1,998.41	
ACCT: 5205		SUPPLIES & MATERIALS		198.05	3,140.68	*
ACCT: 52		OPERATING EXPENSES		6,293.31	93,707.47	**
COMP: 6503				7,068.39	97,908.27	***
CNTR: 0891000648				7,068.39	97,908.27	****
CNTR: 089100064				7,068.39	97,908.27	*****
CNTR: 0891000				7,068.39	97,908.27	*****
B UNIT: 0891				7,068.39	97,908.27	*****

STATE OF SOUTH DAKOTA  
 MONTHLY EXPENDITURE REPORT  
 FOR PERIOD ENDING: 05/31/2020

AGENCY 08 SOCIAL SERVICES  
 BUDGET UNIT 0891 BOARD OF COUNSELOR EXAMINERS

COMP	CENTER	ACCOUNT	DOCUMENT NUMBER	POSTING DATE	JV APPVL #, OR PAYMENT #	SHORT NAME	VENDOR NUMBER	VENDOR GROUP	AMOUNT	DR/ CR
COMPANY NO		6503								
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS								
6503	0891000648	510103000	CGEX200428	05/01/2020					540.00	DR
6503	0891000648	510103000	CGEX200513	05/15/2020					180.00	DR
	OBJSUB:	5101030							720.00	DR **
	OBJECT:	5101	EMPLOYEE SALARIES						720.00	DR ***
6503	0891000648	510201000	CGEX200428	05/01/2020					41.31	DR
6503	0891000648	510201000	CGEX200513	05/15/2020					13.77	DR
	OBJSUB:	5102010							55.08	DR **
	OBJECT:	5102	EMPLOYEE BENEFITS						55.08	DR ***
	GROUP:	51	PERSONAL SERVICES						775.08	DR ****
6503	0891000648	520409000	20SC081003-APR	05/13/2020	00650710	MIDWESTSOL	12199902		5,567.25	DR
	OBJSUB:	5204090							5,567.25	DR **
6503	0891000648	520420100	FM003045	05/31/2020					528.01	DR
	OBJSUB:	5204201							528.01	DR **
	OBJECT:	5204	CONTRACTUAL SERVICES						6,095.26	DR ***
6503	0891000648	520531000	CD004022	05/20/2020					109.05	DR
	OBJSUB:	5205310							109.05	DR **
6503	0891000648	520535000	MS004034	05/31/2020					89.00	DR
	OBJSUB:	5205350							89.00	DR **
	OBJECT:	5205	SUPPLIES & MATERIALS						198.05	DR ***
	GROUP:	52	OPERATING EXPENSES						6,293.31	DR ****
	COMP:	6503							7,068.39	DR *
	CNTR:	0891000648							7,068.39	DR *****
	CNTR:	089100064							7,068.39	DR *****
	CNTR:	0891000							7,068.39	DR *****
	B. UNIT:	0891							7,068.39	DR *****

**STATE OF SOUTH DAKOTA  
OFFICE OF THE GOVERNOR  
EXECUTIVE ORDER 2020-25**

**Whereas,** An outbreak of the severe respiratory disease, COVID-19, which is caused by the person-to-person spread of the novel coronavirus, started in late 2019 and has currently been detected across the world, including the United States; and,

**Whereas,** The World Health Organization and the Centers for Disease Control and Prevention (“CDC”) have declared the COVID-19 outbreak a public health emergency and pandemic; and,

**Whereas,** The CDC has issued guidance to all state and local governments and all citizens recommending preparedness, nonessential travel, social distancing, and other mitigation strategies impacting many sectors of daily life to prevent the spread and guard against the COVID-19 outbreak; and,

**Whereas,** South Dakota has confirmed cases of COVID-19, making this a public health emergency posing a danger to public health and safety in all of South Dakota; and,

**Whereas,** A state of emergency has been declared by Executive Order 2020-04 on March 13, 2020, which has been extended by Executive Order 2020-15, and continues to currently exist within the State of South Dakota until its expiration on May 31, 2020, unless sooner terminated or extended; and,

**Whereas,** Strict compliance with the statutory and regulatory requirements for health care provider applicants to submit proof of completing examination requirements prior to licensure by their respective state licensing Board will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state, as the exam are being delayed or cancelled; and

**Whereas,** Strict compliance with the statutory and regulatory requirements for social work and behavioral health care provider applicants to submit proof of completing examination requirements prior to licensure by their respective state licensing Board will prevent, hinder or delay necessary actions to cope with this emergency in all counties of our state, as the exam are being delayed or cancelled;

**NOW, THEREFORE,** I, KRISTI NOEM, Governor of the State of South Dakota, by the authority vested in me by the Constitution and the Laws of this State, including but not limited to SDCL 34-48A-5(4), do hereby order and direct the following:

**Section 1 Proof of Passing Examination.** I temporarily suspend the statutory provisions of SDCL 36-4-11, 36-4-17, 36-4-17.1, 36-4A-8, 36-6A-44, 36-6A-44.2, 36-10-30, 36-10-35.1, 36-24-17.3, and 36-31-6, and the regulatory provisions of ARSD 20:47:03:03 and 20:84:03:01 requiring applicants to submit proof of completing examination requirements to prevent delaying licensure during the emergency. Physicians, physician assistants, dentists, dental hygienists, physical therapists, physical therapist assistants, audiologists, occupational therapists, occupational therapy assistants, and medical assistants who are granted a license without having submitted the proof of examination pursuant to this Executive Order shall submit proof of examination to their respective state licensing Board by November 30, 2020.

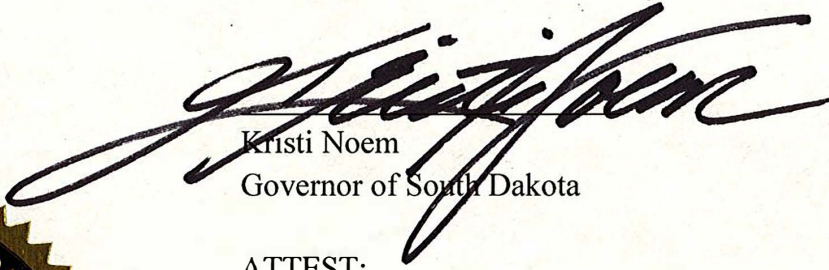
**Section 2 Proof of Passing Examination.** I temporarily suspend the statutory provisions of SDCL 36-26-14, 36-26-15, 36-26-15.1, 36-26-16, 36-32-42 and the regulatory provisions of ARSD 20:59:01:02.01, 20:71:05:02, and 20:80:07:01 requiring applicants to submit proof of completing examination requirements to prevent delaying licensure during the emergency. Effective July 1, 2020, I temporarily suspend the statutory provisions of SDCL 36-32-65 requiring applicants to submit proof of completing examination requirements to prevent delaying licensure during the emergency. Certified social workers, social workers, social work associates,



qualified addiction counselor, licensed addiction counselor, certified prevention specialist, licensed professional counselors-mental health, and licensed marriage and family therapists who are granted a license or plan of supervision without having submitted the proof of examination pursuant to this Executive Order shall submit proof of examination to their respective state licensing Board by November 30, 2020.

**BE IT FURTHER ORDERED,** This Executive Order shall be in effect immediately and shall continue for the duration of the state of emergency declared by Executive Order 2020-04 and extended by subsequent Executive Order 2020-15, unless sooner terminated or extended.

Dated in Pierre, South Dakota this 26<sup>th</sup> day of May 2020.

