

State of South Dakota

NINETY-THIRD SESSION
LEGISLATIVE ASSEMBLY, 2018

400Z0377

HOUSE BILL NO. 1040

Introduced by: The Committee on Health and Human Services at the request of the Board of Professional Counselors

1 FOR AN ACT ENTITLED, An Act to provide for the licensing of a professional counselor,
2 professional counselor-mental health, or marriage and family therapist licensed in another
3 state under certain circumstances and to declare an emergency.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

5 Section 1. That § 36-32-16 be amended to read:

6 36-32-16. ~~Upon payment of the fee as may be promulgated by the board, the board may~~
7 ~~grant a license to any person who, at the time of application, is licensed under the laws of a state~~
8 ~~or territory of the United States that imposes substantially the same requirements as this chapter.~~
9 Notwithstanding the provisions of § 36-32-13, the board may issue a license to an applicant
10 licensed to practice counseling in another state if the applicant demonstrates the following
11 qualifications:

12 (1) Verification from the authority that issued the license that:

13 (a) The applicant is currently licensed and has been licensed by the authority for
14 at least three years; and

15 (b) The applicant is in good standing with the authority;



- 1 (2) Verification from the applicant that the applicant has an active practice in the state
2 of current licensure;
- 3 (3) Verification that the applicant passed the national counselor examination; and
- 4 (4) An absence of unprofessional conduct by the applicant.

5 For purposes of this section, the term, active practice, means the applicant accumulated at
6 least one thousand five hundred hours of clinical experience in the three years immediately
7 preceding the application.

8 Section 2. That chapter 36-32 be amended by adding a NEW SECTION to read:

9 Notwithstanding the provisions of § 36-32-42, the board may issue a license to an applicant
10 licensed to practice mental health counseling in another state if the applicant demonstrates the
11 following qualifications:

- 12 (1) Verification from the authority that issued the license that:
 - 13 (a) The applicant is currently licensed and has been licensed for at least five years;
 - 14 (b) The applicant has been licensed at the highest level of independent practice in
15 the state for at least three years; and
 - 16 (c) The applicant is in good standing with the authority;
- 17 (2) Verification from the applicant that the applicant has an active practice in the state
18 of current licensure;
- 19 (3) Verification that the applicant passed the national counselors examination;
- 20 (4) Verification that the applicant passed the national clinical mental health counselor
21 examination; and
- 22 (5) An absence of unprofessional conduct by the applicant.

23 For purposes of this section, the term, active practice, means the applicant accumulated at
24 least one thousand five hundred hours of clinical experience in the three years immediately

1 preceding the application.

2 Section 3. That § 36-33-18 be amended to read:

3 36-33-18. Upon payment of the fee as may be promulgated by the board pursuant to chapter
4 ~~1-26~~, the board may grant a license to any person who, at the time of application, is licensed
5 under the laws of a state or territory of the United States that imposes substantially the same or
6 greater requirements as this chapter. Notwithstanding the provisions of § 36-33-9, the board may
7 issue a license to an applicant licensed to practice marriage and family therapy in another state
8 if the applicant demonstrates the following qualifications:

9 (1) Verification from the authority that issued the applicant's license that:

10 (a) The applicant is currently licensed and has been licensed by the authority for
11 at least five years;

12 (b) The applicant has been licensed at the highest level of independent practice in
13 the state for at least three years; and

14 (c) The applicant is in good standing with the authority;

15 (2) Verification from the applicant that the applicant has an active practice in the state
16 of current licensure;

17 (3) Verification that the applicant passed the national examination for marriage and
18 family therapy; and

19 (4) An absence of unprofessional conduct by the applicant.

20 For purposes of this section, the term, active practice, means the applicant accumulated at
21 least one thousand five hundred hours of clinical experience in the three years immediately
22 preceding the application.

23 Section 4. That ARSD 20:68:01:04 be repealed.

24 ~~20:68:01:04. Licensure by reciprocity. The applicant for licensure by reciprocity must hold~~

1 ~~an active professional counselor license and be in good standing with the state's board that~~
2 ~~issued the current license. Applications may be secured from the board. Completed applications~~
3 ~~shall be accompanied by the fee required by § 20:68:02:03.~~

4 Section 5. That ARSD 20:71:02:03 be repealed.

5 ~~20:71:02:03. Licensure by reciprocity. The applicant for licensure by reciprocity must hold~~
6 ~~an active license and be in good standing with the state's board that issued the current license.~~
7 ~~Applications may be secured from the board. Completed applications shall be accompanied by~~
8 ~~the fee required by § 20:71:04:02.~~

9 Section 6. That ARSD 20:73:01:03 be repealed.

10 ~~20:73:01:03. Licensure by reciprocity. The applicant for licensure by reciprocity must hold~~
11 ~~an active clinical mental health counselor license and be in good standing with the state's board~~
12 ~~that issued the current license. The applicant must also hold or be eligible by reciprocity to~~
13 ~~receive a professional counselor license pursuant to SDCL chapter 36-32. Applications may be~~
14 ~~secured from the board. Completed applications shall be accompanied by the fee required by~~
15 ~~subdivision 20:73:02:02(4).~~

16 Section 7. Whereas, this Act is necessary for the immediate preservation of the public peace,
17 health, or safety, an emergency is hereby declared to exist, and this Act shall be in full force and
18 effect from and after its passage and approval.