

ARTICLE 20:68

LICENSED PROFESSIONAL COUNSELORS

Chapter

- 20:68:01 Licensing requirements.
- 20:68:02 Fees.
- 20:68:03 Academic ~~and equivalency~~ requirements and approved 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- 20:68:06 ~~Licensed professional counselor—Mental health, Repealed~~ Counseling through electronic means.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.
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CHAPTER 20:68:01
LICENSING REQUIREMENTS

Section

- 20:68:01:01 ~~Definitions~~ Repealed.
- 20:68:01:02 ~~Application for licensed professional counselor~~ Repealed.
- 20:68:01:02.01 Repealed.
- 20:68:01:03 Repealed.
- 20:68:01:04 Repealed.
- 20:68:01:05 ~~Licensure denial~~ Repealed.
- 20:68:01:06 Definitions.
- 20:68:01:07 Application requirements.
- 20:68:01:08 Application denial.
- 20:68:01:09 Application for post graduate plan of supervision – professional counselor.
- 20:68:01:10 Application for licensed professional counselor.
- 20:68:01:11 Application for professional counselor by endorsement – applicant licensed in another state.
- 20:68:01:12 Application for temporary license – applicant licensed in another state.
- 20:68:01:13 Application to reinstate an 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 used in this chapter mean:~~

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

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

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

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

~~—— (5) "CACREP," Council for Accreditation of Counseling and Related Educational Programs Repealed.~~

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

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

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

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

20:68:01:02. Application for licensed professional counselor. ~~An applicant for licensure as a licensed professional counselor shall apply on a form provided by the board.~~

~~The application form shall contain the following information:~~

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

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

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

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

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

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

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

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.~~

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

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

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

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

20:68:01:06. Definitions. Terms defined in SDCL chapter 36-32 have the same meaning when used in this article.

Source:

General Authority: SDCL 36-32-47.

Law Implemented: SDCL 36-32-47.

20:68:01:07. Application requirements. An application for a license, temporary license, renewal of license, inactive license, or reactivated license must be made in writing on a form prescribed by the board. The applicable application fee and license fee must be submitted with the application. The application fee is non-refundable. 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 electronically 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.

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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64, 36-32-67, 36-32-68, 36-32-75.

20:68:01:08. Application denial. An application may be denied for failure to meet the applicable licensure requirements 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 hearing pursuant to SDCL chapter 1-26.

Source:

General Authority: SDCL 36-32-64, 36-32-67, 36-32-68, 36-32-75, 36-32-75.

Law Implemented: SDCL 36-32-64, 36-32-67, 36-32-68, 36-32-75, 36-32-75.

20:68:01:09. Application for post graduate plan of supervision – professional

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

- (1) A completed application and the application fee;
- (2) Official educational transcript from an accredited counseling program recognized by the board demonstrating a master's or doctoral degree in counseling consisting of at least 48 credit hours;
- (3) Official verification of a passing score on the National Counselor Examination administered by the National Board for Certified Counselors;
- (4) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (5) The name and contact information of the applicant's proposed supervisor;
- (6) A statement of any criminal record, if applicable;
- (7) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (8) A recent photograph.

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

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

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

The board may grant an extension of an approved post graduate plan of supervision, if a request is in writing to the board by the supervisee, upon a showing of extenuating circumstances or undue hardship. A request for an extension must be made prior to the expiration of the approved post graduate plan of supervision.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:01:10. Application for licensed professional counselor. An applicant for a license to practice as a professional counselor shall submit to the board:

- (1) A completed application;
- (2) The applicable license fee;
- (3) Official educational transcript from an accredited counseling program recognized by the board demonstrating a master's or doctoral degree in counseling consisting of at least 48 credit hours;
- (4) Official verification of a passing score on the National Counselor Examination administered by the National Board for Certified Counselors;
- (5) Documentation of 2,000 hours of board approved supervision, as prescribed in this article, obtained subsequent to the granting of the applicant's degree in counseling;
- (6) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (7) A statement of criminal record, if applicable;
- (8) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (9) A recent photograph.

Source:

General Authority: 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:01:11. Application for professional counselor by endorsement – applicant licensed in another state. An applicant licensed in another state for a minimum of three continuous years may apply for a license to practice counseling by submitting to the board:

- (1) A completed application and the application fee;
- (2) The applicable license fee;
- (3) Official verification of a passing score on the National Counselor Examination administered by the National Board for Certified Counselors;
- (4) Verification of a current license to practice counseling, in good standing, issued by another state licensing board for a continuous period of at least three years immediately preceding the application;
- (5) Verification of an active practice, as defined in SDCL 36-32-67, during the three-year period immediately preceding the application;
- (6) A statement of any criminal record, if applicable;
- (7) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (8) A recent photograph.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 6-32-67.

20:68:01:12. Application for temporary license – applicant licensed in another state. An applicant licensed in another state for a minimum of three continuous years may apply for a temporary license to practice counseling by submitting to the board:

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

A temporary license automatically expires ninety days after the date of issuance or upon passage of the National Counselors Examination administered by the National Board for Certified Counselors. A temporary license may be renewed one time.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-67.

20:68:01:13. 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 Counselors Examination administered by the National Board for Certified Counselors after the date the original license expired.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-75.

CHAPTER 20:68:02

FEEES

Section

- 20:68:02:01 Remittance of fees.
- 20:68:02:02 ~~Renewal fees~~ Repealed.
- 20:68:02:03 Fee schedule.
- 20:68:02:04 No reimbursement before expiration of license.
- 20:68:02:05 ~~Eligibility deadline after notification~~ Repealed.

20:68:02:01. Remittance of fees. Application fees shall be remitted to the board in the form of ~~a personal check, cashier's check, certified check, or money order made~~ prescribed by the board payable to the state of South Dakota. The board ~~shall~~ may 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~~ 36-32-92.

Law Implemented: SDCL ~~36-32-13, 36-32-14, 36-32-20, 36-32-26~~ 36-32-64, 36-32-67, 36-32-68, 36-32-74, 36-32-75.

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

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 application~~ Application fee, \$100;
- ~~(2) Initial license fee for licensed professional counselor, \$100;~~
- ~~(3) Annual license renewal fee for licensed professional counselor, \$100;~~
- ~~(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~~
- (2) Biennial license fee, \$225;
- (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~~ 36-32-92.

Law Implemented: SDCL ~~36-32-13, 36-32-16, 36-32-19, 36-32-20, 36-32-23~~ 36-32-64, 36-32-67, 36-32-68, 36-32-74, 36-32-75.

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~~ 36-32-56.

Law Implemented: SDCL ~~36-32-26~~ 36-32-56.

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~~
Repealed.

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

Section

20:68:03:01	Academic requirements.
20:68:03:02	Approved counseling program.
20:68:03:03 and 20:68:03:04	Repealed.
<u>20:68:03:05</u>	<u>Post degree completion of academic requirements for licensure – professional counselor.</u>
<u>20:68:03:06</u>	<u>Credit hour equivalency.</u>

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

(1) ~~The Middle States Association of Colleges and Secondary Schools~~ Higher Learning Commission;

(2) ~~The New England State Association of Colleges and Secondary Schools~~ Middle States Commission on Higher Education;

(3) ~~The North Central Association of Colleges and Secondary Schools~~ New England State Association of Schools and Colleges Commission on Institutions of Higher Education;

(4) ~~The Northwest Association of Colleges and Secondary Schools~~ Northwest Commission on Colleges and Universities;

(5) ~~The Southern Association of Colleges and Secondary Schools~~ Southern Association of Colleges and Schools Commission on Colleges; or

(6) ~~The Western College Association~~ Western Association of Schools and Colleges.

The applicant's postgraduate degree in counseling must be a ~~master's degree, educational specialist certificate or degree, or doctorate~~ at least a 48 credit hour master's degree or doctoral degree.

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

General Authority: SDCL ~~36-32-26~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-13~~ 36-32-64.

20:68:03:02. Approved counseling program. Academic requirements to become a professional counselor must be completed through a board approved counseling program.

