



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

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

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

Via Videoconference

Friday, August 27, 2021 – 10:00 AM CDT

Join the Meeting via Zoom

<https://us02web.zoom.us/j/82748111983?pwd=WE5tV1lGNXNJdnVqZE1qeUgyclRjZz09>

or call 1-312-626-6799

Meeting ID: 827 4811 1983

Passcode: 746108

REVISED

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 9, 2021
- 5) Financial Report as of June 30, 2021
- 6) Executive Session (Pursuant to SDCL 1-25-2(3) for consultation with legal counsel for consideration of proposed contested cases or litigation)
- 7) Old Business
 - a. Expiration of Executive Order 2020-34 (waiver of national examinations)
 - b. Implementation of SDCL 36-1C
 - c. Implementation of SDCL 36-1D
 - d. Records Retention Policy Draft
- 8) New Business
 - a. Hearing in the Matter of the Licensed Professional Counselor by Endorsement Application of J. Dahl (11:00 am)
 - b. Office Update
 - c. Proposed Policy on Continuing Education Proration
 - d. Proposed Policy on License Duration
 - e. ASRD 20:68:04:10 and 20:71:05:02 clarification
 - f. SDCL 36-32-68; 36-33-46 clarification
 - g. Counseling Regulatory Board Summit Report
 - h. Proposed 2022 Meeting Schedule
 - i. AASCB Meeting (February 2-4, 2022)
- 9) Other Business
 - a. DSS Updates
- 10) Announcements
 - a. Next Meeting: November 5th 9:00 am – 11:00 am (teleconference)
- 11) Adjourn



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South Dakota Board of Examiners for Counselors & Marriage and Family Therapists
Via Videoconference
April 9, 2021

President Rice Brinkworth called the meeting to order at 9:01 am central and determined a quorum.

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

Board Members Absent: None.

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Karen Cudmore, administrative staff; Erin Handke, Assistant Attorney General; Ryan Loker, Board Legal Counsel, Department of Social Services, and Marilyn Kinsman, Department of Social Services

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

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

Motion to approve the meeting minutes of January 29, 2021 by Wangen. Seconded by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Motion to accept the financial report as of February 27, 2021 by Brown. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Motion to go into executive session for consideration of contested cases and contractual matters at 9:11 am by Konz. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.** Konz was excused from a portion of the executive session.

Rice Brinkworth declared the Board out of executive session at 10:46 am.

Motion to adopt the proposed Findings of Fact, Conclusions of Law and Order in the matter of R. Meyers with clarifications to Finding of Fact 17 and Order 5 by Wangen. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Schrenk, Trenhaile and Wangen voted aye. Konz abstained. **Motion carried.**

Motion to dismiss Complaint 2021-01 by Butler. Seconded by Trenhaile. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Trenhaile and Wangen voted aye. Schrenk abstained. **Motion carried.**

Stalley provided an update on Executive Order 2020-34 which is set to expire on June 30, 2021. All LPC-MH licensees who were issued a license pending NCMHCE exam have completed and passed the exam. Two LPC Plan of Supervision supervisees who will need to complete the NCE exam prior to applying for licensure. Moving forward, all applicants are required to take the respective examinations before being issued a plan of supervision or LPC-MH license.

Stalley provide the Board an update on the licensee database. Work is underway on the electronic application and reviewer options. This is the second phase of the database development. The completion of the first phase necessitated a revision to the Board's Records Retention Policy. Files are now filed by licensee ID numbers rather than last names. Board staff presented draft changes to the Board's Records Retention Policy based on the filing system updates.

Motion for Board staff to work with the Department of Social Services on finalizing the Records Retention Policy by Butler. Seconded by Brown. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Motion to renew the contract with Midwest Solutions for executive and administrative services with a 3% increase in the contract by Trenhaile. Seconded by Butler. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Brown, Hartman, Konz, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Kinsman noted no additional updates from the Department of Social Services.

The Board's next meeting is scheduled for August 27, 2021 at 10:00 am (central) in Pierre.

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

The Board adjourned at 11:15 am.

Respectfully Submitted,

Jennifer Stalley, Executive Secretary

Remaining Authority by Object/Subobject

Expenditures current through 07/03/2021 01:50:58 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

