



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, September 18, 2020 – 9:00 AM CDT**

Join the Meeting via Zoom

<https://us02web.zoom.us/j/86977357621?pwd=djVIZFplakUzTWxpblhvSWZ0UzFjZz09>

Meeting ID: 869 7735 7621

Passcode: 448321

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: August 21, 2020
- 5) Approval of Public Hearing Minutes: August 21, 2020
- 6) Executive Session (Pursuant to SDCL 1-25-2 (3) for consideration of proposed contested cases or contractual matters)
- 7) Old Business
 - a. Update on administrative rule changes
- 8) New Business
 - a. 2020 Renewal update
- 9) Announcements
 - a. Upcoming Meeting Dates: November 20, 2020 (teleconference)
- 10) Adjourn



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South Dakota Board of Examiners for Counselors & Marriage and Family Therapists
Via Videoconference
August 21, 2020

President Rice Brinkworth called the meeting to order at 10:36 am central and determined a quorum.

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

Board Members Absent: Bobbi Brown

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

Board members introduced themselves to Jeremy Lippert, Board Legal Counsel, Department of Social Services.

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

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

Motion to approve the meeting minutes of June 12, 2020 by Trenhaile. Seconded by Hartman. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

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

Motion to go into executive session for consideration of contested cases and contractual matters at 10:50 am by Butler. Seconded by Konz. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Trenhaile and Wangen voted aye. Motion carried.

Rice Brinkworth declared the Board out of executive session at 11:52 am.

Motion to proceed to a hearing for Complaint 2020-02 by Butler. Seconded by Trenhaile. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Hartman, Schrenk, Trenhaile and Wangen voted aye. Konz abstained. **Motion carried.**

Stalley provided an update on the database project and provided a live demonstration of the database. The online renewal process will be available Fall 2020.

Stalley provided the Board with an update on COVID-19. Executive order 2020-25 remains in place and allows for the temporary suspension of the examination requirements for licensed professional counselors-mental health as a pre-requisite of licensure. Proof of examination is required by November 30, 2020 to the Board. The Board's temporary policy regarding passage of the NCE as a prerequisite of approval of a plan of supervision application will expire September 1, 2020.

Stalley provided an update on the Administrative Rules process, implementation and next steps.

The Board reviewed updated application forms A through I. Motion to approve application forms A through I, subject to grammatical and formatting changes by Hartman. Seconded by Wangen. The Board voted by roll call. Rice Brinkworth, Butler, Bartels, Konz, Hartman, Schrenk, Trenhaile and Wangen voted aye. **Motion carried.**

Stalley provided an update on the Council of State Governments Interstate Licensing Compact. Butler volunteered to participate in future calls.

The Board's next meeting is scheduled for September 18, 2020 at 9:00 am (central) via teleconference.

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

The Board adjourned at 1:03 pm.

Respectfully Submitted,

Jennifer Stalley, Executive Secretary

**South Dakota State Board of Examiners for Counselors and Marriage and Family
Therapists
Minutes of Public Hearing
August 21, 2020**

Lynell Rice Brinkworth called the public hearing to order at 10:03 a.m. on Friday, August 21, 2020 and noted that this was time and place for the Public Hearing on the proposed rules of the South Dakota State Board of Examiners for Counselors and Marriage and Family Therapists numbered §§ 20:68:01:01; 20:68:01:02; 20:68:01:05 through 20:68:01:13; 20:68:02:01; through 20:68:02:05; 20:68:03:01; 20:68:03:02; 20:68:03:05; 20:68:03:06; 20:68:04:01 through 20:68:04:16; 20:68:05:01; 20:68:06:01; 20:68:06:02; 20:68:07:01 through 20:68:07:14; 20:68:07:17 through 20:68:07:26; 20:68:08:01; 20:71:01:01; 20:71:02:01; 20:71:02:04 through 20:71:02:13; 20:71:03:01; 20:71:04:01; 20:71:04:02; 20:71:05:00 through 20:71:05:02; 20:71:05:04 through 20:71:05:11; 20:71:06:19 through 20:71:06:27; 20:71:07:01; 20:71:08:01; 20:71:08:02; 20:73:01:01; 20:73:01:02; 20:73:01:04 through 20:73:01:09; 20:73:02:01 through 20:73:02:03; 20:73:03:01 through 20:73:03:04; 20:73:04:01 through 20:73:04:14; 20:73:05:01; 20:73:06:01 through 20:73:06:09; 20:73:07:01; 20:73:08:01; and 20:73:08:02.

Rice Brinkworth noted that statements made during the hearing were being recorded in the minutes and due notice of this public hearing was published in three South Dakota newspapers and was made to interested parties in advance of the hearing. Rice Brinkworth noted that the proposed rules had been edited for compliance with the requirements for form, style and legality as recommended by the South Dakota Legislative Research Council pursuant to SDCL 1-26.