~~Approved~~ An approved counseling program is ~~are as follows:~~

(1) A counseling program approved by the ~~CACREP~~ Council for Accreditation of Counseling and Related Educational Programs; or

(2) An organized sequence of study in the area of counseling that includes graduate course work in each of the following areas:

(a) Counseling theory: including a study of basic theories, principles of counseling, and philosophical bases of the helping relationship;

(b) Counseling techniques: including individual counseling practices, methods, facilitative skills, and the application of these skills;

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

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

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

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

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

(d) Internship: including an on-the-job experience in professional counseling under the tutelage of an on-site supervisor who is a licensed professional counselor or

licensed mental health therapist. The supervised internship may be no less than 600 hours of which 240 hours must be in direct services;

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

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

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

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

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

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

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

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

General Authority: SDCL ~~36-32-26~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-13~~ 36-32-64.

20:68:03:05. Post degree completion of academic requirements for licensure – professional counselor. An applicant whose graduate degree in counseling is based on less than 48 approved credit hours, who did not complete the necessary supervised professional practicum as part of the degree program, or who did not complete coursework in the areas prescribed by SDCL 36-32-64 may complete the missing academic requirements if:

- (1) No more than 12 semester credits are completed post degree for purposes of meeting the academic requirements of SDCL 36-32-64;
- (2) All necessary academic requirements are completed through an approved university or college that meets the requirements of this chapter; and
- (3) All necessary academic requirements are taken and passed for credit.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:03:06. Credit hour equivalency. For purposes of this article, 48 semester credit hours equal 72 quarter credit hours.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

CHAPTER 20:68:04

SUPERVISION

Section

- 20:68:04:01 ~~Plan of supervision~~ Repealed.
- 20:68:04:01.01 ~~Exception to plan of supervision~~ Repealed.
- 20:68:04:01.02 ~~Private practice not permitted~~ Repealed.
- 20:68:04:02 ~~Supervisor qualifications~~ Repealed.
- 20:68:04:03 ~~Supervision requirements~~ Repealed.
- 20:68:04:04 ~~Multiple supervisors~~ Repealed.
- 20:68:04:05 ~~Supervision methods~~ Repealed.
- 20:68:04:06 ~~Supervisor duties~~ Repealed.
- 20:68:04:07 ~~Supervisor application~~ Repealed.
- 20:68:04:08 Definitions.
- 20:68:04:09 Supervisor qualifications.
- 20:68:04:10 Post graduate supervision requirements – professional counselor.
- 20:68:04:11 Recognition of supervision by a South Dakota licensing board – professional counselor.
- 20:68:04:12 Supervisor application.
- 20:68:04:13 Renewal of approved supervisor status.
- 20:68:04:14 Supervisor duties.
- 20:68:04:15 Multiple supervisors.
- 20:68:04:16 Completion or termination of post graduate plan of supervision.

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

~~— If the supervisee changes supervisors, the supervisee shall submit a new plan of supervision within 30 days Repealed.~~

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; 32 SDR 32, effective August 29, 2005; 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(6), 36-32-26.~~

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

Source: 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(6), 36-32-26.~~

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

~~**Soure:** 42 SDR 97, effective January 4, 2016.~~

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

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

~~**20:68:04:02. Supervisor qualifications.** A board approved supervisor shall be:~~

~~—— (1) An Approved Clinical Supervisor (ACS) credentialed by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors, Inc. (NBCC) and Affiliates;~~

~~—— (2) A licensed professional counselor, licensed professional counselor mental health, licensed marriage and family therapist, certified social worker private independent practice, licensed psychologist, or licensed psychiatrist, who has been actively licensed for at least two years prior to the beginning of supervision;~~

~~—— (3) A licensed professional counselor, licensed professional counselor mental health, licensed marriage and family therapist, certified social worker private independent practice, licensed psychologist, or licensed psychiatrist, who has been actively licensed for at least one year and has evidence of completing 15 hours of supervision training pursuant to § 20:68:07:09 before beginning supervision; or~~

~~—— (4) An American Association for Marriage and Family Therapy approved clinical supervisor Repealed.~~

Source: 18 SDR 67, effective October 16, 1991; 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 32 SDR 32, effective August 29, 2005; 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(6), 36-32-26.~~

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

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

~~—— (2) A minimum of one hour of supervision per week for each week worked for a total of at least 100 hours, of which at least 50 hours shall be face to face. The balance may be face to face, group, or by telephone conferencing or interactive video conferencing. However, any telephone or video conferencing must be secure such that reasonable~~

~~precautions have been taken to ensure that the conference will not be intercepted or listened to by unauthorized persons.~~

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

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

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; 32 SDR 32, effective August 29, 2005; 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(6), 36-32-26.~~

20:68:04:04. Multiple supervisors. ~~If a supervisee has more than one approved supervisor during the same time period, the supervisee shall meet with at least one of the supervisors for a minimum of one hour each week worked Repealed.~~

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

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

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

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

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

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

~~—— The supervisor shall document evidence of complying with the requirements on a form provided by the board upon completion of the supervision experience Repealed.~~

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

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

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

20:68:04:06. Supervisor duties. The supervisor shall ensure that:

- ~~—— (1) Client welfare is protected;~~
- ~~—— (2) A supervisee functions within the limits of the supervisee's competence;~~
- ~~—— (3) The training occurs in activities relevant to the supervisee's position and academic background;~~
- ~~—— (4) The training is designed to expand and improve skills in areas for which the supervisee has academic background but inadequate training; and~~
- ~~—— (5) That the training covers theoretical approaches in the following areas:~~

- ~~————(a) Counseling psychotherapy techniques;~~
- ~~————(b) Appraisal, evaluation, and diagnostic procedures;~~
- ~~————(c) Treatment planning and implementation;~~
- ~~————(d) Case management and record keeping;~~
- ~~————(e) Professional identity and function; and~~
- ~~————(f) Professional ethics and standards of practice.~~

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

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

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

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

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

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

- ~~————(1) A completed application provided by the board;~~

~~—— (2) Verification of completing at least four hours of training in supervision pursuant to § 20:68:07 in the previous five years immediately preceding the submission of the application;~~

~~—— (3) Verification of liability insurance; and~~

~~—— (4) A full disclosure of all ethical complaint settlements Repealed.~~

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

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

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

20:68.04:08. Definitions. Terms used in this chapter mean:

- (1) “Contact hour,” a continuous period of time spent with a client. A contact hour may be accumulated in increments of 15 or 20 minutes. One contact hour equals at least 50 total minutes of time spent with a client;
- (2) “Counseling related activity,” preparation of case notes, research, consulting with peers, counseling continuing education, or other like activities.
Counseling related activity does not include administrative tasks;
- (3) “Direct client contact,” synchronous contact with a client;
- (4) “In person,” physically present in the same location and the same time;
- (5) “Supervisee,” an applicant for licensure as a professional counselor who is acquiring necessary post graduate supervision hours for licensure under a board approved post graduate plan of supervision;
- (6) “Supervisor,” an approved licensee who meets the requirements of this chapter and has been approved by the board to provide post graduate supervision to an approved supervisee;
- (7) “Synchronous,” interaction between an individual or group of people using what is seen and heard in person to communicate in real time.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:09. Supervisor qualifications. An approved supervisor must be licensed in South Dakota by the applicable state licensing board and be:

(1) Licensed by the board and be credentialed as an Approved Clinical Supervisor by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors, Inc. and Affiliates;

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

(3) Licensed as a professional counselor, professional counselor-mental health, marriage and family therapist, certified social worker-private independent practice, psychologist, or psychiatrist, in good standing with the applicable state licensing board, who has been actively licensed for at least one year prior to the beginning of supervision and proof of at least 15 hours of qualified continuing education, pursuant to chapter 20:68:07, focused on supervision, within two years prior to the date of application; or

(4) Licensed by the board and an American Association for Marriage and Family Therapy approved clinical supervisor.

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

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

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

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:11. Recognition of supervision by a South Dakota licensing board – professional counselor. The board may recognize direct client contact hours acquired pursuant to supervision approved and overseen by another South Dakota licensing board. Such hours must meet the definition of the practice of counseling, as prescribed by SDCL 36-32-47, and must be documented as prescribed by this chapter.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:12. Supervisor application. An applicant seeking approval as a supervisor shall submit to the board:

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

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:13. Renewal of approved supervisor status. Approval as a supervisor is valid from the date of approval through November 30 of the next even-numbered year and is subject to renewal. An approved supervisor may renew status as an approved supervisor by submitting to the board a completed application and proof of at least four hours of qualified continuing education, pursuant to chapter 20:68:07, focused on supervision, acquired during the current continuing education cycle.