0891	Board of Counselor Examiners - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
EMPLOYEE SALARIES							
5101010 F-t Emp Sal & Wages	0	1,223	0	0	-1,223	0.0	
5101030 Board & Comm Mbrs Fees	3,141	3,360	0	0	-219	0.0	
Subtotal	3,141	4,583	0	0	-1,442	0.0	
EMPLOYEE BENEFITS							
5102010 Oasi-employer's Share	321	350	0	0	-29	0.0	
5102020 Retirement-er Share	0	73	0	0	-73	0.0	
5102060 Health Insurance-er Share	0	189	0	0	-189	0.0	
5102080 Worker's Compensation	0	7	0	0	-7	0.0	
5102090 Unemployment Compensation	0	1	0	0	-1	0.0	
Subtotal	321	620	0	0	-299	0.0	
51 Personal Services							
Subtotal	3,462	5,203	0	0	-1,741	0.0	
TRAVEL							
5203030 Auto-priv (in-st.) H/rte	4,331	0	0	0	4,331	100.0	
5203100 Lodging/in-state	1,507	0	0	0	1,507	100.0	
5203130 Non-employ. Travel-in St.	1,100	0	0	0	1,100	100.0	
5203140 Meals/taxable/in-state	112	0	0	0	112	100.0	
5203150 Non-taxable Meals/in-st	450	0	0	0	450	100.0	
5203260 Air-comm-out-of-state	2,000	0	0	0	2,000	100.0	
5203280 Other-public-out-of-state	180	0	0	0	180	100.0	
5203300 Lodging/out-state	2,024	0	0	0	2,024	100.0	
5203320 Incidentals-out-of-state	75	0	0	0	75	100.0	
5203330 Non-employ Travel-out-st.	1,000	0	0	0	1,000	100.0	
5203350 Non-taxable Meals/out-st	700	0	0	0	700	100.0	
Subtotal	13,479	0	0	0	13,479	100.0	
CONTRACTUAL SERVICES							
5204020 Dues & Membership Fees	1,550	1,400	0	0	150	9.7	
5204050 Computer Consultant	0	26,270	0	0	-26,270	0.0	
5204080 Legal Consultant	7,000	0	0	0	7,000	100.0	
5204090 Management Consultant	54,605	67,251	0	0	-12,646	0.0	
5204131 Other Consulting	7,500	0	0	0	7,500	100.0	
5204160 Workshop Registration Fee	1,550	375	0	0	1,175	75.8	
5204200 Central Services	82	0	0	0	82	100.0	
5204201 Central Services	1,584	1,853	0	0	-269	0.0	

Remaining Authority by Object/Subobject

Expenditures current through 07/03/2021 01:50:58 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

0891	Board of Counselor Examiners - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
5204204 Central Services	0	202	0	0	-202	0.0	
5204207 Central Services	521	1,271	0	0	-750	0.0	
5204360 Advertising-newspaper	300	172	0	0	128	42.7	
5204460 Equipment Rental	750	0	0	0	750	100.0	
5204510 Rents-other	3,300	0	0	0	3,300	100.0	
5204530 Telecommunications Srves	1,100	0	0	0	1,100	100.0	
5204590 Ins Premiums & Surety Bds	2,270	592	0	0	1,678	73.9	
5204740 Bank Fees And Charges	0	3,750	0	0	-3,750	0.0	
5204960 Other Contractual Service	0	31	0	0	-31	0.0	
Subtotal	82,112	103,167	0	0	-21,055	0.0	
SUPPLIES & MATERIALS							
5205020 Office Supplies	0	401	0	0	-401	0.0	
5205028 Office Supplies	400	325	0	0	75	18.8	
5205310 Printing-state	0	349	0	0	-349	0.0	
5205328 Printing-commercial	1,350	0	0	0	1,350	100.0	
5205350 Postage	2,000	2,279	0	0	-279	0.0	
5205390 Food Stuffs	150	0	0	0	150	100.0	
Subtotal	3,900	3,354	0	0	546	14.0	
52 Operating							
Subtotal	99,491	106,521	0	0	-7,030	0.0	
Total	102,953	111,724	0	0	-8,771	0.0	

**BOARD OF COUNSELOR EXAMINERS
REVENUE SUMMARY
FOR MONTH ENDING 06-30-21**

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		2021	12	\$ 4,700.00	\$ 500.00
6503	4293946	0	0	0891000	648		2021	12	\$ 2,000.00	\$ 100.00
6503	4293947	0	0	0891000	648		2021	12	\$ 9,900.00	\$ 1,800.00
6503	4293948	0	0	0891000	648		2021	12	\$ 96,850.00	\$ -
6503	4293949	0	0	0891000	648		2021	12	\$ 50.00	\$ -
6503	4293950	0	0	0891000	648		2021	12	\$ 5,500.00	\$ 500.00
6503	4293951	0	0	0891000	648		2021	12	\$ 1,700.00	\$ 300.00
6503	4293952	0	0	0891000	648		2021	12	\$ 8,675.00	\$ 2,100.00
6503	4293953	0	0	0891000	648		2021	12	\$ 76,050.00	\$ -
6503	4293961	0	0	0891000	648		2021	12	\$ 900.00	\$ -
6503	4293962	0	0	0891000	648		2021	12	\$ 75.00	\$ -
6503	4293963	0	0	0891000	648		2021	12	\$ 100.00	\$ -
6503	4293980	0	0	0891000	648		2021	12	\$ 300.00	\$ -
6503	4293981	0	0	0891000	648		2021	12	\$ 600.00	\$ 100.00
6503	4293982	0	0	0891000	648		2021	12	\$ 850.00	\$ 225.00
6503	4293983	0	0	0891000	648		2021	12	\$ 19,375.00	\$ -
6503	4293990	0	0	0891000	648		2021	12	\$ 50.00	\$ -
6503	4896000	0	0	0891000	648		2021	12	\$ 850.00	\$ -
6503	4920045			0891000	648		2021	12	\$ 2,646.60	\$ -
									\$ 231,171.60	\$ 5,625.00