Rice Brinkworth specifically noted that proposed rules 20:68:04:09; 20:71:05:01; and 20:73:04:07 were rewritten to provide clarification as recommended by the Legislative Research Council, in addition to the other edits for style, form and legality.

Hearing Officer: Lynell Rice Brinkworth, Board President.

Members of the Board in attendance: Tiffany Butler, Sherry Bartels, Cheryl Hartman, Roswitha Konz, Jay Trenhaile, Sherwood Schrenk, and Jeff Wangen.

Board staff in attendance: Jennifer Stalley and Karen Cudmore.

Legal Counsel in attendance: Laura Ringling and Jeremy Lippert

Others in attendance: Terry Dosch, South Dakota Council of Community Behavioral Health, Inc. (SDCCBH); Rebecca Christiansen, South Dakota Counseling Association (SDCA); Lisa Spradling, self; Marilyn Kinsman, Department of Social Services (DSS); Teresa Schulte, Department of Social Services (DSS); and Erin Handke, Office of the Attorney General (SDAG).

Written Testimony: Rice Brinkworth entered into the record the following letters that were received prior to the hearing:

- A. South Dakota Council of Community Behavioral Health, Inc. – Letter of Support
- B. South Dakota Counseling Association – Letter of Support
- C. South Dakota School Counselor Association – Letter of Support
- D. South Dakota Mental Health Counselors Association – Letter of Support

Oral Testimony: Rice Brinkworth took Oral Testimony. Oral testimony was presented by the following:

General support for the proposed rules:

- Rebecca Christensen, South Dakota Counseling Association (SDCA)

- Terry Dosch, South Dakota Council of Community Behavioral Health, Inc. (SDCCBH)

General opposition to the proposed rules:

- None

General comments on the proposed rule:

- Jay Trenhaile (board member) indicated that some counseling graduates may be taking the Certified Rehabilitation Counselor Examination, administered by the Commission on Rehabilitation Counselor Certification. Trenhaile proposed the Board may want to consider adding this as an acceptable national examination to meet the licensure qualifications in the future. Trenhaile offered the comment as an informational point on the examination and did not make any recommendation to amend the proposed rules.

Comments on any specific proposed rule:

- None

Rice Brinkworth closed testimony and opened the public hearing to Board discussion and/or action.

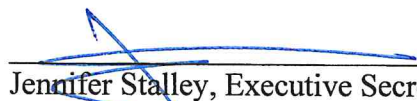
The board reviewed the proposed rules. The board reviewed the written and oral testimony received. The board discussed the information provided regarding the Certified Rehabilitation Counselor Examination, administered by the Commission on Rehabilitation Counselor Certification, and indicated further information about the examination will be gathered to determine if the examination should be added as an acceptable national examination in the future.

The board thanked the interested stakeholders for the comments and participation in the development of the proposed rules to implement Senate Bill 18 and Senate Bill 19.

Butler moved that the South Dakota Board of Examiners for Counselors and Marriage and Family Therapists approve the adoption of the amended rules ARSD §§ 20:68:01:01; 20:68:01:02; 20:68:01:05 through 20:68:01:13; 20:68:02:01; through 20:68:02:05; 20:68:03:01; 20:68:03:02; 20:68:03:05; 20:68:03:06; 20:68:04:01 through 20:68:04:16; 20:68:05:01; 20:68:06:01; 20:68:06:02; 20:68:07:01 through 20:68:07:14; 20:68:07:17 through 20:68:07:26; 20:68:08:01; 20:71:01:01; 20:71:02:01; 20:71:02:04 through 20:71:02:13; 20:71:03:01; 20:71:04:01; 20:71:04:02; 20:71:05:00 through 20:71:05:02; 20:71:05:04 through 20:71:05:11; 20:71:06:19 through 20:71:06:27; 20:71:07:01; 20:71:08:01; 20:71:08:02; 20:73:01:01; 20:73:01:02; 20:73:01:04 through 20:73:01:09; 20:73:02:01 through 20:73:02:03; 20:73:03:01 through 20:73:03:04; 20:73:04:01 through 20:73:04:14; 20:73:05:01; 20:73:06:01 through 20:73:06:09; 20:73:07:01; 20:73:08:01; and 20:73:08:02, including the LRC edits for compliance with the requirements for form, style and legality. Second by Schrenk. Rice Brinkworth, Butler, Bartels, Hartman, Konz, Trenhaile, Schrenk, and Wangen voted aye. Motion carried.

There being no further business, the public hearing was adjourned at 10:36 a.m.

Respectfully submitted,



Jennifer Stalley, Executive Secretary