Failure to renew approval as a supervisor by November 30 of an even-numbered year automatically expires the approval and any post graduate plan of supervision authorized with the supervisor. A previously approved supervisor may be reinstated as an approved supervisor upon submission of an application and verification of qualifications, pursuant to this chapter, as of the date of the application.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:14. Supervisor duties. An approved supervisor is responsible for the meaningful supervision of a supervisee through an intensive, interpersonal, and focused relationship to facilitate the development of the supervisee during a period of post graduate supervision. An approved supervisor is responsible for ensuring:

(1) Client welfare is protected;

(2) The supervisee functions within the limits of the supervisee's competence;

(3) The supervision occurs in activities relevant to the supervisee's position and academic background;

(4) The supervision is designed to expand and improve skills in areas for which the supervisee has academic background but inadequate training;

(5) The supervision covers theoretical approaches in the following areas:

(a) Counseling psychotherapy techniques;

(b) Appraisal, evaluation, and diagnostic procedures;

(c) Treatment planning and implementation;

(d) Case management and record keeping;

(e) Professional identity and function; and

(f) Professional ethics and standards of practice; and

(6) Appropriate setting for supervisee practice.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:15. Multiple supervisors. A supervisee may have more than one approved supervisor. Each supervisor is responsible for the supervision of the supervisee during the time an approved post graduate plan of supervision with the supervisor is in effect. The frequency of supervision requirements prescribed by § 20:68:04:10(2) may be met by one supervisor for any given period, if the supervisee has multiple supervisors.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:04:16. Completion or termination of post graduate plan of supervision.

An approved supervisor shall notify the board, in writing, of the completion or termination of an approved post graduate plan of supervision within 14 days of the completion or termination of the post graduate plan of supervision. The approved supervisor shall provide the supervisee with a completed verification of supervision hours, if applicable, within 14 days of the completion or termination of the post graduate plan of supervision. Failure to notify the board of the completion or termination of a post graduate plan of supervision or failure to provide verification of supervision hours within the required time, without good cause, may be considered unprofessional conduct under SDCL 36-32-83.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-64.

20:68:05:01. Examinations. The National Counselor Examination (NCE) is the ~~national examination for licensed~~ required for licensure as a professional counselors ~~counselor approved by the board.~~ The applicant shall apply ~~and pay fees~~ directly to the National Board for Certified Counselors. ~~A state examination testing competency in ethics, continuing education requirements, and state laws related to counseling may be required in addition to the national examination. The board shall notify eligible applicants of the time and place of the state examination.~~

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~~ 36-32-64.

Law Implemented: SDCL ~~36-32-13, 36-32-18~~ 36-32-64.

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 used in this chapter mean:

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

Source:

General Authority: SDCL 36-32-55; 36-32-56.

Law Implemented: SDCL 36-32-91.

20:68:06:02. Standards for counseling through electronic means. Counseling provided through electronic means shall adhere to the requirements of this article, HIPAA regulations, and the ethical requirements of chapter 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: SDCL 36-32-55; 36-32-56.

Law Implemented: SDCL 36-32-91.

CHAPTER 20:68:07

CONTINUING EDUCATION

Section

20:68:07:01	Definitions <u>Repealed.</u>
20:68:07:02	Continuing education compliance period <u>Repealed.</u>
20:68:07:03	Continuing education requirements <u>Repealed.</u>
20:68:07:04	Proof of compliance required <u>Repealed.</u>
20:68:07:05	Notice of noncompliance <u>Repealed.</u>
20:68:07:06	Sources of continuing education credit <u>Repealed.</u>
20:68:07:07	Restrictions on continuing education credit <u>Repealed.</u>
20:68:07:08	Standards for approval <u>Repealed.</u>
20:68:07:09	Approval of sponsors <u>Repealed.</u>
20:68:07:09.01	State board approval of programs <u>Repealed.</u>
20:68:07:10	Prior approval of activities <u>Repealed.</u>
20:68:07:11	Post approval of activities <u>Repealed.</u>
20:68:07:12	Review of programs — Reevaluation of sponsors <u>Repealed.</u>
20:68:07:13	Credit for presentations and publications <u>Repealed.</u>
20:68:07:14	Application for waiver of continuing education requirements <u>Repealed.</u>
20:68:07:15 and 20:68:07:16	Repealed.
20:68:07:17	Reinstatement of inactive license <u>Repealed.</u>
20:68:07:18	Suspension or revocation of license <u>Repealed.</u>

<u>20:68:07:19</u>	<u>Definitions.</u>
<u>20:68:07:20</u>	<u>Continuing education requirements.</u>
<u>20:68:07:21</u>	<u>Record keeping.</u>
<u>20:68:07:22</u>	<u>Qualified continuing education.</u>
<u>20:68:07:23</u>	<u>Restrictions on continuing education credit.</u>
<u>20:68:07:24</u>	<u>Approved continuing education programs.</u>
<u>20:68:07:25</u>	<u>Credit for presentations and publications.</u>
<u>20:68:07:26</u>	<u>Waiver of continuing education requirements.</u>

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

- (1) "~~Continuing education,~~" ~~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;~~
- (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;~~
- (6) "~~Contact hour,~~" ~~60 minutes of continuing education program~~ Repealed.

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 Repealed.

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~~ Repealed.

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 Repealed.~~

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 Repealed.~~

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 Repealed.~~

~~**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 in-house programs Repealed.~~

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 Repealed.~~

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)~~

Repealed.

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~~ Repealed.

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

— **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.~~

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

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

— **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.~~

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

~~attendee in writing whether the program is approved and the number of contact hours allowed Repealed.~~

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.~~

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

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

Source: 23 SDR 8, effective July 25, 1996.

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

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

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

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.

~~— **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.~~

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

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

~~—— (2) The licensee has an incapacitating illness or disability documented by a licensed physician Repealed.~~

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.~~

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

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.~~

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

~~—The board may not renew a license for any person who has failed to comply with the requirements of this chapter. The board shall conduct audits to verify compliance of continuing education requirements Repealed.~~

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.~~

20:68:07:19. Definitions. Terms used in this chapter mean:

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

(3) "Licensee," a person licensed to practice as a professional counselor-mental health in this state.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:20. Continuing education requirements. A licensee shall complete 40 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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:21. Record keeping. 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.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:22. 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 15 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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:23. Restrictions on continuing education credit. A licensee may not receive more than eight contact hours during a continuing education compliance period from qualified in-house programs.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:24. 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 Marriage and Family Therapists;
- (2) American Association of Social Workers;
- (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 Association of Addiction and Prevention Professionals;
- (9) South Dakota Board of Addiction and Prevention Professionals;
- (10) South Dakota Board of Examiners for Psychologists;
- (11) South Dakota Board of Social Work Examiners;
- (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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:25. Credit for presentations and publications. A licensee who has prepared an academic counseling course, a counseling in-service training workshop, or a counseling seminar or who has written, as first author, a counseling article accepted for publication in a recognized professional journal is allowed a maximum of ten contact hours in each compliance period for each original presentation or publication. Verification of completion of the presentation or the letter of acceptance to publish, must be maintained by the licensee consistent with the requirements of this chapter.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:07:26. Waiver of continuing education requirements. The board may waive the continuing education requirements of this chapter upon receipt of a licensee's written request showing of good cause for the waiver. Continuing education requirements may not be waived for more than one continuing education cycle.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:68:08:01. Ethical standards. A ~~licensed professional counselor licensee,~~ supervisee or supervisor shall comply with the ethical standards as set forth in the American Counseling Association Code of Ethics, as approved by ~~ACA~~ American Counseling Association Governing Council.

Source: 28 SDR 51, effective October 14, 2001; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-32-26~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-29(10)~~ 36-32-64, 36-32-67, 36-32-68, 36-32-74, 36-32-75.

Reference: ACA Code of Ethics, 2014 edition. Copies may be obtained by writing to ACA, 6101 Stevenson Ave. Suite 600, Alexandria, VA 22304, calling 800-347-6674, or online at www.counseling.org.

ARTICLE 20:71

MARRIAGE AND FAMILY THERAPISTS

Chapter

- 20:71:01 General provisions.
- 20:71:02 Licensing requirements.
- 20:71:03 Examinations.
- 20:71:04 Fees.
- 20:71:05 Supervision.
- 20:71:06 Continuing education.
- 20:71:07 Ethical standards.
- 20:71:08 Marriage and family therapy through electronic means.