**BOARD OF COUNSELOR EXAMINERS
REVENUE DETAIL
FOR MONTH ENDING 06-30-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	DESCRIPTION	AMOUNT
6503	4293945	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ (300.00)
6503	4293945	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 300.00
6503	4293945	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 300.00
6503	4293946	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293947	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 675.00
6503	4293950	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 200.00
6503	4293952	0	0	0891000	648	12	14	2021	C08210244	BOARD OF COUNSELOR EXAMINERS C	\$ 975.00
6503	4293945	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ (200.00)
6503	4293945	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 200.00
6503	4293945	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 200.00
6503	4293947	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 225.00
6503	4293950	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293951	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293952	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 675.00
6503	4293981	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 100.00
6503	4293982	0	0	0891000	648	12	28	2021	C08210254	BD OF COUNSELOR EXAMINERS C	\$ 225.00
6503	4293947	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ (900.00)
6503	4293947	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ 900.00
6503	4293947	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ 900.00
6503	4293950	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ 200.00
6503	4293951	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ 200.00
6503	4293952	0	0	0891000	648	12	30	2021	C08210257	BD OF COUNSELOR C	\$ 450.00
											\$ 5,625.00

**BOARD OF COUNSELOR EXAMINERS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 06-30-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0891000	648		2021	12	\$ 1,400.00	\$ -
6503	5204050	0	0	COMPUTER CONSULTANT	0891000	648		2021	12	\$ 26,270.00	\$ 267.50
6503	5204090	0	0	MANAGEMENT CONSULTANT	0891000	648		2021	12	\$ 67,250.59	\$ 5,364.10
6503	5204160	0	0	WORKSHOP REGISTRATION FEE	0891000	648		2021	12	\$ 375.00	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0891000	648		2021	12	\$ 1,852.93	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0891000	648		2021	12	\$ 202.30	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0891000	648		2021	12	\$ 1,270.57	\$ -
6503	5204360	0	0	ADVERTISING-NEWSPAPER	0891000	648		2021	12	\$ 171.53	\$ -
6503	5204590	0	0	INS PREMIUMS & SURETY BDS	0891000	648		2021	12	\$ 592.38	\$ -
6503	5204740	0	0	BANK FEES AND CHARGES	0891000	648		2021	12	\$ 3,750.24	\$ 17.65
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0891000	648		2021	12	\$ 30.68	\$ -
6503	5205020	0	0	OFFICE SUPPLIES	0891000	648		2021	12	\$ 401.42	\$ -
6503	5205028	0	0	OFFICE SUPPLIES	0891000	648		2021	12	\$ 325.00	\$ -
6503	5205310	0	0	PRINTING-STATE	0891000	648		2021	12	\$ 349.27	\$ -
6503	5205350	0	0	POSTAGE	0891000	648		2021	12	\$ 2,279.29	\$ 54.90
6503	5101010	0	0	F-T EMP SAL & WAGES	0891000	648		2021	12	\$ 1,222.95	\$ 139.15
6503	5101030	0	0	BOARD & COMM MBRS FEES	0891000	648		2021	12	\$ 3,360.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0891000	648		2021	12	\$ 350.00	\$ 10.63
6503	5102020	0	0	RETIREMENT-ER SHARE	0891000	648		2021	12	\$ 73.38	\$ 8.34
6503	5102060	0	0	HEALTH/LIFE INS.-ER SHARE	0891000	648		2021	12	\$ 188.84	\$ 21.49
6503	5102080	0	0	WORKER'S COMPENSATION	0891000	648		2021	12	\$ 7.36	\$ 0.83
6503	5102090	0	0	UNEMPLOYMENT COMPENSATION	0891000	648		2021	12	\$ 1.27	\$ 0.17
										\$ 111,725.00	\$ 5,884.76