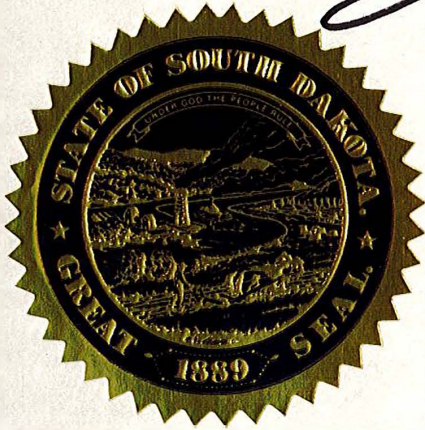


Kristi Noem  
Governor of South Dakota

ATTEST:



Steve Barnett  
Secretary of State



## Approved Plans of Supervision as of April 1, 2020

Supervisor Last Name	Supervisor First Name	Supervisor Last Name	Supervisor First Name	License Category	License POS #	Plan approved date	Plan end date	Applicant City	Applicant State
Anderson	Douglas	VanZuidam	Nicole	LMFT	11519	5/4/2020	5/4/2022	Corsica	SD
Hartmann	Gretchen	VanZuidam	Nicole	LMFT	11519	5/4/2020	5/4/2022	Corsica	SD
Coupland	Mary Ann	Cahill	Julia	LPC	20654	4/30/2020	4/30/2022	Mission	SD
Arens-Beauchamp	Tammy	Decker	Jara	LPC	20652	4/3/2020	4/3/2025	Rapid City	SD
Moore	Steph	Delaney	Keely	LPC	20619	5/27/2020	5/27/2022	Brookings	SD
Hartmann	Gretchen	Duncan	Joshua	LPC	20589	5/27/2020	5/27/2022	Sioux Falls	SD
Janecke	Jill	Ford	Jolene	LPC	20651	4/3/2020	4/3/2025	Yankton	SD
Wiese	Jennifer	Mogck	Mariah	LPC	20606	4/27/2020	4/27/2022	Sioux Falls	SD
Wiese	Jennifer	Mogck	Mariah	LPC	20606	4/27/2020	4/27/2022	Sioux Falls	SD
Roduner	Amber	Ortmeier	Rebecca	LPC	20655	5/4/2020	5/4/2022	Rapid City	SD
Kitzelman	Christel	Van Steenwyk	Abbey	LPC	20583	4/11/2020	4/11/2022	Belle Fourche	SD
Hartmann	Gretchen	Vernon	Caroline	LPC	20594	5/27/2020	5/27/2022	Sioux Falls	SD
Rindelaub	Kettie	Banley	Angela	LPC-MH	30583	5/27/2020	5/27/2022	Box Elder	SD
Hartmann	Gretchen	DeVos	Barbra	LPC-MH	30600	5/27/2020	5/27/2022	Sioux Falls	SD
McIntosh	Molly	Domel	Alyssa	LPC-MH	30589	4/27/2020	4/27/2022	Sioux Falls	SD
Durkin	Ellen	Ekle	Jeff	LPC-MH	30613	4/14/2020	4/14/2022	Pierre	SD
Kavanaugh	Duane	Groseclose	Chelsey	LPC-MH	30614	4/11/2020	4/11/2022	Spearsfish	SD
Born	Staci	Kelly	Holly	LPC-MH	30616	4/27/2020	4/27/2022	Sioux Falls	SD
Hartmann	Gretchen	Miedema	Rachael	LPC-MH	30593	5/27/2020	5/27/2022	Sioux Falls	SD
Wiemers	Karen	Obeney	Nicola	LPC-MH	30581	5/27/2020	5/27/2022	Oacoma	SD
Alten-Osmera	Christy	Richardson	Danny	LPC-MH	30618	5/27/2020	5/27/2022	Viborg	SD
Gislason	Emily	Tilstra	Katelyn	LPC-MH	30608	5/27/2020	5/27/2022	Brandon	SD

## New Licensees as of April 1, 2020

License Type	Last Name	First Name	City	State	Date Issued
LPC20656	Spitzer	Kristi	Leola	SD	5/13/2020
LPC20412	Bowen	Nicole	Colman	SD	5/4/2020
LPC20199	Colberg	Naomi	Marion	SD	5/4/2020
LPC7249	Huber	Laura	Surprise	AZ	5/4/2020
LPC20518	Laskowski	Megan	Rapid City	SD	5/4/2020
LPC20556	Nelson	Ellen	Sioux Falls	SD	5/4/2020
LPC20580	Richardson	Danny	Viborg	SD	5/4/2020
LPC20653	Good-Hinton	Autumne	Colorado Springs	CO	4/9/2020
LPC20542	Kelly	Holly Suzanne	Sioux Falls	SD	4/6/2020
LPC20532	Manley	Matthew	Canton	SD	4/6/2020
LPC-MH30617	Jones	Tiffany	Apopka	FL	5/4/2020
LPC-MH30547	Moe	Rachael	Sioux Falls	SD	5/4/2020
LPC-MH30615	Wright-Agard	Eugenia	Kissimmee	FL	4/29/2020
LPC-MH30544	Fazili	Sheeba	Sioux Falls	SD	4/3/2020
LMFT n/a					

**ARTICLE 20:68**

**LICENSED PROFESSIONAL COUNSELORS**

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- Chapter
- 20:68:01 Licensing requirements.
- 20:68:02 Fees.
- 20:68:03 Academic and equivalency requirements and approved counseling programs.
- 20:68:04 ~~Plan of supervision.~~
- Supervision.
- 20:68:05 Examinations.
- 20:68:06 ~~Licensed professional counselor — Mental health, Repealed.~~ Counseling through electronic means.
- 20:68:07 Continuing education.
- 20:68:08 Ethical standards.

**CHAPTER 20:68:01**

**LICENSING REQUIREMENTS**

- Section
- 20:68:01:01 Definitions.
- 20:68:01:02 ~~Application for licensed professional counselor.~~ Application Requirements.
- 20:68:01:02.01 Repealed.
- 20:68:01:03 ~~Repealed.~~ Denial of application.
- 20:68:01:04 ~~Licensure by reciprocity.~~ Application for post graduate plan of supervision.
- 20:68:01:05 ~~Licensure denial.~~ Application for licensed professional counselor.
- 20:68:01:06 Application for professional counselor by endorsement – applicant licensed in another state.
- 20:68:01:07 Application for professional counselor temporary license – applicant licensed in another state.
- 20:68:01:08 Renewal of license – professional counselor license.
- 20:68:01:09 Application to inactivate license – professional counselor.
- 20:68:01:10 Application to reinstate expired license.

**Declaratory Ruling:** ~~As used in SDCL 36-32-13(3), the word "resides" includes an applicant for licensure who maintains a business presence in the State of South Dakota, in the form of an office that is used or will be used by the applicant for the purpose of or to facilitate in person meetings with clients. South Dakota Board of Counselor Examiners Declaratory Ruling dated April 15, 2004.~~

**20:68:01:01. Definitions.** Terms defined in SDCL chapter 36-32 have the same meaning when used in this article. Terms used in this chapter mean:

1 ~~(1) "Board," the Board of Examiners for Counselors and Marriage and Family Therapists as~~  
 2 ~~defined in SDCL 36-32-1;~~

3  
 4 ~~(2) "Supervisor," a person who is qualified under §§ 20:68:04:02 and 20:68:04:07, and is~~  
 5 ~~responsible for the direct training and evaluation of those applying for a counselor license;~~

6  
 7 ~~—— (3) "Supervision," the process of directing and evaluating the activities of a person applying~~  
 8 ~~for a counselor license;~~

9  
 10 ~~(4) "Counseling," as defined in SDCL 36-32-1(5);~~

11  
 12 ~~(5) "CACREP," Council for Accreditation of Counseling and Related Educational Programs.~~

13  
 14 **Source:** 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998;  
 15 28 SDR 51, effective October 14, 2001; 42 SDR 97, effective January 4, 2016.

16 **General Authority:** SDCL 36-32-26.

17 **Law Implemented:** SDCL 36-32-2, 36-32-13.