20:71:01:01. Definitions. ~~Terms used in this article mean:~~

~~(1) "Board," the Board of Examiners for Counselors and Marriage and Family Therapists as defined in SDCL 36-33-2;~~

~~—— (2) "Group supervision," the act or process of watching over the training, work experience, and performance of applicants for a license as a marriage and family therapist in a setting which the supervisor and three or more supervisees meet face-to-face in a regular ongoing fashion;~~

~~—— (3) "Individual supervision," the act or process of watching over the training, work experience, and performance of an applicant for a license as a marriage and family therapist by means of face-to-face contact between the supervisor and not more than two supervisees;~~

~~—— (4) "State or territory," a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands, or Guam;~~

~~—— (5) "Supervisor," a licensed marriage and family therapist or the equivalent as determined by the board~~ Terms defined in SDCL chapter 36-33 have the same meaning when used in this article.

Source: 22 SDR 97, effective January 24, 1996; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-9~~ 36-33-34.

Law Implemented: SDCL ~~36-33-9~~ 36-33-34.

CHAPTER 20:71:02
LICENSING REQUIREMENTS

Section

- 20:71:02:01 Application for licensed marriage and family therapist requirements.
- 20:71:02:02 Repealed.
- 20:71:02:03 Repealed.
- 20:71:02:04 Application denial.
- 20:71:02:05 Application for post graduate plan of supervision.
- 20:71:02:06 Application for licensed marriage and family therapists.
- 20:71:02:07 Application for marriage and family therapist by endorsement – applicant
licensed in another state.
- 20:71:02:08 Application for temporary license – applicant licensed in another state.
- 20:71:02:09 Application to reinstate an expired license.
- 20:71:02:10 Academic requirements.
- 20:71:02:11 Approved marriage and family therapy program.
- 20:70:02:12 Post degree completion of academic requirements for licensure – marriage
and family therapist.
- 20:70:02:13 Credit hour equivalency.

20:71:02:01. Application for licensed marriage and family therapist requirements. ~~An applicant for licensure as a licensed marriage and family therapist shall apply to the board on a form provided by the board. The applicant must submit enough documentation for the board to determine if the applicant's professional qualifications are equivalent to the requirements of SDCL chapter 36-33. The application for licensure shall contain the following information:~~

~~—— (1) The applicant's name, mailing address, telephone number, date of birth, and social security number;~~

~~—— (2) A copy of a government issued photo ID.~~

~~—— (3) A statement of any criminal record;~~

~~—— (4) Official transcripts showing compliance with educational requirements in SDCL 36-33-9(3);~~

~~—— (5) Official verification of a passing score on the National Examination in Marital and Family Therapy described in § 20:71:03:01;~~

~~—— (6) Documentation that the applicant has completed the supervised work experience required by SDCL 36-33-9(4); and~~

~~—— (7) A nonrefundable application fee specified in § 20:71:04:02~~

An application for a license, temporary license, renewal of license, inactive license, or reactivated license must be made in writing on a form prescribed by the board. The applicable application fee and license fee must be submitted with the application. The application fee is non-refundable. 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 electronically 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.

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: 22 SDR 97, effective January 24, 1996; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-9~~ 36-33-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43, 36-33-45, 36-33-46, 36-33-50, 36-33-52, 36-33-53, 36-33-66.

20:71:02:04. Application denial. An application may be denied for failure to meet the applicable licensure requirements or based on the grounds outlined in SDCL 36-33-61. The board shall inform the applicant, in writing, of its reasons for denial. An applicant whose application is denied is entitled to a hearing pursuant to SDCL chapter 1-26.

Source:

General Authority: SDCL 36-33-71.

Law Implemented: SDCL 36-33-43, 36-33-45, 36-33-46, 36-33- 50, 36-33-52, 36-33-53, 36-33-66.

20:71:02:05. 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 the application fee;
- (2) Official educational transcript from an accredited marriage and family therapy program recognized by the board demonstrating a master's or doctoral degree in counseling consisting of at least 48 credit hours;
- (3) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (4) The name and contact information of the applicant's proposed supervisor;
- (5) A statement of any criminal record, if applicable;
- (6) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (7) A recent photograph.

A post graduate plan of supervision must be approved by the board prior to the applicant acquiring the supervision experience necessary to meet the licensure requirements of SDCL 36-33-43.

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

A board approved post graduate plan of supervision is valid for two years from the date of issuance. An approved post graduate plan of supervision may be renewed one time.

An application to renew a post graduate plan of supervision shall be submitted at least 30 days before the expiration of the approved post graduate plan of supervision.

The board may grant an extension of an approved post graduate plan of supervision, is a request is in writing to the board by the supervisee, upon a showing of extenuating circumstances or undue hardship. A request for an extension must be made prior to the expiration of the approved post graduate plan of supervision

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:02:06. Application for licensed marriage and family therapists. An applicant for a license to practice as a marriage and family therapist shall submit to the board:

- (1) A completed application;
- (2) The applicable license fee;
- (3) Official educational transcript from an accredited counseling program recognized by the board demonstrating a master's or doctoral degree in marriage and family therapy consisting of at least 48 credit hours;
- (4) Official verification of a passing score on the National Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Boards;
- (5) Documentation of 1,700 hours of board approved supervision, as prescribed in this article, obtained subsequent to the granting of the applicant's master's or doctoral degree;
- (6) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (7) A statement of criminal record, if applicable;
- (8) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (9) A recent photograph.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:02:07. Application for marriage and family therapist by endorsement – applicant licensed in another state. An applicant licensed in another state for a minimum of three continuous years may apply for a license to practice counseling by submitting to the board:

- (1) A completed application and the application fee;
- (2) The applicable license fee;
- (3) Official verification of a passing score on the National Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Boards;
- (4) Verification of a current license to practice counseling, in good standing, issued by another state licensing board for a continuous period of at least three years immediately preceding the application;
- (5) Verification of an active practice, as defined in SDCL 36-33-45, during the three-year period immediately preceding the application;
- (6) A statement of any criminal record, if applicable;
- (7) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (8) A recent photograph.

Source:

General Authority: SDCL 36-33-45, 36-33-71.

Law Implemented: SDCL 36-33-45.

20:71:02:08. Application for temporary license – applicant licensed in

another state. An applicant licensed in another state for a minimum of three continuous years may apply for a temporary license to practice counseling by submitting to the board:

- (1) A completed application and the application fee;
- (2) The applicable license fee;
- (3) Verification of a current license to practice counseling, in good standing, issued by another state licensing board for a continuous period of at least three years immediately preceding the application;
- (4) Verification of an active practice, as defined in SDCL 36-33-46, during the three-year period immediately preceding the application;
- (5) A statement of any criminal record, if applicable;
- (6) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (7) A recent photograph.

A temporary license automatically expires ninety days after the date of issuance or upon passage of the National Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Boards. A temporary license may be renewed one time.

Source:

General Authority: SDCL 36-33-71.

Law Implemented: SDCL 36-33-46.

20:71:02:09. Application to reinstate an expired license. An expired license may be reactivated, as prescribed by SDCL 36-33-53, by submitting to the board:

- (1) A completed application and the applicable license fee;
- (2) Proof of qualified continuing education for the period of expiration; and
- (3) Official verification of a passing score on the National Examination in Marital and Family Therapy administered by the Association of Marital and Family Therapy Regulatory Boards after the date the original license expired.

Source:

General Authority: SDCL 36-33-71.

Law Implemented: SDCL 36-33-53.

20:71:02:10. Academic requirements. Academic requirements to become a marriage and family therapist must be completed at a university or college accredited by one of the following:

- (1) Higher Learning Commission;
- (2) Middle States Commission on Higher Education;
- (3) New England State Association of Schools and Colleges Commission on Institutions of Higher Education;
- (4) Northwest Commission on Colleges and Universities;
- (5) Southern Association of Colleges and Schools Commission on Colleges; or
- (6) Western Association of Schools and Colleges.