BOARD OF COUNSELOR EXAMINERS
 EXPENDITURE DETAIL REPORT
 FOR MONTH ENDING 06-30-21

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	FUND CENTER	SUB SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	VENDOR NUMBER/ INVOICE NUMBER	CHECK NUMBER	VENDOR NAME	AMOUNT
6503	5101010	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 72.92
6503	5102010	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 5.57
6503	5102020	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 4.37
6503	5102060	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 11.25
6503	5102080	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 0.44
6503	5102090	0	0	0891000	648	12	01	2021	CGEX210526	C			\$ 0.08
6503	5204740	0	0	0891000	648	12	08	2021	D0821BF035	BOARD OF COUNSELOR BANK FEES	MC21368		\$ 17.65
6503	5204740	0	0	0891000	648	12	08	2021	D0821BF035	BOARD OF COUNSELOR FEES	C MC21368		\$ 17.65
6503	5204740	0	0	0891000	648	12	08	2021	D0821BF035	BOARD OF COUNSELOR BANK FEES	MC21368		\$ 17.65
6503	5204740	0	0	0891000	648	12	08	2021	D0821BF035	BOARD OF COUNSELOR FEES	C MC21368		\$ (17.65)
6503	5204740	0	0	0891000	648	12	08	2021	D0821BF035	BOARD OF COUNSELOR BANK FEES	MC21368		\$ (17.65)
6503	5204050	0	0	0891000	648	12	08	2021	660314	1230106821SC081015-FEB	0M 00002399076	ALBERTSONC	\$ 267.50
6503	5205350	0	0	0891000	648	12	08	2021	MS105033	CENTRAL MAIL SERVICES	C	0891	\$ 54.90
6503	5204090	0	0	0891000	648	12	10	2021	661946	1219990221SC081003-MAY	0M 00100725324	MIDWESTSOL	\$ 5,364.10
6503	5101010	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 66.23
6503	5102010	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 5.06
6503	5102020	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 3.97
6503	5102060	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 10.24
6503	5102080	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 0.39
6503	5102090	0	0	0891000	648	12	16	2021	CGEX210611	C			\$ 0.09
													\$ 5,884.76



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR
KRISTI NOEM | GOVERNOR

June 28, 2021

Board of Examiners for Counselors & Marriage and Family Therapists
PO Box 340
1351 North Harrison Avenue
Pierre, SD 57501
And via email SDBCE@midwestsolutionsd.com

Dear Executive Director and Board Members,

The COVID pandemic has presented so many challenges to all of us, the least of which is to our healthcare workers in all the fields of practice. Those providers have answered the call to take care of people and for that, I am so appreciative.

In recognition of the challenges to not only recruit healthcare providers but to also retain workers during the pandemic, I suspended several provisions of statutes and administrative rules to cope with this emergency, including the statutory provision of SDCL 36-32-65 and the regulatory provision of ARSD 20:71:05:02 requiring applicants to submit proof of completing examination requirements to prevent delaying licensure during the emergency.

We have done a tremendous job of coming together as a state to combat this pandemic and our case counts have declined dramatically. A state of emergency is no longer necessary. Therefore, licensed professional counselors-mental health and licensed marriage and family therapists who were granted a license or plan of supervision without having submitted the proof of examination pursuant to Executive Order 2020-25, which was extended by Executive Order 2020-34, shall submit proof of examination to their respective state licensing Board by August 31, 2021.

We fought this pandemic together. Thank you for all you do in serving the courageous healthcare providers that you license.

Best regards,

A handwritten signature in blue ink, appearing to read "Kristi Noem", written over a faint circular stamp.

Kristi Noem
Governor

CC: Secretary Gill, Department of Social Services

CHAPTER [36-1C](#)
UNIFORM COMPLAINT AND DECLARATORY RULING PROCEDURES

- [36-1C-1](#) Definitions.
 - [36-1C-2](#) Complaints--Jurisdiction.
 - [36-1C-3](#) Receipt of complaint--Time to respond--Failure to respond.
 - [36-1C-4](#) Investigation--Dismissal permitted.
 - [36-1C-5](#) Option to authorize limited administrative fines for specified violations.
 - [36-1C-6](#) Informal disposition--Notice.
 - [36-1C-7](#) Formal complaint.
 - [36-1C-8](#) Response to formal complaint.
 - [36-1C-9](#) Notice of hearing.
 - [36-1C-10](#) Appearance required of applicant or licensee.
 - [36-1C-11](#) Board or commission member disqualified.
 - [36-1C-12](#) Written waiver of procedures.
 - [36-1C-13](#) Promulgation of rules.
 - [36-1C-14](#) Petition for declaratory ruling.
 - [36-1C-15](#) Action on petition.
 - [36-1C-16](#) Appeal of declaratory ruling.
-

[36-1C-1](#). Definitions.

Terms used in this chapter mean:

- (1) "Administrator," the executive director, executive secretary, or other person designated as being responsible for a professional or occupational licensing's board, commission, or agency operation;
- (2) "Agency," a professional or occupational licensing board, commission, or agency set forth in title 36;
- (3) "Complaint," an allegation of a violation of the laws or rules of a professional or occupational licensing board, commission, or agency set forth in title 36;
- (4) "Investigative committee," one or more persons employed or contracted by a professional or occupational licensing board, commission, or agency set forth in title 36 to review and investigate complaints;
- (5) "License," any certification, license, permit, or other authorization related to the practice of any profession or occupation regulated under title 36.

Source: SL 2021, ch 168, § 1.

[36-1C-2](#). Complaints--Jurisdiction.

Any person claiming that a licensee or an applicant for a license under title 36 has engaged in or is engaging in conduct constituting grounds for disciplinary action, as enumerated in the laws or rules of the agency, may file with the agency a written complaint. The agency shall require the complaining party to file a complaint stating the name of the applicant or licensee against whom the complaint is made and setting out, in full detail, the conduct that is alleged to be in violation and may prescribe the form on which a written complaint is made.

The administrator shall request the complainant provide additional information if the complaint does not state a claim within the jurisdiction of the agency.