18  
 19 **Reference:** ~~The CACREP office is located at 1001 N. Fairfax Street, Suite 510, Alexandria,~~  
 20 ~~VA 22314, and www.cacrep.org, or by calling 702-535-5990.~~

21  
 22 **20:68:01:02. Application for licensed professional counselor.** ~~An applicant for licensure as~~  
 23 ~~a licensed professional counselor shall apply on a form provided by the board. The application form~~  
 24 ~~shall contain the following information:~~

25  
 26 ~~—— (1) Name, mailing address, telephone number, date of birth, and social security number;~~

27  
 28 ~~—— (2) A copy of a government issued photo ID;~~

29  
 30 ~~—— (3) Official educational transcripts showing graduation from a CACREP program or a 48-~~  
 31 ~~hour master's degree in counseling or a related program which includes course work as described in~~  
 32 ~~subdivision 20:68:03:02(2);~~

33  
 34 ~~—— (4) A statement of any criminal record, any previous application with the board, or any~~  
 35 ~~previous discipline including denial, revocation, or suspension of a previously held license;~~

36  
 37 ~~—— (5) Documentation of 2,000 hours of supervised full-time experience in counseling as defined~~  
 38 ~~in SDCL 36-32-1(5), all of which was obtained subsequent to the granting of the master's degree in~~  
 39 ~~counseling, and which includes 800 hours of direct client contact, and which meets the supervision~~  
 40 ~~criteria as outlined in chapter 20:68:04;~~

41  
 42 ~~—— (6) The application fee required by § 20:68:02:03; and~~

43  
 44 ~~—— (7) Official verification of a passing score on the National Counselor Examination for~~  
 45 ~~Licensure and Certification described in § 20:68:05:01.~~

46  
 47 **Application requirements.** An application for a license, temporary license, renewal of license,  
 48 inactive license, or reactivated license must be made in writing on a form prescribed by the board.



The applicable application fee must be submitted with the application. The application fee is non-refundable. The applicable license fee must also accompany the application. The licensee fee is refundable if the application is withdrawn or denied.

An applicant shall verify under the penalties of perjury that all the information submitted on an application is true and correct. An applicant who submits an application by use of the internet agrees the submission of the application serves as the applicant's signature and verification of the information on the application. The applicant may be required to clarify, expand or provide additional information to fully evaluate all qualifications.

An application is not complete until the required documentation and fees are received by the board. The board may return an application that remains incomplete one year after the initial submission of the application. Materials received by the board from a third party may not be returned to the applicant. A returned application shall be considered withdrawn.

**Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 32 SDR 32, effective August 29, 2005; 42 SDR 97, effective January 4, 2016.

**General Authority:** SDCL 36-32-26.

**Law Implemented:** SDCL 36-32-13.

**20:68:01:02.01. Application for licensed professional counselor -- Certain requirements waived.** Repealed.

**Source:** 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

**20:68:01:03. Application for counselor associate.** Repealed.

**Denial of application.** An application may be denied for failure to meet the applicable requirements for the license or based on the grounds outlined in SDCL 36-32-83. The board shall inform the applicant, in writing, of its reasons for denial. An applicant whose application is denied is entitled to a contested hearing pursuant to SDCL chapter 1-26.

**Source:** 18 SDR 67, effective October 16, 1991; repealed, 25 SDR 85, effective December 22, 1998.

**General Authority:** SDCL 36-32-26.

**Law Implemented:** SDCL 36-32-13.

~~**20:68:01:04. Licensure by reciprocity.** 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.~~

**Application for post graduate plan of supervision.** An applicant for a post graduate plan of supervision shall submit to the board:

(1) A completed application and application fee;

- 1       (2) Official educational transcripts from an accredited counseling program recognized by the  
2       board demonstrating a master's or doctoral degree in counseling consisting of at least  
3       forty-eight credit hours;
- 4
- 5       (3) Official verification of a passing score on the National Counselor Examination  
6       administered by the National Board for Certified Counselors;
- 7
- 8       (4) Verification of the license number and status of the license from the applicable licensing  
9       board in each state where the applicant has been licensed to practice counseling, if  
10       applicable;
- 11
- 12       (5) The name and contact information of the applicant's proposed supervisor;
- 13
- 14       (6) A statement of any criminal record, if applicable;
- 15
- 16       (7) A statement of any previous discipline, including denial, reprimand, revocation, or  
17       suspension of a previously held license; and
- 18
- 19       (8) A recent photograph.

20  
21 A post graduate plan of supervision must be approved by the board prior to the applicant acquiring  
22 the supervision experience necessary to meet the licensure requirements of SDCL 36-32-64.

23  
24 An application for a post graduate plan of supervision is required for each proposed supervisor. The  
25 application fee is waived for additional proposed supervisor applications submitted under this  
26 section.

27  
28 A board approved post graduate plan of supervision is valid for two years from the date of issuance.  
29 An approved post graduate plan of supervision may only be renewed once. An application to renew  
30 a post graduate plan of supervision shall be submitted at least 30 days before the expiration of the  
31 approved post graduate plan of supervision.

32  
33 An applicant may request an extension of an approved post graduate plan of supervision, in writing  
34 to the board, upon a showing of extenuating circumstances or undue hardship. A request for an  
35 extension must be made prior to the expiration of the approved post graduate plan of supervision.

36  
37       **Source:** 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998;  
38 42 SDR 97, effective January 4, 2016.

39       **General Authority:** SDCL 36-32-26.

40       **Law Implemented:** SDCL 36-32-13, 36-32-16.

41  
42       **Declaratory Ruling:** South Dakota Board of Counselor Examiners rules and declares that an  
43 applicant for licensure by reciprocity pursuant to SDCL 36-32-16 and ARSD 20:68:01:04, is eligible  
44 for license by reciprocity when the applicant is licensed under the laws of a state or territory of the  
45 United States, and the applicant substantially meets the requirements of SDCL 36-32, even though  
46 the state under which the applicant is licensed may have allowed the applicant to obtain licensure  
47 based on requirements that are less than substantially the same requirements imposed by SDCL 36-  
48 32. Dated: September 25, 2006.

1  
2 **20:68:01:05. ~~Licensure denial.~~** ~~The board shall inform the applicant in writing of its reasons~~  
3 ~~for denial of licensure.~~

4  
5 **Application for licensed professional counselor.** An applicant for a license to practice as a  
6 professional counselor shall submit to the board:

- 7  
8 (1) A completed application;  
9  
10 (2) The applicable license fee;  
11  
12 (3) Official educational transcripts from an accredited counseling program recognized by the  
13 boar demonstrating a master's or doctoral degree in counseling consisting of at least forty-  
14 eight credit hours;  
15  
16 (4) Official verification of a passing score on the National Counselor Examination  
17 administered by the National Board for Certified Counselors;  
18  
19 (5) Documentation of 2,000 hours of board approved supervision, as prescribed in this article,  
20 obtained subsequent to the granting of the applicant's degree in counseling;  
21  
22 (6) Verification of the license number and status of the license from the applicable licensing  
23 board in each state where the applicant has been licensed to practice counseling, if  
24 applicable;  
25  
26 (7) A statement of criminal record, if applicable;  
27  
28 (8) A statement of any previous discipline, including denial, reprimand, revocation, or  
29 suspension of a previously held license; and  
30  
31 (9) A recent photograph.

32  
33 **Source:** 18 SDR 67, effective October 16, 1991.

34 **General Authority:** SDCL 36-32-26.

35 **Law Implemented:** SDCL 36-32-13, 36-32-14.

36  
37  
38 **20:68:01:06. Application for professional counselor by endorsement – applicant licensed**  
39 **in another state.** An applicant licensed in another state for a minimum of three continuous years  
40 may apply for a license to practice counseling by submitting to the board:

- 41  
42 (1) A completed application and application fee;  
43  
44 (2) The applicable license fee;  
45  
46 (3) Official verification of a passing score on the National Counselor Examination  
47 administered by the National Board for Certified Counselors;  
48

- 1 (4) Verification of a current license to practice counseling, in good standing, issued by another  
 2 state licensing board for a continuous period of at least three years immediately preceding  
 3 the application;  
 4  
 5 (5) Verification of an active practice, as defined in SDCL 36-32-67, during the three-year  
 6 period immediately preceding the application;  
 7  
 8 (6) A statement of any criminal record, if applicable;  
 9  
 10 (7) A statement of any previous discipline, including denial, reprimand, revocation, or  
 11 suspension of a previously held license; and  
 12  
 13 (8) A recent photograph.