The applicant's postgraduate degree in marriage and family therapy must be at least a 48 credit hour master's degree or doctoral degree.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:02:11. Approved marriage and family therapy program. Academic requirements to become a marriage and family therapist must be completed through a board approved program. An approved program is:

- (1) A program accredited by the Commission on Accreditation for Marriage and Family Therapy Education;
- (2) A program with specialty training in marriage and family counseling or therapy which is accredited by the Council for Accreditation of Counseling and Related Educational Programs; or
- (3) An organized sequence of study in the area of marriage and family therapy that includes graduate course work in each of the following areas:

- (a) Marriage and family studies introductory systems theory, family development, family systems (marital, sibling, individual subsystems), special family issues, gender and cultural issues, all with major focus from a systems theory orientation;
- (b) Marriage and family therapy advanced systems theory and interventions, major systemic marriage and family treatment approaches, (structural, strategic, neoanalytic (object relations), behavioral marriage and family therapy, communications, sex therapy, etc.);
- (c) Human development: At least one course in psychopathology-abnormal behavior is required and at least one course in assessment is required. The third course may be selected from human development (normal and abnormal), personality theory, or human sexuality;

- (d) Professional studies: Professional ethics as a therapist including legal and ethical responsibilities and liabilities, family law, etc;
- (e) Research: Research course in marriage and family studies and therapy including research design, methodology, statistics; and
- (f) Practicum: one year minimum during graduate work: 15 hours per week, approximately eight to ten hours in direct clinical contact with individuals, couples, and families. Minimum of three hundred client contact hours required.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:02:12. Post degree completion of academic requirements for licensure – marriage and family therapist. An applicant whose graduate degree in counseling is based on less than 48 approved credit hours, who did not complete the necessary supervised professional practicum as part of the degree program, or who did not complete coursework in the areas prescribed by § 20:68:03:02(2) may complete the missing academic requirements if:

- (1) No more than 12 semester credits are completed post degree for purposes of meeting the academic requirements of § 20:71:02:13(3);
- (2) All necessary academic requirements are completed through an approved university or college that meets the requirements of this chapter; and
- (3) All necessary academic requirements are taken and passed for credit.

Post degree completion of academic requirements for licensure must be completed and verified prior to the issuance of a post graduate plan of supervision.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:02:13. Credit hour equivalency. For purposes of this article, 48 semester credit hours equal 72 quarter credit hours.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:03:01. Approved examination. The board shall maintain membership in the Association of Marital and Family Therapy Regulatory Boards ~~in order that~~ to ensure the National Examination in Marital and Family Therapy may be offered in South Dakota ~~at the national examination times.~~

Source: 22 SDR 97, effective January 24, 1996; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-9~~ 36-33-71.

Law Implemented: SDCL ~~36-33-11, 36-33-12~~ 36-33-43, 36-33-45, 36-33-46, 36-33-53.

CHAPTER 20:71:04

FEES

Section

20:71:04:01 ~~Form of application~~ Remittance of fees.

20:71:04:02 Fee schedule.

20:71:04:01. ~~Form of application~~ 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 may take no action on any application for licensure until the fee is received.

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

General Authority: SDCL ~~36-33-9, 36-33-17, 36-33-25~~ 36-33-70.

Law Implemented: SDCL ~~36-33-9, 36-33-12, 36-33-13, 36-33-25~~ 36-33-43, 36-33-45, 36-33-46, 36-33-53.

20:71:04:02. Fee schedule. The fees applicable under this chapter are ~~not~~ refundable. ~~The fee schedule is as follows:~~

- (1) Application fee, \$100;
- (2) ~~Renewal~~ Biennial license fee, ~~\$100~~ 225;
- (3) ~~Reexamination~~ Temporary license fee, ~~\$20~~ 50;
- (4) ~~License fee~~, \$100;
- (5) ~~Late renewal fee, \$50, in addition to the regular renewal license fee;~~
- (6) ~~License verification, \$15;~~
- (7) ~~Duplicate renewal card, \$10~~ Inactive license fee, \$25.

Source: 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; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-9, 36-33-17, 36-33-18, 36-33-25~~ 36-33-70.

Law Implemented: SDCL ~~36-33-9, 36-33-12, 36-33-13, 36-33-18, 36-33-25~~ 36-33-43, 36-33-45, 36-33-46, 36-33-53.

CHAPTER 20:71:05

SUPERVISION

Section

- 20:71:05:00 Definitions.
- 20:71:05:01 ~~Qualifications of a supervisor~~ Supervisor qualifications.
- 20:71:05:02 ~~Plan of supervision~~ Post graduate supervision requirements – marriage and family counselor.
- 20:71:05:03 Repealed.
- 20:71:05:04 ~~Supervision requirements~~ Recognition of supervision by a South Dakota licensing board – marriage and family therapist.
- 20:71:05:05 ~~Private practice not permitted~~ Repealed.
- 20:71:05:06 Supervisor application.
- 20:71:05:07 Renewal of approved supervisor status.
- 20:71:05:08 Supervisor duties.
- 20:71:05:09 Multiple supervisors.
- 20:71:05:10 Completion or termination of post graduate plan of supervision.
- 20:71:05:11 Personal counseling or therapy permitted as direct client contact hours.

20:71.05:00. Definitions. Terms used in this chapter mean:

- (1) “Contact hour,” a continuous period of time spent with a client. A contact hour may be accumulated in increments of 15 or 20 minutes. One contact hour equals at least 50 total minutes of time spent with a client;
- (2) “Direct client contact,” synchronous contact with a client;
- (3) “In person,” physically present in the same location and the same time;
- (4) “Supervisee,” an applicant for licensure as a marriage and family therapist who is acquiring necessary post graduate supervision hours for licensure under a board approved post graduate plan of supervision;
- (5) “Supervisor,” an approved licensee who meets the requirements of this chapter and has been approved by the board to provide post graduate supervision to an approved supervisee;
- (6) “Synchronous,” interaction between an individual or group of people using what is seen and heard in person to communicate in real time.

Source:

General Authority: SDCL 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:05:01. Qualifications of a supervisor Supervisor qualifications. The supervisor must be knowledgeable of the clinical skills required for effective delivery of marriage and family therapy as defined in SDCL 36-33-1. The supervisor must have knowledge of the important literature in the field of marriage and family therapy and professional ethics and must see that all supervised work is conducted in appropriate professional settings. All supervisors beginning supervision after January 1, 2016, must be board approved and licensed as a marriage and family therapist for at least three years before beginning supervision of a supervisee. The supervisor shall document evidence of complying with the requirements on a form provided by the board. The form will be submitted prior to beginning the period of supervision. An approved supervisor must be licensed in South Dakota by the applicable state licensing board and be:

(1) Licensed as a professional counselor-mental health or a marriage and family therapist by the board, who has been actively licensed for at least two years prior to the beginning of supervision and proof of at least four hours of qualified continuing education, pursuant to chapter 20:71:06, focused on supervision within two years prior to the date of application;

(2) Licensed as a professional counselor-mental health or marriage and family therapist, by the board, who has been actively licensed for at least one year prior to beginning supervision and has proof of at least 15 hours of qualified continuing education, pursuant to 20:71:06, focused on supervision within two years prior to the date of application; or

(3) Licensed as a marriage and family therapist by the board and an approved clinical supervisor by the American Association for Marriage and Family Therapy.

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

Source: 22 SDR 97, effective January 24, 1996; 25 SDR 85, effective December 22, 1998; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-9~~ 36-33-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43.

20:71:05:02. ~~Plan of supervision~~ Post graduate supervision requirements – marriage and family therapist. ~~The supervisee and supervisor shall submit a completed plan of supervision form provided by the board along with official verification of a passing score on the National Examination in Marital & Family Therapy. The plan must be approved by the board prior to beginning the supervision experience. The supervisee and supervisor shall adhere to the American Association for Marriage and Family Therapists Code of Ethics, as of January 1, 2015.~~

~~— If the supervisee changes supervisors, the supervisee shall submit a new plan of supervision within 30 days~~ Post graduate supervision required for licensure as a marriage and family therapist, as prescribed by SDCL 36-33-43, shall 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 one or 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 § 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 shall be recorded on a form provided by the board. For the purpose of this chapter, only hours acquired with a board approved supervisor may be deemed compliant.

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

General Authority: SDCL ~~36-33-9~~ 33-36-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43.

Reference: ~~American Association for Marriage and Family Therapists Code of Ethics~~, January 1, 2015. Copies may be obtained from the AAMFT, 112 Alfred Street, Alexandria, VA 22314-3061 (703-838-9808) or online at www.aamft.org.