Failure of the complainant to comply with this section is basis for the administrator to reject the complaint without further action.

Source: SL 2021, ch 168, § 2.

36-1C-3. Receipt of complaint--Time to respond--Failure to respond.

Upon receipt of a properly submitted complaint within the agency's jurisdiction, the administrator shall serve a copy of the complaint by mail or electronic mail upon the applicant or licensee complained against.

The applicant or licensee complained against shall send a response to the complaint to the administrator of the agency within twenty business days after service of the complaint on the applicant or licensee. Upon receipt of the response of the applicant or licensee, or upon expiration of the time for the applicant or licensee complained against to respond, the administrator shall assign an investigative committee to determine if the complaint has probable cause and constitutes grounds for disciplinary action or lacks probable cause and should be dismissed.

The twenty business days may be extended by the administrator for good cause.

Failure to respond to the complaint is grounds for disciplinary action.

Source: SL 2021, ch 168, § 3.

36-1C-4. Investigation--Dismissal permitted.

Upon completion of the investigation, the investigating committee shall recommend to the agency whether the complaint should be dismissed for lack of probable cause, resolved by informal disposition, or settled by a formal hearing. The failure of an applicant or licensee to comply with the investigation is grounds for denial of the application or disciplinary action.

An agency may allow the investigative committee to dismiss a complaint. Any dismissal by the investigative committee must be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

An investigative committee includes the agency's legal counsel.

Source: SL 2021, ch 168, § 4.

36-1C-5. Option to authorize limited administrative fines for specified violations.

The agency may authorize the administrator to impose an administrative fine upon proof of a violation of specified statutes or rules without additional prior approval. Any action taken pursuant to this section shall be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

Any administrative fine issued under this section may be appealed by requesting a contested case under chapter [1-26](#). Notice of appeal must be submitted to the administrator within twenty calendar days of service of the fine.

Any fine issued under this section may not exceed five hundred dollars.

Source: SL 2021, ch 168, § 5.

36-1C-6. Informal disposition--Notice.

The agency may accept an informal disposition regarding a violation of the laws or rules under the agency's jurisdiction. The agreed upon disposition must be in writing and is subject to the approval of the agency.

Failure to comply with the terms of an informal disposition is grounds for disciplinary action or allows the agency to institute or reinstitute formal proceedings.

The administrator shall notify, in writing, any complaining party of the results of the informal disposition of a complaint and the action taken, if any.

Source: SL 2021, ch 168, § 6.

36-1C-7. Formal complaint.

If an alleged violation has probable cause constituting grounds for disciplinary action, the legal counsel for the agency may commence formal proceedings by serving a formal complaint by mail or electronic mail upon the applicant or licensee complained against.

The formal complaint must include the name of the applicant or licensee complained against, and a statement of facts setting forth the nature of the violations being charged that constitute grounds for disciplinary action.

Source: SL 2021, ch 168, § 7.

36-1C-8. Response to formal complaint.

The applicant or licensee shall file an answer with the administrator within twenty calendar days after service of the complaint admitting, denying, qualifying, or explaining all facts alleged in the formal complaint and all defenses of the applicant or licensee or mitigating factors.

Source: SL 2021, ch 168, § 8.

36-1C-9. Notice of hearing.

After the receipt of the response in § [36-1C-8](#), the agency's counsel shall file a notice of hearing pursuant to § [1-26-17](#). The notice of hearing must be served no later than twenty calendar days prior to the hearing date.

The agency may continue the date of the hearing as necessary. The agency's counsel shall serve notice of any new date by electronic mail to the applicant or licensee's address on file with the agency. If the applicant or licensee does not have electronic mail, communication shall be sent to the mailing address on file with the agency.

Source: SL 2021, ch 168, § 9.

36-1C-10. Appearance required of applicant or licensee.

The applicant or licensee appearing before the agency at a formal hearing shall appear in person unless otherwise waived by the agency. If an applicant or licensee fails to appear, the hearing may proceed without the applicant or licensee.

Source: SL 2021, ch 168, § 10.

36-1C-11. Board or commission member disqualified.

If an alleged violation against an applicant or licensee is filed by a member of the agency's board or commission, or if a member of the agency's board or commission participates in the investigation of a

violation by an applicant or licensee, that agency's board or commission member is disqualified from participating in the final decision rendered by the agency board or commission.

Source: SL 2021, ch 168, § 11.

36-1C-12. Written waiver of procedures.

An applicant for a license or licensee may, in writing, waive any procedure granted to the applicant or licensee under this chapter.

Notwithstanding any other provision of law, nothing in this chapter shall be construed to limit an agency's authority for emergency action under § [1-26-29](#).

Source: SL 2021, ch 168, § 12.

36-1C-13. Promulgation of rules.

The Departments of Agriculture and Natural Resources, Health, Labor and Regulation, and Social Services shall promulgate rules, pursuant to chapter [1-26](#), to make any consistent addition to the procedures in this chapter in order to comply with any federal statutes, rules, and regulations regarding a profession or occupation within their respective department.