14 **General Authority: SDCL**

15 **Law Implemented: SDCL**

16  
 17  
 18 **20:68:01:07. Application for temporary license – applicant licensed in another state. An**  
 19 **applicant licensed in another state for a minimum of three continuous years may apply for a**  
 20 **temporary license to practice counseling by submitting to the board:**

- 21  
 22 (1) A completed application and application fee;  
 23  
 24 (2) The applicable license fee;  
 25  
 26 (3) Verification of a current license to practice counseling, in good standing, issued by another  
 27 state licensing board for a continuous period of at least three years immediately preceding  
 28 the application;  
 29  
 30 (4) Verification of an active practice, as defined in SDCL 36-32-67, during the three-year  
 31 period immediately preceding the application;  
 32  
 33 (5) A statement of any criminal record, if applicable;  
 34  
 35 (6) A statement of any previous discipline, including denial, reprimand, revocation, or  
 36 suspension of a previously held license; and  
 37  
 38 (7) A recent photograph.

39  
 40 A temporary license automatically expires ninety days after the date of issuance or upon  
 41 passage of the National Counselors Examination. An applicant may only be issues a temporary  
 42 licenses two times.

43 **General Authority: SDCL**

44 **Law Implemented: SDCL**

**20:68:01:08. Renewal of license – professional license.** Each person licensed to practice counseling shall renew that license by November 30 of each even-numbered year by submitting to the board a completed application and the required renewal fee.

**General Authority: SDCL**

**Law Implemented: SDCL**

**20:68:01:09. Application to inactivate a license – professional counselor.** A licensee may apply to inactivate a professional counselor license by submitting to the board a completed application and the required fee. An inactivate license automatically expires four years after the date of inactivation unless reactivated by submitting an application demonstrating the requirements of SDCL 36-32-74.

**General Authority: SDCL**

**Law Implemented: SDCL**

**Application to reinstate an expired license.** An expired license may be reactivated, as prescribed by SDCL 36-32-75, by submitting to the board:

- (1) A completed application and the applicable license fees;
- (2) Proof of qualified continuing education for the period of expiration; and
- (3) Official verification of a passing score on the National Counselor Examination administered by the National Board for Certified Counselors after the date the original license expired.

**General Authority: SDCL**

**Law Implemented: SDCL**

## CHAPTER 20:68:02

### FEES

#### Section

- |             |  |
|-------------|--|
| 20:68:02:01 | Remittance of fees.  |
| 20:68:02:02 | <del>Renewal fees.</del> <u>Repealed.</u>                            |
| 20:68:02:03 | Fee schedule.  |
| 20:68:02:04 | No reimbursement before expiration of license.                       |
| 20:68:02:05 | <del>Eligibility deadline after notification.</del> <u>Repealed.</u> |

**20:68:02:01. Remittance of fees.** Application fees shall be remitted to the board in the form prescribed by the board of a personal check, cashier's check, certified check, or money order made payable to the state of South Dakota. The board shall take no action on any application for licensure until the fee is received.

**Source:** 18 SDR 67, effective October 16, 1991.

**General Authority:** SDCL 36-32-26.

**Law Implemented:** SDCL 36-32-13, 36-32-14, 36-32-20, 36-32-26.

~~20:68:02:02. **Renewal fees.** License renewal fees must be submitted annually by December 31.~~

~~**Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996.~~

~~**General Authority:** SDCL 36-32-26.~~

~~**Law Implemented:** SDCL 36-32-20, 36-32-26.~~

**20:68:02:03. Fee schedule.** The fees applicable under this chapter are ~~nonrefundable. The fee schedule is as follows:~~

- ~~(1) Licensed professional counselor a~~ Application fee, \$100;
- ~~(2) Initial license fee for licensed professional counselor, \$100;~~
- ~~(3) Annual license renewal fee for licensed professional counselor, \$100~~ Biennial license fee; \$225;
- ~~(4) Duplicate license, \$20;~~
- ~~(5) Reciprocity application fee, \$100;~~
- ~~(6) Late renewal fee, \$50, in addition to the annual license renewal fee for licensed professional counselor;~~
- ~~(7) Continuing education program application fee, \$25;~~
- ~~(8) License verification, \$15;~~
- ~~(9) Duplicate renewal card, \$10.~~
- (3) Temporary license fee; \$50;
- (4) Inactive license fee; \$25.

~~**Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 26 SDR 150, effective May 21, 2000; 28 SDR 51, effective October 14, 2001; 30 SDR 121, effective February 17, 2004; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.~~

~~**General Authority:** SDCL 36-32-26.~~

~~**Law Implemented:** SDCL 36-32-13, 36-32-16, 36-32-19, 36-32-20, 36-32-23.~~

**20:68:02:04. No reimbursement before expiration of license.** A licensed professional counselor who applies for a licensed professional counselor-mental health license prior to the expiration of the license presently held may not be reimbursed for any fees paid.

~~**Source:** 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998.~~

~~**General Authority:** SDCL 36-32-26.~~

~~**Law Implemented:** SDCL 36-32-26.~~

~~**20:68:02:05. Eligibility deadline after notification.** The board must be in receipt of the license fee within 30 days after notification of eligibility to become licensed.~~

~~**Source:** 22 SDR 97, effective January 24, 1996.~~

~~**General Authority:** SDCL 36-32-26.~~

~~**Law Implemented:** SDCL 36-32-13, 36-32-14.~~

## CHAPTER 20:68:03

### ACADEMIC AND EQUIVALENCY REQUIREMENTS AND APPROVED PROGRAMS

1		
2		
3	Section	
4	20:68:03:01	Academic requirements.
5	20:68:03:02	Approved counseling program.
6	20:68:03:03 and 20:68:03:04	Repealed.
7	<u>20:68:03:05</u>	<u>Post degree completion of academic requirements for licensure –</u>
8		<u>professional counselor</u>
9	<u>20:68:03:06</u>	<u>Credit hour equivalency.</u>
10		
11		

12 **20:68:03:01. Academic requirements.** Academic requirements for licensed professional  
 13 ~~counselors to become a professional counselor~~ must be completed at a university or college  
 14 accredited by one of the following:

- 15
- 16 ~~(1) The Middle States Association of Colleges and Secondary Schools;~~
  - 17 ~~(2) The New England State Association of Colleges and Secondary Schools;~~
  - 18 ~~(3) The North Central Association of Colleges and Secondary Schools;~~
  - 19 ~~(4) The Northwest Association of Colleges and Secondary Schools;~~
  - 20 ~~(5) The Southern Association of Colleges and Secondary Schools; or~~
  - 21 ~~(6) The Western College Association.~~
- 22
  - 23 (1) Higher Learning Commission;
  - 24 (2) Middle States Commission on Higher Education;
  - 25 (3) New England State Association of Schools and Colleges Commission on Institutions of
  - 26 Higher Education;
  - 27 (4) Northwest Commission on Colleges and Universities;
  - 28 (5) Southern Association of Colleges and Schools Commission on Colleges; or
  - 29 (6) Western Association of Schools and Colleges.

30

31 The applicant's postgraduate degree in counseling must be at least a forty-eight credit hour  
 32 ~~master's degree, educational specialist certificate or degree, or doctorate.~~ or doctoral degree.

33

34

35 **Source:** 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998.  
 36 **General Authority:** SDCL 36-32-26.  
 37 **Law Implemented:** SDCL 36-32-13.