20:71:05:04. Supervision requirements Recognition of supervision by a South Dakota licensing board – marriage and family therapist. ~~At least two years of supervised experience in marriage and family therapy must be completed within three consecutive years and include 200 hours of supervision concurrent with 1700 hours of marriage and family therapy conducted in face to face contact with individuals, couples, and families. At least 100 of the 200 hours of supervision must be individual supervision. The balance may be face to face, group, or by telephone conferencing or interactive video conferencing. However, any telephone or video conferencing must be secure such that reasonable precautions have been taken to ensure that the conference will not be intercepted or listened to by unauthorized persons~~ The board may recognize direct client contact hours acquired pursuant to supervision approved and overseen by another South Dakota licensing board. Such hours must meet the definition of the practice of marriage and family therapy, as prescribed by SDCL 36-33-34, and must be documented as prescribed by this chapter.

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

General Authority: SDCL ~~36-33-9~~ 36-33-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43.

20:71:05:05. Private practice not permitted. ~~For supervisees beginning a plan of supervision after January 1, 2016, the supervisee may not practice counseling in private practice during the first two years of an approved plan of supervision~~ Repealed.

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

— ~~**General Authority:** SDCL 36-33-9.~~

— ~~**Law Implemented:** SDCL 36-33-9.~~

20:71:05:06. Supervisor application. ~~To be considered for board approved supervisor status, a licensee must submit:~~

- ~~—— (1) A completed application provided by the board;~~
- ~~—— (2) Verification of completing at least four hours of training in supervision pursuant to § 20:68:07 in the previous five years immediately preceding the submission of the application;~~
- ~~—— (3) Verification of liability insurance; and~~
- ~~—— (4) A full disclosure of all ethical complaint settlements~~ An applicant to be an approved supervisor shall submit to the board:

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

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

General Authority: SDCL ~~36-33-33, 36-33-9~~ 36-33-43, 36-33-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43.

20:71:05:07. Renewal of approved supervisor status. Approval as a supervisor is valid from the date of approval through November 30 of the next even-numbered year and is subject to renewal. An approved supervisor may renew status as an approved supervisor by submitting to the board a completed application and proof of at least four hours of qualified continuing education, pursuant to chapter 20:71:06, focused on supervision, acquired during the current continuing education cycle.

Failure to renew approval as a supervisor by November 30 of an even-numbered year automatically expires the approval and any post graduate plan of supervision authorized with the supervisor. A previously approved supervisor may be reinstated as an approved supervisor upon submission of an application and verification of qualifications, pursuant to this chapter, as of the date of the application.

Source:

General Authority: SDCL ~~36-33-33, 36-33-9~~ 36-33-43, 36-33-71.

Law Implemented: SDCL ~~36-33-9~~ 36-33-43.

20:71:05:08. Supervisor duties. An approved supervisor is responsible for the meaningful supervision of a supervisee through an intensive, interpersonal, and focused relationship to facilitate the development of the supervisee during a period of post graduate supervision. An approved supervisor is responsible for ensuring:

(1) Client welfare is protected;

(2) The supervisee functions within the limits of the supervisee's competence;

(3) The supervision occurs in activities relevant to the supervisee's position and academic background;

(4) The supervision is designed to expand and improve skills in areas for which the supervisee has academic background but limited training; and

(5) The supervision covers theoretical approaches in the following areas:

(a) Marriage and family therapy techniques;

(b) Appraisal, evaluation, and diagnostic procedures;

(c) Treatment planning and implementation;

(d) Case management and record keeping;

(e) Professional identity and function; and

(f) Professional ethics and standards of practice; and

(6) Appropriate setting for supervisee practice.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:05:09. Multiple supervisors. A supervisee may have more than one approved supervisor. Each supervisor is responsible for the supervision of the supervisee during the time an approved post graduate plan of supervision with the supervisor is in effect. The frequency of supervision requirements prescribed by § 20:71:05:02(2) may be met by one supervisor for any given period, if the supervisee has multiple supervisors.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:05:10. Completion or termination of post graduate plan of supervision.

An approved supervisor shall notify the board, in writing, of the completion or termination of an approved post graduate plan of supervision within 14 days of the completion or termination of the post graduate plan of supervision. The approved supervisor shall provide the supervisee with a completed verification of supervision hours, if applicable, within 14 days of the completion or termination of the post graduate plan of supervision. Failure to notify the board of the completion or termination of a post graduate plan of supervision or failure to provide verification of supervision hours within the required time, without good cause, may be considered unprofessional conduct under SDCL 36-33-61.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

20:71:05:11. Personal counseling or therapy permitted as direct client contact hours. 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 § 20:71:02:06. 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.

Source:

General Authority: SDCL 36-33-43, 36-33-71.

Law Implemented: SDCL 36-33-43.

CHAPTER 20:71:06

CONTINUING EDUCATION

Section

20:71:06:01 to 20:71:06:18 Repealed.

20:71:06:19 ~~Continuing education compliance~~ Repealed.

20:71:06:20 Definitions.

20:71:06:21 Continuing education requirements.

20:71:06:22 Record keeping.

20:71:06:23 Qualified continuing education.

20:71:06:24 Restrictions on continuing education credit.

20:71:06:25 Approved continuing education programs.

20:71:06:26 Credit for presentations and publications.

20:71:06:27 Waiver of continuing education requirements.

20:71:06:19. Continuing education compliance. ~~A licensee under this chapter shall comply with chapter 20:68:07 for license renewal eligibility~~ Repealed.

Source: 25 SDR 85, effective December 22, 1998.

~~— **General Authority:** SDCL 36-33-14.~~

~~— **Law Implemented:** SDCL 36-33-14.~~

20:71:06:20. Definitions. Terms used in this chapter mean:

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

(3) "Licensee," a person licensed to practice as a licensed marriage and family therapist in this state.

Source:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:21. Continuing education requirements. A licensee shall complete 40 hours of qualified continuing education in each continuing education cycle. At least four of the continuing education hours shall be on the subject of marriage and family 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:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:22. 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:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:23. 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 marriage and family therapy, as defined in SDCL 36-33-34(3).

An academic semester credit equals 15 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:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:24. Restrictions on continuing education credit. A licensee may not receive more than eight contact hours during a continuing education compliance period from qualified in-house programs.

Source:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71.06.25. 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 Marriage and Family Therapists;
- (2) American Association of Social Workers;
- (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 Association of Addiction and Prevention Professionals;
- (9) South Dakota Board of Addiction and Prevention Professionals;
- (10) South Dakota Board of Examiners for Psychologists;
- (11) South Dakota Board of Social Work Examiners;
- (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 or marriage and family therapists 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:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:26. Credit for presentations and publications. A licensee who has prepared an academic counseling or marriage and family therapy course, a counseling or marriage and family therapy in-service training workshop, or a counseling or marriage and family therapy seminar or who has written as first author a counseling or marriage and family therapy article accepted for publication in a recognized professional journal is allowed a maximum of ten contact hours in each compliance period for each original presentation or publication. Verification of completion of the presentation or the letter of acceptance to publish, must be maintained by the licensee consistent with the requirements of this chapter.

Source:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:06:27. Waiver of continuing education requirements. The board may waive the continuing education requirements of this chapter upon receipt of a licensee's written request showing of good cause for the waiver. Continuing education requirements may not be waived for more than one continuing education cycle.

Source:

General Authority: SDCL 36-33-50; 36-33-51; 36-33-71.

Law Implemented: SDCL 36-33-50; 36-33-51; 36-33-52; 36-33-53.

20:71:07:01. Ethical standards. A ~~marriage and family therapist licensee, supervisee, or supervisor~~ shall comply with the ethical standards as set forth in the ~~AAMFT~~ American Association for Marriage and Family Therapy Code of Ethics, as of January 1, 2015.

Source: 25 SDR 85, effective December 22, 1998; 28 SDR 51, effective October 14, 2001; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-33-19(10)~~ 36-33-61(10).

Law Implemented: ~~SDCL 36-33-19(10)~~ 36-33-61(10).

Reference: ~~AAMFT~~ American Association for Marriage and Family Therapy Code of Ethics, effective January 1, 2015. Copies may be obtained from the American Association for Marriage and Family Therapy, 112 S. Alfred Street, Alexandria, VA, (703-838-9808), or online at www.aamft.org.