Source: SL 2021, ch 168, § 13; SL 2021, ch 1, § 14.

36-1C-14. Petition for declaratory ruling.

A person seeking a ruling as to the applicability to that person of a law, rule, or order of an agency under title 36 may file with the agency a petition for declaratory ruling in substantially the following form:

Pursuant to the provisions of SDCL [1-26-15](#), I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the professional or occupational board or commission of (state name of body) for its declaratory ruling in regard to the following:

- (1) The statutes or rules or order in question is: (here identify and quote the pertinent statute, rule, or order.):
- (2) The facts and circumstances that give rise to the issue to be answered by the professional or occupational board or commission's declaratory ruling:
- (3) The precise issue to be answered by the professional or occupational board or commission's declaratory ruling:

Dated at (city and state), this _____ day of _____, _____.

(Signature of Petitioner)

Source: SL 2021, ch 168, § 14.

36-1C-15. Action on petition.

Upon receipt of the petition, the administrator may request from the petitioner any information that may be required for the issuance of its ruling. At the agency's next regularly scheduled meeting following the receipt of the petition or following receipt of requested information, or within ninety days, whichever is shorter, the agency shall issue its declaratory ruling and serve a copy of it by mail or electronic mail upon the petitioner.

Source: SL 2021, ch 168, § 15.

36-1C-16. Appeal of declaratory ruling.

Any person seeking a declaratory ruling hereunder, is considered aggrieved if, within thirty days of the agency's declaratory ruling, a request is made for the agency to conduct a formal hearing. The hearing must be held at the earliest convenience of the agency following the receipt of the request. A hearing under this section is a contested case under chapter [1-26](#).

Source: SL 2021, ch 168, § 16.

CHAPTER [36-1D](#)
LICENSURE BY ENDORSEMENT

[36-1D-1](#) Eligibility--Licensure by endorsement.

[36-1D-2](#) Provisional license--Duration.

[36-1D-3](#) Application of chapter.

[36-1D-4](#) Affected professions.

36-1D-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section;
- (3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
- (5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter [1-26](#).

Source: SL 2021, ch 169, § 1.

36-1D-2. Provisional license--Duration.

A licensing board may issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the board. The holder of a provisional endorsement license issued under this section may practice until any of the following occurs:

- (1) A license, certificate, registration, or permit is denied by the licensing board under this section;
- (2) The expiration of the provisional endorsement license as established by the board by regulation; or
- (3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

Source: SL 2021, ch 169, § 2.

[36-1D-3. Application of chapter.](#)

Nothing in this chapter may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession under title 36.

Source: SL 2021, ch 169, § 3.

36-1D-4. Affected professions.

The provisions of this chapter apply to those practitioners licensed pursuant to chapters [36-4](#), [36-4A](#), [36-4B](#), [36-4C](#), [36-9](#), [36-9A](#), [36-9C](#), [36-10](#), [36-10B](#), [36-11](#), [36-19](#), [36-26](#), [36-27A](#), [36-29](#), [36-31](#), [36-32](#), [36-33](#), [36-34](#), [36-37](#), [36-38](#), and [34-11](#).

Source: SL 2021, ch 169, § 4.



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

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

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

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

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

DATE:

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

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

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

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

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CE-1. ADMINISTRATIVE REFERENCE FILES:

02-001

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

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

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CE-2.

ADMINISTRATIVE RULES PROMULGATION FILES:

02-001

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

RETENTION: FINAL DECISIONS: Retain permanently in office.

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

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

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

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CE-3.	<u>ASSOCIATIONS AND ORGANIZATIONS FILES</u>	
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02-001

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

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

CE-4.	<u>AUDIT REPORTS:</u>	
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02-001

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

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

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

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

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

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

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CE-6. BUDGET FILES:

02-001

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

RETENTION: Retain 3 years in office, then destroy.

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

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CE-7. COMPLAINT FILES:

02-001

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

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

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

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

NON-LICENSEE: Retain 4 years, then destroy.

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CE-8. CONTINUING EDUCATION PROGRAM RECORDS:

02-001

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

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

CE-9. CONTRACTS AND AGREEMENTS:

02-001

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

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

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

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

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CE-10. CORRESPONDENCE, GENERAL:

02-001

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

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

CE-11. EXAMINATION FILES:

02-001

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

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

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

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CE-12. LEGISLATION FILES:

02-001

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

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

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

02-001

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

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

CE-14. MINUTES:

02-001

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

RETENTION: Retain 3 years in office, then destroy.

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(Std Form RM-1 Rev 1/03)

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

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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~~CE-15. RECEIPT BOOKS:~~

~~02-001~~

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

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

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

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CE-16. SOUTH DAKOTA FINANCIAL SYSTEM REPORTS:

02-001

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

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

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

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CE-17. VOUCHERS:

02-001

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

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

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BCE-XX-3 ANNUAL REPORTS: 02-001

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

RETENTION: Retain 4 years in office, then destroy.