38

39 **20:68:03:02. Approved counseling program.** Academic requirements to become a  
 40 professional counselor must be completed through a board approved counseling program. An  
 41 Approved counseling programs are as follows is:

- 42
- 43 (1) A counseling program approved by the ~~CACREP~~ Council for Accreditation of Counseling  
 44 and Related Educational Programs; or
  - 45
  - 46 (2) An organized sequence of study in the area of counseling that includes graduate course  
 47 work in each of the following areas:
  - 48
  - 49 (a) Counseling theory: including a study of basic theories, principles of counseling, and  
 50 philosophical bases of the helping relationship;
  - 51
  - 52 (b) Counseling techniques: including individual counseling practices, methods, facilitative  
 53 skills, and the application of these skills;
  - 54

1 (c) Practicum: including a supervised training experience consisting of the provision of  
 2 counseling to clients or groups seeking services from counselors;

3  
 4 (i) A practicum consists of no less than 100 hours, of which 40 hours are direct  
 5 service;

6 (ii) Prior to the beginning of the practicum, the student must have completed a course  
 7 in counseling theory and a course in counseling techniques;

8 (iii) The practicum must be under the direction of a graduate faculty member;

9 (iv) The supervisor's evaluation of the trainee's work shall take place through face-to-  
 10 face contact;

11  
 12 (d) Internship: including an on-the-job experience in professional counseling under the  
 13 tutelage of an on-site supervisor who is a licensed professional counselor or licensed mental  
 14 health therapist. The supervised internship may be no less than 600 hours of which 240  
 15 hours must be in direct services;

16  
 17 (e) Human growth and development: including studies that provide a broad understanding  
 18 of the nature and needs of an individual at all developmental levels. Emphasis is placed on  
 19 psychological, sociological, and physiological approaches, human behavior (normal and  
 20 abnormal), personality theory, and learning theory;

21  
 22 (f) Social and cultural foundations: including studies of change, ethnic groups, subcultures,  
 23 changing roles of women, sexism, racism, ethnocentrism, urban and rural societies,  
 24 population patterns, cultural mores, use of leisure time, and differing life patterns;

25  
 26 (g) Group: including the study of group dynamics, group processes, practices and methods  
 27 of group counseling, supervised practice, facilitative skills, and theory and types of groups;

28  
 29 (h) Life-style and career development: including vocational-choice theory, relationship of  
 30 career choice to life-style, sources of occupational and educational information, approaches  
 31 to career decision-making processes, and career development exploration techniques;

32  
 33 (i) Appraisal of the individual: including the development of a framework for  
 34 understanding the individual, methods of data-gathering and interpretation, case study  
 35 approaches, individual and group psychological and educational testing, and the study of  
 36 individual differences with consideration of ethnic, cultural, and gender factors;

37  
 38 (j) Research and evaluation: including statistics, research design, the development of  
 39 research and demonstration proposals, and the development and evaluation of program  
 40 objectives;

41  
 42 (k) Professional, legal, and ethical considerations: including the study of professional  
 43 counseling organizations, codes of ethics, legal considerations, standards of preparation,  
 44 certification and licensure, and the professional role identity of counselors.

45  
 46 **Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25  
 47 SDR 85, effective December 22, 1998.

48 **General Authority:** SDCL 36-32-26.

49 **Law Implemented:** SDCL 36-32-13.

50  
 51 **20:68:03:03. Supervised counseling practicum.** Repealed.

52  
 53 **Source:** 18 SDR 67, effective October 16, 1991; repealed, 25 SDR 85, effective December  
 54 22, 1998.





- 1           (2) “Supervisor,” a supervisor who meets the requirements of this chapter and has been  
 2           approved by the board to provide post graduate supervision to an approved supervisee;  
 3  
 4           (3) “Supervisee,” an applicant for licensure as a professional counselor who is acquiring  
 5           necessary post graduate supervision hours for licensure under a board approved post  
 6           graduate plan of supervision;  
 7  
 8           (4) “Synchronous,” interaction between an individual or group of people using what is seen  
 9           and heard in person to communicate

10  
 11           **General Authority:** SDCL 36-32-26.

12           **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

13  
 14  
 15           **20:68:04:01. Plan of supervision.** ~~The supervisee and supervisor shall submit a completed~~  
 16 ~~plan of supervision on a form provided by the board along with official verification of a passing~~  
 17 ~~score on the National Counselor Examination for Licensure and Certification. The plan must be~~  
 18 ~~approved by the board prior to beginning the supervision experience.~~

19  
 20           ~~If the supervisee changes supervisors, the supervisee shall submit a new plan of supervision~~  
 21 ~~within 30 days.~~

22  
 23           **Post graduate supervision requirements – professional counselor.** Post graduate  
 24 supervision required for licensure as a professional counselor, as prescribed by SDCL 36-32-64,  
 25 shall take place pursuant to a board approved plan of supervision and consist of the following:

- 26  
 27           (1) A minimum of 1,000 hours of direct client contact. No more than two-hundred and fifty  
 28 direct client contact hours may be acquired by counseling provided through electronic  
 29 means, as prescribed by 20:68:06. All other direct client contact hours must be acquired  
 30 in-person;  
 31  
 32           (2) A minimum of 100 hours of supervision with a board approved supervisor. At least one  
 33 hour of supervision must take place for every 20 hours of direct client contact by the  
 34 supervisee. Supervision may be individual or with a group. For the purpose of this  
 35 chapter, individual supervision is supervision between a supervisor and one or two  
 36 supervisees. Group supervision is supervision between a supervisor and three or more  
 37 supervisees. No more than 50 hours of the required supervision may be group supervision.

38  
 39           Supervision must include at least five hours of each of the following supervision methods:

- 40  
 41           (1) Presentation and staffing of cases;  
 42           (2) Critiquing of audio or video counseling;  
 43           (3) Direct observations of the supervisee;  
 44           (4) Co-counseling with the supervisee; and  
 45           (5) Review of supervisee recordkeeping; and  
 46

47           Supervision may take place by electronic means, as prescribed by 20:68:06. Supervision  
 48 by electronic means must be synchronous.  
 49

1 (3) A minimum of 900 hours of counseling related activities. For purposes of this chapter, a  
2 supervisee accumulates 55 minutes of counseling related activity for each hour of direct  
3 client contact performed.

4  
5 Direct client contact hours and supervision hours shall be recorded on a form provided by the  
6 board. For the purpose of this chapter, only hours acquired with a board approved supervisor may  
7 be deemed compliant.

8  
9 **Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25  
10 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective  
11 August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

12 **General Authority:** SDCL 36-32-26.

13 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

14  
15 ~~**20:68:04:01.01. Exception to plan of supervision.** The board may approve the supervised~~  
16 ~~hours obtained subsequent to a master's degree while residing outside South Dakota provided that~~  
17 ~~training meets the supervision requirements pursuant to this chapter.~~

18  
19 **Recognition of supervision by a South Dakota licensing board – professional counselor.** The  
20 board may recognize direct client contact hours acquired pursuant to supervision approved and  
21 overseen by another South Dakota licensing board. Such hours must meet the definition of  
22 counseling, as prescribed by SDCL 36-32-47(3), and must be documented as prescribed by this  
23 chapter.

24  
25 **Source:** 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

26 **General Authority:** SDCL 36-32-26.

27 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

28  
29 ~~**20:68:04:01.02. Private practice not permitted.** For supervisees beginning a plan of~~  
30 ~~supervision after January 1, 2016, the supervisee may not practice counseling in private practice~~  
31 ~~during the first two years of an approved plan of supervision.~~

32  
33 **Personal counseling or therapy permitted as direct client contact hours.** For the purpose of this  
34 chapter, a supervisee may count a maximum of 100 hours of personal counseling or therapy as direct  
35 client contact hours necessary to meet the requirements of 20:68:04:01. The personal counseling or  
36 therapy must be with a professional counselor, professional counselor-mental health, certified social  
37 worker-private independent practice, psychologist, or psychiatrist and is subject to verification by  
38 the board. Personal counseling or therapy may not be with the supervisee's approved supervisor.

39  
40 **Source:** 42 SDR 97, effective January 4, 2016.

41 **General Authority:** SDCL 36-32-26.