CHAPTER 20:71:08

MARRIAGE AND FAMILY THERAPY THROUGH ELECTRONIC MEANS

Section

20:71:08:01

Definitions.

20:71:08:02

Standards for marriage and family therapy through electronic means.

20:71:08:01. 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: SDCL 36-33-70.

Law Implemented: SDCL 36-33-69.

20:71:08:02. Standards for marriage and family therapy through electronic means. Marriage and family therapy provided through electronic means shall adhere to the requirements of this article, HIPAA regulations, and the ethical requirements of chapter 20:71:07. Failure to adhere to these regulations and requirements may be considered unprofessional conduct by the board subject to discipline.

Source:

General Authority: SDCL 36-33-70.

Law Implemented: SDCL 36-33-69.

ARTICLE 20:73

LICENSED PROFESSIONAL COUNSELOR -- MENTAL HEALTH

Chapter

- 20:73:01 Licensing requirements.
- 20:73:02 Fees.
- 20:73:03 Academic ~~and equivalency~~ requirements and approved programs.
- 20:73:04 Supervision.
- 20:73:05 Examination.
- 20:73:06 Continuing education.
- 20:73:07 Ethical standards.
- 20:73:08 Counseling through electronic means.

CHAPTER 20:73:01

LICENSING REQUIREMENTS

Section

- 20:73:01:01 Definitions.
- 20:73:01:02 ~~Application for licensed professional counselor — Mental health requirements.~~
- 20:73:01:03 Repealed.
- 20:73:01:04 ~~Licensure~~ Application denial.
- 20:73:01:05 Application for post graduate plan of supervision — professional counselor-mental health.
- 20:73:01:06 Application for licensed professional counselor-mental health.
- 20:73:01:07 Application for professional counselor-mental health by endorsement — applicant licensed in another state.
- 20:73:01:08 Application for temporary license — professional counselor-mental health - applicant licensed in another state.
- 20:73:01:09 Application to reinstate an expired license.

20:73:01:01. Definitions. Terms defined in ~~§ 20:68:01:01~~ SDCL chapter 36-32 have the same meaning when used in this ~~chapter~~ article. ~~Terms used in this chapter mean:~~

~~— (1) "Mental health counseling," as defined in SDCL 36-32-40;~~

~~— (2) "Clinical setting," a place in which mental health counseling, as defined by SDCL 36-32-40, occurs.~~

Source: 25 SDR 85, effective December 22, 1998.

General Authority: ~~SDCL 36-32-43~~ 36-32-47.

Law Implemented: ~~SDCL 36-32-43~~ 36-32-47.

20:73:01:02. Application for licensed professional counselor — Mental health requirements. ~~An applicant for licensure as a licensed professional counselor — mental health shall apply on a form provided by the board. The application form shall contain the following information:~~

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

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

~~—— (3) Official educational transcripts showing graduation from a program with a minimum of a 48 hour master's degree as described in chapters 20:68:03 and 20:73:03;~~

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

~~—— (5) Documentation of supervised experience subsequent to the granting of the master's degree, signed by the approved supervisor, and which meets the criteria as outlined in chapters 20:68:04 and 20:73:04, and SDCL subdivision 36-32-42(3);~~

~~—— (6) The application fee required by § 20:73:02:02; and~~

~~—— (7) Official verification of a passing score as required in § 20:73:05:01~~ An application for a license, temporary license, renewal of license, inactive license, or reactivated license must be made in writing on a form prescribed by the board. The applicable application fee and license fee must be submitted with the application. The application fee is non-refundable. 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 electronically 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.

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: 25 SDR 85, effective December 22, 1998; 32 SDR 32, effective August 29, 2005; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-32-42, 36-32-43~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-42, 36-32-43~~ 36-32-65, 36-32-67, 36-32-68, 36-32-75.

20:73:01:04. Licensure Application denial. ~~If the board denies an application for licensure, the board shall inform the applicant in writing of its reasons for denial~~ An application may be denied for failure to meet the applicable licensure requirements 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 hearing pursuant to SDCL chapter 1-26.

Source: 25 SDR 85, effective December 22, 1998.

General Authority: ~~SDCL 36-32-43~~ 36-32-65, 36-32-67, 36-32-68, 36-32-75, 36-32-75.

Law Implemented: ~~SDCL 36-32-43~~ 36-32-65, 36-32-67, 36-32-68, 36-32-75, 36-32-75.

20:73:01:05. Application for post graduate plan of supervision – professional counselor-mental health. An applicant for a post graduate plan of supervision shall submit to the board:

- (1) A completed application and the application fee;
- (2) Verification the applicant holds an active license pursuant to 36-36-64;
- (3) Official educational transcript from an accredited counseling program recognized by the board demonstrating a master’s or doctoral degree in counseling with an emphasis in mental health consisting of at least 48 credit hours;
- (4) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (5) The name and contact information of the applicant’s proposed supervisor;
- (6) A statement of any criminal record, if applicable;
- (7) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (8) A recent photograph.

The board may approve a post graduate plan of supervision, the requirements of subdivision (3) notwithstanding, if the applicant meets all other provisions of this section and the applicant can address any deficiencies in the requirements of subdivision (3) by an option prescribed by § 20:73:01:12.

A post graduate plan of supervision must be approved by the board prior to the applicant acquiring the supervision experience necessary to meet the licensure requirements of SDCL 36-32-65.

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

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

The board may grant an extension of an approved post graduate plan of supervision, if a request is in writing to the board by the supervisee, upon a showing of extenuating circumstances or undue hardship. A request for an extension must be made prior to the expiration of the approved post graduate plan of supervision.

Source:

General Authority: 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:01:06. Application for licensed professional counselor-mental health. An

applicant for a license to practice as a professional counselor-mental health shall submit to the board:

- (1) A completed application;
- (2) The applicable license fee;
- (3) Verification the applicant holds an active license pursuant to SDCL 36-32-64;
- (4) Official educational transcript from an accredited counseling program recognized by the board demonstrating a master's or doctoral degree in counseling with an emphasis in mental health consisting of at least 48 credit hours;
- (5) Official verification of a passing score on the National Clinical Mental Health Counseling Examination administered by the National Board for Certified Counselors;
- (6) Documentation of 2,000 hours of board approved supervision, as prescribed in this article, obtained subsequent to the granting of the applicant's master's or doctoral degree in counseling;
- (7) Verification of the license number and status of the license from the applicable licensing board in each state where the applicant has been licensed to practice counseling, if applicable;
- (8) A statement of criminal record, if applicable;
- (9) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (10) A recent photograph.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:01:07. Application for professional counselor-mental health by endorsement – applicant licensed in another state. An applicant licensed in another state for a minimum of three continuous years may apply for a license to practice counseling by submitting to the board:

- (1) A completed application and the application fee;
- (2) The applicable license fee;
- (3) Official verification of a passing score on the National Clinical Mental Health Counseling Examination administered by the National Board for Certified Counselors;
- (4) Verification of a current license to practice counseling, in good standing, issued by another state licensing board for a continuous period of at least three years immediately preceding the application;
- (5) Verification of an active practice, as defined in SDCL 36-32-67, during the three-year period immediately preceding the application;
- (6) A statement of any criminal record, if applicable;
- (7) A statement of any previous discipline, including denial, reprimand, revocation, or suspension of a previously held license; and
- (8) A recent photograph.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-67.

20:73:01:08. Application for temporary license – professional counselor-mental health - applicant licensed in another state. An applicant licensed in another state for a minimum of three continuous years may apply for a temporary license to practice counseling by submitting to the board:

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

A temporary license automatically expires ninety days after the date of issuance or upon passage of the National Clinical Mental Health Counseling Examination administered by the National Board for Certified Counselors. A temporary license may be renewed one time.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-68.

20:73:01:09. 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 Clinical Mental Health Counseling Examination administered by the National Board for Certified Counselors after the date the original license expired.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-75.

CHAPTER 20:73:02

FEES

Section

20:73:02:01 ~~Renewal fees~~ Repealed.

20:73:02:02 Fee schedule.

20:73:02:03 Remittance of fees.

~~**20:73:02:01. Renewal fees.** License renewal fees must be submitted annually by
December 31 Repealed.~~

Source: 25 SDR 85, effective December 22, 1998.