BCE-XX. APPLICATION FILES: 02-001

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

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

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

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

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

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

BCE-XX. BOARD MEETING FILES: 02-001

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

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

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

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

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

BCE-XX. CONTINUING EDUCATION AUDITS: 02-001

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

RETENTION: Retain 4 years in office, then destroy.

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BCE-XX. DEPOSITS : 02-001

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

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

BCE-XX. ELECTRONIC COMMUNICATION RECORDS: 02-001

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

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

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

BCE-XX. FINANCIAL STATEMENTS: 02-001

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

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

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and final action has been taken.

BCE-XX. JOB TICKETS, CENTRAL DUPLICATING:

02-001

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

RETENTION: Retain 4 years in office, then destroy.

BCE-XX. PLAN OF SUPERVISION FILES:

02-001

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

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

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BCE-XX. SURPLUS PROPERTY FILES: 02-001

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

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

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

Proposed Policy on Continuing Education pro-ration over 2-year renewal cycle:

To align continuing education requirements with the new biennial renewal cycle, no continuing education will be required until 2022. During the 2022 renewal period, licensees will be required to report 40 hours of continuing education through the online renewal system. The 40 hours of continuing education may be acquired between January 1, 2020 - November 30, 2022. **Four** hours must be on the subject of Ethics as it relates to counseling.

The number of continuing education hours is prorated based on the initial date of licensure:

Licenses issued before June 1, 2021, are required to complete 40 hours of continuing education during the Fall 2022 renewal period.

If issue date of license is after June 1, 2021, the number of continuing education hours required to be completed for renewal in 2022 are as follows:

Issue date prior to June 1, 2021	40 hours of continuing education required
June 1, 2021 - November 30, 2021	30 hours of continuing education required
December 1, 2021 - May 31, 2022	20 hours of continuing education required
June 1, 2022 - November 30, 2022	10 hours of continuing education required

Continuing education hours are subject to audit by the Board. The licensee shall supply sufficient detail to permit verification of the qualified continuing education if notified of an audit by the board.

A 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.

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

Proposed Policy on License Duration based on Issue Date

Licenses issued by the Board are valid until November 30 of the next even numbered year. Licenses issued after June 1 in a renewal year (even numbered year) will automatically be valid until November 30 of the next even numbered year.

Licenses issued before June 1 in a renewal year (even numbered year) must be renewed before November 30 of the same year. The licensee must meet all requirements for renewal, including payment of the full renewal fee and submission of the required continuing education.

Licenses issued after June 1, 2022 will be valid through the next renewal period (November 30, 2024):

Issue date prior to June 1, 2022	Valid through date November 30, 2022
Issue date after June 1, 2022	Valid through date November 30, 2024

20:68:04:10. Post graduate supervision requirements -- Professional counselor. Post graduate supervision required for licensure as a professional counselor, as prescribed by SDCL 36-32-65, must take place pursuant to a board approved plan of supervision and consist of the following:

(1) A minimum of 1,000 hours of direct client contact. No more than 400 direct client contact hours may be acquired by counseling provided through electronic means, as prescribed by chapter 20:68:06. All other direct client contact hours must be acquired in-person;

(2) A minimum of 100 hours of supervision with a board approved supervisor. At least one hour of supervision must take place for every 20 hours of direct client contact by the supervisee. Supervision may be individual or with a group. For the purpose of this chapter, individual supervision is supervision between a supervisor and up to two supervisees. Group supervision is supervision between a supervisor and three or more supervisees. No more than 50 hours of the required supervision may be group supervision.

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

- (a) Presentation and staffing of cases;
- (b) Critiquing of audio or video counseling;
- (c) Direct observations of the supervisee;
- (d) Co-counseling with the supervisee; and
- (e) Review of supervisee recordkeeping; and

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

Supervision may take place by electronic means, as prescribed by chapter 20:68:06 and must be synchronous.

For the purpose of this chapter, a supervisee may count a maximum of 100 hours of personal counseling or therapy as direct client contact hours necessary to meet the requirements of subdivision 20:68:04:10(1). The personal counseling or therapy must be with a professional counselor, professional counselor-mental health, certified social worker-private independent practice, psychologist, or psychiatrist and is subject to verification by the board. Personal counseling or therapy may not be with the supervisee's approved supervisor. Personal counseling or therapy may be received through electronic means, as prescribed by chapter 20:68:06, or in person.

Direct client contact hours and supervision hours must be recorded on a form provided by the board. For purposes of this chapter, only hours acquired with a board approved supervisor may be compliant.

Source: 47 SDR 42, effective October 14, 2020.

General Authority: SDCL 36-32-56.

Law Implemented: SDCL 36-32-64.