42 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

43  
44 **20:68:04:02. Supervisor qualifications.** A board approved supervisor shall must be licensed  
45 in South Dakota by the applicable state licensing board and meet at least one of the following  
46 qualifications:

1 (1) ~~An Approved Clinical Supervisor (ACS) e~~Credentialed as an Approved Clinical  
 2 Supervisor by the Center for Credentialing & Education, Inc. and recognized by the National Board  
 3 for Certified Counselors, Inc. (NBCC) and Affiliates;

4  
 5 (2) ~~A~~Licensed as a professional counselor, ~~licensed~~ professional counselor-mental health,  
 6 ~~licensed~~ marriage and family therapist, certified social worker-private independent practice, ~~licensed~~  
 7 psychologist, or ~~licensed~~ psychiatrist, in good standing with the applicable state licensing board,  
 8 who has been actively licensed for at least two years prior to the beginning of supervision and proof  
 9 of at least four hours of qualified continuing education, pursuant to chapter 20:68:07, focused on  
 10 supervision within two years prior to the date of application;

11  
 12 (3) ~~A~~Licensed as a professional counselor, ~~licensed~~ professional counselor-mental health,  
 13 ~~licensed~~ marriage and family therapist, certified social worker-private independent practice, ~~licensed~~  
 14 psychologist, or ~~licensed~~ psychiatrist, in good standing with the applicable state licensing board,  
 15 who has been actively licensed for at least one year and has evidence of completing 15 hours of  
 16 supervision training pursuant to § chapter 20:68:07:09 within two years prior to the date of  
 17 application before beginning supervision; or

18  
 19 (4) An approved clinical supervisor by the American Association for Marriage and Family  
 20 Therapy ~~approved clinical supervisor.~~

21  
 22 Approval as a supervisor is automatically revoked if the approved supervisor ceases to meet  
 23 the qualification on which approval as a supervisor was granted or if the supervisor is subject to  
 24 disciplinary action by the applicable state licensing board.

25  
 26 **Source:** 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998;  
 27 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective August 29, 2005; 34 SDR 73, effective  
 28 September 17, 2007; 42 SDR 97, effective January 4, 2016.

29 **General Authority:** SDCL 36-32-26.

30 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

31  
 32 **20:68:04:03. Supervision requirements.** ~~Supervision is an intensive, interpersonal, focused~~  
 33 ~~relationship in which an approved supervisor is designated to facilitate the development of the~~  
 34 ~~therapeutic competence of supervisees and shall consist of:~~

35  
 36 (1) ~~At least 2,000 hours of post graduate counseling experience as defined in SDCL 36-32-~~  
 37 ~~1(5) completed within five years of the first plan of supervision approval date, of which at least 800~~  
 38 ~~hours is direct client contact and the remainder is counseling related activities such as case notes,~~  
 39 ~~research, consulting, or counseling continuing education. Counseling related activities do not~~  
 40 ~~include administrative tasks; and~~

41  
 42 (2) ~~A minimum of one hour of supervision per week for each week worked for a total of at~~  
 43 ~~least 100 hours, of which at least 50 hours shall be face to face. The balance may be face to face,~~  
 44 ~~group, or by telephone conferencing or interactive video conferencing. However, any telephone or~~  
 45 ~~video conferencing must be secure such that reasonable precautions have been taken to ensure that~~  
 46 ~~the conference will not be intercepted or listened to by unauthorized persons.~~

47  
 48 ~~Compliance shall be recorded on a supervision tracking form provided by the board.~~

1  
2 For the purpose of this chapter, if a supervisor supervises one or two supervisees per session  
3 it is individual supervision, and if a supervisor supervises three or more supervisees, it is group  
4 supervision. No more than 50 percent of the required hours may be group supervision hours.  
5

6 **Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25  
7 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective  
8 August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

9 **General Authority:** SDCL 36-32-26.

10 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.  
11

12 **20:68:04:04. Multiple supervisors.** If a supervisee has more than one approved supervisor  
13 during the same time period, the supervisee shall meet with at least one of the supervisors for a  
14 minimum of one hour each week worked. A supervisee may have more than one approved  
15 supervisor. Each supervisor is responsible for the supervision of the supervisee during the time an  
16 approved post graduate plan of supervision with the supervisor is in effect.  
17

18 **Source:** 42 SDR 97, effective January 4, 2016.

19 **General Authority:** SDCL 36-32-26.

20 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.  
21

22 **20:68:04:05. Supervisor methods.** A supervisor shall use, at a minimum, two of the four  
23 following supervision methods:  
24

- 25 (1) ~~The presentation and staffing of cases;~~  
26 (2) ~~The critiquing of audio or video counseling tapes;~~  
27 (3) ~~The direct observations of the supervisee; or~~  
28 (4) ~~Co-counseling with the supervisee.~~  
29

30 At a minimum, at least two of the four supervision methods must be used during the first six  
31 months of the supervision period.  
32

33 The supervisor shall document evidence of complying with the requirements on a form  
34 provided by the board upon completion of the supervision experience.  
35

36 **Source:** 42 SDR 97, effective January 4, 2016.

37 **General Authority:** SDCL 36-32-26.

38 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.  
39

40 **20:68:04:06. Supervisor duties.** The supervisor shall ensure that:—An approved supervisor  
41 is responsible for the meaningful supervision of a supervisee through an intensive, interpersonal,  
42 and focused relationship to facilitate the development of the supervisee during a period of post  
43 graduate supervision. An approved supervisor is responsible for ensuring:  
44

- 45 (1) Client welfare is protected;  
46 (2) A The supervisee functions within the limits of the supervisee's competence;  
47 (3) The training supervision occurs in activities relevant to the supervisee's position and  
48 academic background;

- 1 (4) The ~~training~~ supervision is designed to expand and improve skills in areas for which the  
 2 supervisee has academic background but inadequate training; and  
 3 (5) ~~That~~ ~~the~~ training supervision covers theoretical approaches in the following areas:  
 4 (a) Counseling psychotherapy techniques;  
 5 (b) Appraisal, evaluation, and diagnostic procedures;  
 6 (c) Treatment planning and implementation;  
 7 (d) Case management and record keeping;  
 8 (e) Professional identity and function; and  
 9 (f) Professional ethics and standards of practice.

10 ~~The supervisor and supervisee shall comply with the ACA Code of Ethics.~~

11 **Source:** 42 SDR 97, effective January 4, 2016.

12 **General Authority:** SDCL 36-32-26.

13 **Law Implemented:** SDCL 36-32-13(6), 36-32-26.

14 **References:** ~~ACA Code of Ethics, 2014 edition, American Counseling Association. Copies~~  
 15 ~~may be obtained by writing to ACA, 5999 Stevenson Ave., Alexandria, VA 22304, calling 800-347-~~  
 16 ~~6647, or online at www.counseling.org.~~

17 **20:68:04:07. Supervisor application.** ~~To be considered for board approved supervisor~~  
 18 ~~status, a licensee must submit:~~

- 19 (1) ~~A completed application provided by the board;~~  
 20 (2) ~~Verification of completing at least four hours of training in supervision pursuant to~~  
 21 ~~§ 20:68:07 in the previous five years immediately preceding the submission of the application;~~  
 22 (3) ~~Verification of liability insurance; and~~  
 23 (4) ~~A full disclosure of all ethical complaint settlements.~~

24 An applicant to be an approved supervisor shall submit to the board:

- 25 (1) A completed application;  
 26 (2) Verification of qualification(s), as prescribed by this chapter, to be an approved  
 27 supervisor;  
 28 (3) Verification of licensure, in good standing, by the applicable South Dakota state licensing  
 29 board;  
 30 (4) A statement of any criminal record, if applicable;  
 31 (5) A statement of any previous discipline, including denial, reprimand, revocation, or  
 32 suspension of a previously held license; and  
 33 (6) A recent photograph.

34 **Source:** 42 SDR 97, effective January 4, 2016.



**Source:** 18 SDR 67, effective October 16, 1991; 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 34 SDR 73, effective September 17, 2007.

**General Authority:** SDCL 36-32-13(7), 36-32-26.

**Law Implemented:** SDCL 36-32-13, 36-32-18.

## CHAPTER 20:68:06

### ~~LICENSED PROFESSIONAL COUNSELOR—MENTAL HEALTH~~

~~(Repealed. 25 SDR 85, effective December 22, 1998.)~~

### COUNSELING THROUGH ELECTRONIC MEANS

#### Section

20:68:06:01

Definitions.

20:68:06:02

Standards for counseling through electronic means.

**20:68:06:01. Definitions.** Terms in this chapter mean:

- (1) “Electronic means,” any technology used to provide or receive counseling services;
- (2) “HIPAA,” the Health Insurance Portability and Accountability Act of 1996, amended January 1, 2020;

**Source:**

**General Authority:**

**Law Implemented:**

**20:68:06:02. Standards for counseling through electronic means.** Counseling provided through electronic means shall adhere to the requirements of this article, HIPPA regulations, and the ethical requirements of 20:68:08. Failure to adhere to these regulations and requirements may be considered unprofessional conduct by the board subject to discipline.

**Source:**

**General Authority:**

**Law Implemented:**

## CHAPTER 20:68:07

### CONTINUING EDUCATION

#### Section

20:68:07:01

Definitions.

20:68:07:02

~~Continuing education compliance period.~~ Repealed.

20:68:07:03

Continuing education requirements.

20:68:07:04

~~Proof of compliance required.~~ Record keeping.



1	20:68:07:05	<del>Notice of noncompliance. Repealed.</del>
2	20:68:07:06	<del>Sources of continuing education credit. <u>Qualified continuing education.</u></del>
3		<del>Restrictions on continuing education credit.</del>
4	20:68:07:07	<del>Standards for approval. Repealed.</del>
5	20:68:07:08	<del>Approval of sponsors. <u>Approved continuing education programs.</u></del>
6	20:68:07:09	<del>State board approval of programs.</del>
7	20:68:07:09.01	<del>Prior approval of activities. Repealed.</del>
8	20:68:07:10	<del>Post approval of activities. Repealed.</del>
9	20:68:07:11	<del>Review of programs — Reevaluation of sponsors. Repealed.</del>
10	20:68:07:12	<del>Credit for presentations and publications.</del>
11	20:68:07:13	<del>Application for w <u>Waiver of continuing education requirements.</u></del>
12	20:68:07:14	<del>Repealed.</del>
13	20:68:07:15 and 20:68:07:16	<del>Repealed.</del>
14	20:68:07:17	<del>Reinstatement of inactive license. Repealed.</del>
15	20:68:07:18	<del>Suspension or revocation of license. Repealed.</del>

**20:68:07:01. Definitions.** Terms in this chapter mean:

(1) ~~"Continuing education cycle," an academic course, workshop, clinic, forum, lecture, program, seminar, or other educational activity developed for the purpose of increasing or sustaining the proficiency of the licensee in the practice of counseling a two-year period that begins on December 1 of an even numbered year and ends on November 30 of the next even-numbered year;~~

(2) ~~"Licensee," a person licensed to practice as a licensed professional counselor, a licensed professional counselor mental health, or a licensed marriage and family therapist in this state;~~

(3) ~~"Approved program," a continuing education program which meets the standards in § 20:68:07:08 and which has received the approval of the board;~~

(4) ~~"Approved sponsor," a person or organization sponsoring continuing education activities which has been approved by the board as a sponsor pursuant to § 20:68:07:09;~~

(5) ~~"In-house program," a program planned and presented by the licensee for the purpose of educating the staff in the same office;~~

(6) ~~"Contact hour," 60 minutes of continuing education program.~~

**Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 34 SDR 73, effective September 17, 2007.

**General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

**Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

~~**20:68:07:02. Continuing education compliance period.** The continuing education compliance period begins January 1 of each even numbered year and ends December 31 of each odd numbered year. The first compliance period for a new licensee begins after the second renewal date.~~

~~**Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998.~~

~~**General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~**Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~**20:68:07:03. Continuing education requirements.** During the continuing education compliance period, each licensee must complete at least 40 contact hours of approved continuing~~

~~education without duplicating the same course. Four of those contact hours shall be on the subject of counseling ethics. This shall be documented by a published program, title, or description. Approved supervisors shall complete four hours of counselor supervision education within the 40 contact hours. A licensee shall complete forty hours of qualified continuing education in each continuing education cycle. At least four of the continuing education hours shall be on the subject of counseling ethics. Continuing education required for renewal of a license shall be prorated in six month increments for a licensee granted an initial license during a continuing education cycle. Upon application for renewal, a licensee shall verify under penalties of perjury that all continuing education information provided on the application is true and correct. The licensee must supply sufficient detail to permit verification of the qualified continuing education if notified of an audit by the board.~~

~~Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 42 SDR 97, effective January 4, 2016.~~

~~General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~**20:68:07:04. Proof of compliance required.** Compliance with the requirements for continuing education is a prerequisite for license renewal. Each licensee must submit copies of evidence satisfying the requirements of § 20:68:07:03 during the compliance period.~~

~~— On the form which the board provides to show compliance with § 20:68:07:03, the licensee applying for renewal shall list the continuing education activities which the licensee participated in or attended, the amount of credit received for each program, and the date, location, and name of the approved provider which sponsored the program. Each licensee is responsible for retaining the original certificate or other record of credit from continuing education programs received from approved providers for at least five years for audit purposes as prescribed in § 20:68:07:18.~~

~~**Record keeping.** The licensee shall maintain records to verify continuing education used to renew a license. A licensee shall maintain verification records in the form of a completion certificate or other documents supporting evidence of completion. These records must be maintained for four years after the date of renewal of the license.~~

~~Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998.~~

~~General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~**20:68:07:05. Notice of noncompliance.** If the licensee does not submit the evidence required by § 20:68:07:04 at the time the application for renewal of the license is submitted, the board shall notify the licensee in writing. Unless an extension of time to meet the requirements of § 20:68:07:03 is granted or a waiver of the requirements is approved, the license shall be revoked as provided in § 20:68:07:18.~~

~~— Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998.~~

~~— General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~— Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~**Cross-Reference:** Waiver of continuing education requirements — Inactive status, § 20:68:07:15.~~

~~**20:68:07:06. Sources of continuing education credit.** The licensee may obtain hours of continuing education credit by attending and participating in continuing education courses,~~

~~workshops, clinics, forums, lectures, programs, seminars, distance learning programs, or other educational activities either previously approved by the board pursuant to § 20:68:07:09 or otherwise meeting the requirements in this chapter and approved by the board pursuant to § 20:68:07:08. A continuing education unit equals 10 contact hours and a semester of academic credit equals 15 contact hours.~~

~~Continuing education activities must be geared toward professionals and must focus on increasing knowledge or skills, or both, in the practice of counseling.~~

~~The licensee is responsible for financing the costs of continuing education.~~

**Qualified continuing education.** Qualified continuing education is an academic course, workshop, clinic, forum, lecture, program seminar, or other educational activity delivered for the purpose of increasing or sustaining the proficiency of the licensee in the practice of counseling, as defined in SDCL 36-32-47(3).

An academic semester credit equals fifteen continuing education hours and a quarter credit equals ten continuing education requirements hours.

No qualified continuing education may be repeated in consecutive continuing education cycles.

**Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004.

**General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

**Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

**20:68:07:07. Restrictions on continuing education credit.** A licensee may not receive more than eight contact hours during a continuing education compliance period ~~for~~ from qualified in-house programs.

**Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004.

**General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

**Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

~~**20:68:07:08. Standards for approval.** A continuing education course, workshop, clinic, forum, lecture, program, seminar, distance learning program, or other educational activity is qualified for approval by the board pursuant to this section, § 20:68:07:09, or § 20:68:07:10 if it meets the following requirements:~~

~~(1) It constitutes an organized program of learning which contributes directly to the professional competence of the licensee in serving the public;~~

~~(2) It relates to the practice of counseling;~~

~~(3) It is conducted by individuals considered experts in the subject matter of the program because of education, training, or experience; and~~

~~(4) It is accompanied by a paper, manual, or written outline which substantially pertains to the subject matter of the program.~~

~~Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004.~~

~~General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~20:68:07:09. Approval of sponsors. The board will accept continuing education credits for programs accredited, approved, or presented by the following national organizations:~~

- ~~(1) National Board for Certified Counselors (NBCC);~~
- ~~(2) American Psychological Association (APA);~~
- ~~(3) American Association of Marriage and Family Therapists (AAMFT);~~
- ~~(4) National Association of Social Workers (NASW);~~
- ~~(5) Commission on Rehabilitation Counselor Certification (CRCC);~~
- ~~(6) American Medical Association Physician's Recognition Award Category 1 Credit (AMA PRA Category 1 Credit); and~~
- ~~(7) Joint Commission for Accreditation of Health Care Organizations (JCAHCO).~~