20:71:05:02. Post graduate supervision requirements -- Marriage and family therapist. Post graduate supervision required for licensure as a marriage and family therapist, as prescribed by SDCL 36-33-43, must take place pursuant to a board approved plan of supervision and consist of the following:

(1) A minimum of 1,600 hours of direct client contact. No more than 1,000 direct client contact hours may be acquired by counseling provided through electronic means, as prescribed by chapter 20:71:08. All other direct client contact hours must be acquired in-person; and

(2) A minimum of 100 hours of supervision with a board approved supervisor. At least one hour of supervision must take place for every 20 hours of direct client contact by the supervisee. Supervision may be individual or with a group. For the purpose of this chapter, individual supervision is supervision between a supervisor and up to two supervisees. Group supervision is supervision between a supervisor and three or more supervisees. No more than 50 hours of the required supervision may be group supervision.

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

- (a) Presentation and staffing of cases;
- (b) Critiquing of audio or video counseling;
- (c) Direct observations of the supervisee;
- (d) Co-counseling with the supervisee; and
- (e) Review of supervisee recordkeeping.

Supervision may take place by electronic means, as prescribed by chapter 20:71:08 and must be synchronous.

For the purpose of this chapter, a supervisee may count a maximum of 100 hours of personal counseling or therapy as direct client contact hours necessary to meet the requirements of subdivision 20:71:02:06(5). The personal counseling or therapy must be with a professional counselor, professional counselor-mental health, certified social worker-private independent practice, psychologist, or psychiatrist and is subject to verification by the board. Personal counseling or therapy may not be with the supervisee's approved supervisor. Personal counseling or therapy may be received through electronic means, as prescribed by chapter 20:71:08, or in person.

Direct client contact hours and supervision hours must be recorded on a form provided by the board. For purposes of this chapter, only hours acquired with a board approved supervisor may be compliant.

Source: 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 42 SDR 97, effective January 4, 2016; 47 SDR 42, effective October 14, 2020.

General Authority: SDCL 36-33-71.

Law Implemented: SDCL 36-33-43.

36-32-68. Applicants licensed out-of-state--Temporary license.

If a professional counselor licensed in another state or territory of the United States has not passed the national examination required by the board for licensure under § [36-32-67](#), the board may provide the applicant with a temporary license to practice for up to ninety days, if the applicant demonstrates that:

- (1) The applicant is currently licensed as a professional counselor or professional counselor--mental health and has been under the jurisdiction of the licensing authority in the other jurisdiction for at least three years before the time of submitting an application to the board;
- (2) The applicant is in good standing with the licensing authority in the other jurisdiction;
- (3) The applicant has been in active practice during the three-year period before the time of submitting an application to the board; and
- (4) The applicant has no record of unprofessional conduct or pending disciplinary complaints in the other jurisdiction.

For purposes of this section, the term, active practice, means at least one thousand five hundred hours of clinical experience.

An applicant for a temporary license shall submit an application on a form approved by the board, along with the application fee and the temporary license fee prescribed by the board in accordance with § 36-32-92. The board shall issue a temporary license as a professional counselor or professional counselor--mental health to an applicant who meets the requirements of this section and pays the required fee. A temporary license automatically expires upon the applicant's passage of the required national examination or at the conclusion of the term for which the temporary license was issued, whichever occurs first. A temporary license may only be renewed once.

Source: SL 2020, ch 165, § 22.

36-33-46. Applicant licensed out-of-state--Temporary license.

If a marriage and family therapist licensed in another state or territory of the United States has not passed the national examination required by the board for licensure by endorsement, the board may provide the applicant with a temporary license to practice for up to ninety days, if the applicant demonstrates that:

- (1) The applicant is currently licensed as a marriage and family therapist and has been under the jurisdiction of the licensing authority in the other jurisdiction for at least three years before the time of submitting an application to the board;
- (2) The applicant is in good standing with the licensing authority in the other jurisdiction;
- (3) The applicant has been in an active practice during the three-year period before the time of submitting an application to the board; and
- (4) The applicant has no record of unprofessional conduct or any pending disciplinary complaints in the other jurisdiction.

For purposes of this section, the term, active practice, means at least one thousand five hundred hours of clinical experience.

An applicant for a temporary license shall submit an application on a form approved by the board, along with the application fee and a temporary license fee prescribed by the board. The board shall issue a temporary license as a marriage and family therapist to an applicant who meets the requirements of this section and pays the required fees. A temporary license automatically expires upon the applicant's passage of the required national examination or at the conclusion of the term for which the license was issued, whichever occurs first. A temporary license may only be renewed once.

Source: SL 2020, ch 166, § 13.

Board of Counselors Meeting Schedule – 2022
PROPOSED

**All times are central. Please adjust for your time zone, if necessary.*

March 11, 2022	Conference Call**	9:00 am – 11:00 am
June 10, 2022	In Person (Pierre)	10:00 am – 3:00 pm
October 14, 2022	In Person (Pierre)	10:00 am – 3:00 pm
December 9, 2022	Conference Call**	9:00 am – 11:00 am

An Additional meeting(s) will be scheduled based on need and national organization meeting schedules.

- **February 2-4, 2022 AASCB Conference, New Orleans**
 - **TBA - AMFTRB Annual Meeting**
 - **TBA - NBCC Annual Meeting**

**Conference Calls are primarily for resolving complaints and basic business of the Board.

In-person meetings are primarily for hearings and more significant business before the Board.