~~Approved continuing education programs. The board will accept qualified continuing education programs accredited, approved, or presented by the following organizations or the organization's state affiliate:~~

- ~~(1) American Association of Social Workers;~~
- ~~(2) American Association of Marriage and Family Therapists;~~
- ~~(3) American Medical Association;~~
- ~~(4) American Psychological Association;~~
- ~~(5) Commission on Rehabilitation Counselor Certification;~~
- ~~(6) Joint Commission for Accreditation of Health Care Organizations;~~
- ~~(7) National Board for Certified Counselors;~~
- ~~(8) South Dakota Board of Addiction and Prevention Professionals;~~
- ~~(9) South Dakota Board of Examiners for Psychologists;~~
- ~~(10) South Dakota Board of Social Work Examiners;~~
- ~~(11) South Dakota Association of Addiction and Prevention Professionals;~~
- ~~(12) South Dakota Corrections Association;~~
- ~~(13) South Dakota Counseling Association;~~
- ~~(14) South Dakota Department of Human Services;~~
- ~~(15) South Dakota Department of Social Services; or~~
- ~~(16) The state licensing board for counselors of another state.~~

~~The board may approve other qualified continuing education programs upon request. A licensee that desires approval of continuing education program may apply on a form approved by the board.~~

~~Source: 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 30 SDR 121, effective February 17, 2004; 34 SDR 73, effective September 17, 2007.~~

~~General Authority: SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

~~Law Implemented: SDCL 36-32-23, 36-32-43, 36-33-14.~~

~~20:68:07:09.01. State board approval of programs. The board may accept continuing education credits for programs preapproved by a licensing board for counselors of another state.~~

~~Source: 28 SDR 51, effective October 14, 2001.~~

1 **General Authority:** ~~SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

2 **Law Implemented:** ~~SDCL 36-32-23, 36-32-43, 36-33-14.~~

3  
4 **20:68:07:10. Prior approval of activities.** ~~An organization or presenter other than an~~  
5 ~~approved sponsor which desires prior approval of a continuing education program of any nature~~  
6 ~~shall apply to the board at least 30 days before the program is to be presented. The organization or~~  
7 ~~presenter shall apply for approval on a form provided by the board. The application shall state the~~  
8 ~~dates, subjects offered, total hours of instruction, names and qualifications of speakers, and other~~  
9 ~~pertinent information. The board shall notify the applicant in writing of its decision within 30 days~~  
10 ~~after receipt of the application.~~

11  
12 **Source:** ~~23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR~~  
13 ~~51, effective October 14, 2001.~~

14 **General Authority:** ~~SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

15 **Law Implemented:** ~~SDCL 36-32-23, 36-32-43, 36-33-14.~~

16  
17 **20:68:07:11. Post approval of activities.** ~~An organization, presenter, or attendee seeking~~  
18 ~~post approval of a program shall submit to the board, within 30 days after completion of the program~~  
19 ~~its dates, subjects, instructors and their qualifications, the number of contact hours requested, and~~  
20 ~~the fee required in § 20:68:02:03. Within 30 days after receipt of the application, the board shall~~  
21 ~~advise the organization, presenter, or attendee in writing whether the program is approved and the~~  
22 ~~number of contact hours allowed.~~

23  
24 **Source:** ~~23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR~~  
25 ~~121, effective February 17, 2004.~~

26 **General Authority:** ~~SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.~~

27 **Law Implemented:** ~~SDCL 36-32-23, 36-32-43, 36-33-14.~~

28  
29 **20:68:07:12. Review of programs — Reevaluation of sponsors.** ~~The board may monitor or~~  
30 ~~review any continuing education program that has been approved by the board. If the board finds~~  
31 ~~evidence of significant variation in the program presented compared to the program approved, the~~  
32 ~~board may revoke the approval of the sponsor or approval of the continuing education program. The~~  
33 ~~sponsor or program whose approval is revoked must apply for reapproval under § 20:68:07:08 or~~  
34 ~~20:68:07:09.~~

35  
36 ~~The board may at any time reevaluate an approved sponsor. After reevaluation, if the board~~  
37 ~~finds there is a basis for consideration of revocation of the approval of a sponsor, the board shall~~  
38 ~~give notice in writing to that sponsor of a hearing on the revocation of approval at least 30 days~~  
39 ~~before the hearing.~~

40  
41 **Source:** ~~23 SDR 8, effective July 25, 1996.~~

42 **General Authority:** ~~SDCL 36-32-23, 36-32-26, 36-32-43.~~

43 **Law Implemented:** ~~SDCL 36-32-23, 36-32-43.~~

44  
45 **20:68:07:13. Credit for presentations and publications.** ~~A licensee who has prepared an~~  
46 ~~academic counseling course, a counseling in-service training workshop, or a counseling seminar or~~  
47 ~~who has written as first author a counseling article accepted for publication in a recognized~~  
48 ~~professional journal is allowed a maximum of ten contact hours in each compliance period for each~~  
49 ~~original presentation or publication. The licensee making a presentation in a course, workshop, or~~  
50 ~~seminar must secure prior approval from the board by providing the board with a written summary~~  
51 ~~of the intent to present on a form provided by the board 30 days prior to the presentation and one~~  
52 ~~letter of reference from a licensed counselor that verifies the intent. Verification of completion of~~  
53 ~~the presentation or the letter of acceptance to publish, must be submitted to the board by the licensee~~  
54 ~~maintained by the licensee consistent with the requirements of this chapter.~~

1 **Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 28 SDR  
2 51, effective October 14, 2001; 30 SDR 121, effective February 17, 2004.

3 **General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

4 **Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

5  
6 **20:68:07:14. Application for ~~w~~Waiver of continuing education requirements.** A licensee  
7 may request a waiver of the continuing education requirements by applying in writing to the board.  
8 The application shall contain the reasons for the request and supporting documentation. The board  
9 may waive any part or all of the continuing education requirements in § 20:68:07:03 for a two-year  
10 compliance period for the following reasons:

11  
12 (1) ~~The licensee served active duty in the armed forces of the United States during any part~~  
13 ~~of the period since the license was issued or last renewed; or~~

14  
15 (2) ~~The licensee has an incapacitating illness or disability documented by a licensed~~  
16 ~~physician.~~

17  
18 The board may waive the continuing education requirements of this chapter upon a request, in  
19 writing, from a licensee, and a showing of good cause for the waiver of the continuing education  
20 requirements. Continuing education requirements may not be waived for more than one continuing  
21 education cycle.

22  
23 **Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR  
24 121, effective February 17, 2004.

25 **General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

26 **Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

27  
28 **20:68:07:15. Waiver of continuing education requirements -- Inactive status.** Repealed.

29  
30 **Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998;  
31 repealed, 30 SDR 121, effective February 17, 2004.

32  
33 **20:68:07:16. Termination of inactive status.** Repealed.

34  
35 **Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998;  
36 repealed, 30 SDR 121, effective February 17, 2004.

37  
38 **20:68:07:17. Reinstatement of inactive license.** An inactive practitioner seeking to reinstate  
39 a license which has not been renewed within two years must present evidence of having completed  
40 at least 20 contact hours of approved continuing education within the year preceding the application  
41 for reinstatement and pay the renewal fee for the current year, along with the late fee pursuant to  
42 § 20:68:02:03. This section does not apply to a revoked or suspended license.

43  
44 **Source:** 23 SDR 8, effective July 25, 1996; 25 SDR 85, effective December 22, 1998; 30 SDR  
45 121, effective February 17, 2004.

46 **General Authority:** SDCL 36-32-23, 36-32-26, 36-32-43, 36-33-14.

47 **Law Implemented:** SDCL 36-32-23, 36-32-43, 36-33-14.

48  
49 **20:68:07:18. Suspension or revocation of license.** The board may suspend or revoke a  
50 license after the investigation or review, or both, of suspected noncompliance with this chapter.  
51 Upon request for renewal of the South Dakota license, the licensee is responsible for reasonable  
52 expenses incurred by the board or the board's representative relating to the investigation or review  
53 of the suspected noncompliance complaint, plus regular renewal fees.  
54