~~**General Authority:** SDCL 36-32-20.~~

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

20:73:02:02. Fee schedule. The fees applicable under this chapter are nonrefundable. ~~The fee schedule is as follows:~~

~~(1) Licensed professional counselor — mental health application Application fee, \$100;~~

~~(2) Initial license fee for licensed professional counselor — mental health, \$75;~~

~~(3) Annual renewal fee for licensed professional counselor — mental health, \$75;~~

~~(4) Reciprocity application fee, \$100;~~

~~(5) Late renewal fee, \$50, in addition to the annual renewal fee for licensed professional counselor — mental health;~~

~~(6) License verification, \$15;~~

~~(7) Duplicate renewal card, \$10~~

(2) Biennial license fee, \$225;

(3) Temporary license fee; \$50; and

(4) Inactive license fee; \$25.

Source: 25 SDR 85, effective December 22, 1998; 26 SDR 150, effective May 21, 2000; 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, 36-32-43~~ 36-32-92.

Law Implemented: SDCL ~~36-32-26~~ 36-32-65, 36-32-67, 36-32-68, 36-32-74, 36-32-75.

20:73:02:03. Remittance of fees. The application fee shall be remitted to the board in the form prescribed by the board payable to the state of South Dakota. The board may take no action on any application until the fee is received.

Source:

General Authority: SDCL 36-32-92.

Law Implemented: SDCL 36-32-65, 36-32-67, 36-32-68, 36-32-74, 36-32-75.

CHAPTER 20:73:03

**ACADEMIC AND EQUIVALENCY REQUIREMENTS AND APPROVED
PROGRAMS**

Section

20:73:03:01 Academic requirements.

20:73:03:02 Approved counseling program.

20:73:03:03 Post degree completion of academic requirements for licensure –
professional counselor-mental health.

20:73:03:04 Credit hour equivalency.

20:73:03:01. Academic requirements. Academic requirements for licensed to become a professional counselors counselor-mental health must be completed at a university or college accredited by one of the following:

(1) ~~The Middle States Association of Colleges and Secondary Schools~~ Higher Learning Commission;

(2) ~~The New England State Association of Colleges and Secondary Schools~~ Middle States Commission on Higher Education;

(3) ~~The North Central Association of Colleges and Secondary Schools~~ New England State Association of Schools and Colleges Commission on Institutions of Higher Education;

(4) ~~The Northwest Association of Colleges and Secondary Schools~~ Northwest Commission on Colleges and Universities;

(5) ~~The Southern Association of Colleges and Secondary Schools~~ Southern Association of Colleges and Schools Commission on Colleges; or

(6) ~~The Western College Association~~ Western Association of Schools and Colleges.

The applicant's ~~post-graduate~~ postgraduate degree in counseling with an emphasis in mental health must be a ~~master's degree, educational specialist certificate or degree, or doctorate~~ at least a 48 credit hour master's degree or doctoral degree.

Source: 25 SDR 85, effective December 22, 1998.

General Authority: SDCL ~~36-32-43~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-42~~ 36-32-65.

20:73:03:02. Approved counseling program. ~~An approved counseling program is a 60-hour master's degree in mental health counseling approved by CACREP, or an organized sequence of study in the area of counseling that includes graduate course work as outlined in subdivision 20:68:03:02(2). In addition, the graduate course work outlined in SDCL 36-32-42(2) Academic requirements to become a professional counselor-mental health must be completed through a program prescribed by SDCL 36-32-65(2) at a university or college accredited pursuant to § 20:73:03:01.~~

Source: 25 SDR 85, effective December 22, 1998.

General Authority: SDCL ~~36-32-43~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-42~~ 36-32-65.

20:73:03:03. Post degree completion of academic requirements for licensure – professional counselor-mental health. An applicant whose graduate degree in counseling is based on less than 48 approved credit hours, who did not complete the necessary supervised professional practicum as part of the degree program, or who did not complete coursework in the areas prescribed by SDCL 36-32-65 may complete the missing academic requirements if:

- (1) No more than 12 semester credits are completed post degree for purposes of meeting the academic requirements of SDCL 36-32-65;
- (2) All necessary academic requirements are completed through an approved university or college that meets the requirements of this chapter; and
- (3) All necessary academic requirements are taken and passed for credit.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:03:04. Credit hour equivalency. For purposes of this article, 48 semester credit hours equal 72 quarter credit hours.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

CHAPTER 20:73:04

SUPERVISION

Section

- 20:73:04:01 ~~Plan of supervision~~ Repealed.
- 20:73:04:02 ~~Supervisor qualifications~~ Transferred.
- 20:73:04:03 ~~Supervision requirements and methods~~ Repealed.
- 20:73:04:04 ~~Restrictions on applying supervised hours~~ Repealed.
- 20:73:04:05 ~~Supervisor application~~ Repealed.
- 20:73:04:06 Definitions.
- 20:73:04:07 Supervisor qualifications.
- 20:73:04:08 Post graduate supervision requirements – professional counselor-mental health.
- 20:73:04:09 Recognition of supervision by a South Dakota licensing board – professional counselor - mental health.
- 20:73:04:10 Supervisor application.
- 20:73:04:11 Renewal of approved supervisor status.
- 20:73:04:12 Supervisor duties.
- 20:73:04:13 Multiple supervisors.
- 20:73:04:14 Completion or termination of post graduate plan of supervision.

20:73:04:01. Plan of supervision. ~~The supervisee and supervisor shall submit a completed plan of supervision on a form provided by the board. The agreement must be approved by the board prior to beginning the supervision experience.~~

~~— If the supervisee changes supervisors, the supervisee shall submit a new plan of supervision with 30 days Repealed.~~

Source: 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 32 SDR 32, effective August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

~~— **General Authority:** SDCL 36-32-43.~~

~~— **Law Implemented:** SDCL 36-32-42, 36-32-43.~~

20:73:04:02. Supervisor qualifications. A board-approved supervisor shall be:

~~—— (1) An Approved Clinical Supervisor (ACS) credentialed by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors (NBCC), Inc. and Affiliates;~~

~~—— (2) A licensed professional counselor mental health, licensed marriage and family therapist, certified social worker private independent practice, licensed psychologist, or licensed psychiatrist, who has been actively licensed for at least two years prior to the beginning of supervision;~~

~~—— (3) A licensed professional counselor mental health, licensed marriage and family therapist, certified social worker private independent practice, licensed psychologist, or licensed psychiatrist, who has been actively licensed for at least one year and has evidence of completing 15 hours of supervision training pursuant to § 20:68:07:09 before beginning supervision; or~~

~~—— (4) An American Association for Marriage and Family Therapy approved clinical supervisor. Transferred to § 20:73:04:07.~~

~~—— **Source:** 25 SDR 85, effective December 22, 1998; 32 SDR 32, effective August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.~~

~~—— **General Authority:** SDCL 36-32-43.~~

~~—— **Law Implemented:** SDCL 36-32-42, 36-32-43.~~

20:73:04:03. Supervision requirements and methods. ~~Supervision is an intensive, interpersonal, focused, one to one relationship in which the approved supervisor is designated to facilitate the development of the therapeutic competence of a supervisee. Completion of clinical experience and supervision as defined in SDCL subdivision 36-32-42(3) is required. The one hundred hours of direct supervision must consist of one hour of supervision per week for each week worked. Supervised experience shall be recorded on a supervision tracking form provided by the board. For the purpose of this chapter, if a supervisor supervises one or two supervisees per session it is individual supervision, and if a supervisor supervises three or more supervisees, it is group supervision. No more than 50 percent of the required hours may be group supervision hours.~~

~~— A supervisor shall use at least two of the four following methods:~~

~~— (1) The presentation and staffing of cases;~~

~~— (2) The critiquing of audio and video counseling tapes;~~

~~— (3) The direct observations of the supervisee; or~~

~~— (4) Co-counseling with the supervisee.~~

~~— The supervisor and supervisee shall comply with the ACA Code of Ethics. The supervisor shall ensure:~~

~~— (A) Client welfare is protected;~~

~~— (B) Supervisee functions within the limits of the supervisee's competence; and~~

~~— (C) The training is designed to expand and improve skills in areas for which the supervisee has academic background but inadequate training Repealed.~~

Source: 25 SDR 85, effective December 22, 1998; 30 SDR 121, effective February 17, 2004; 32 SDR 32, effective August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

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

—— ~~**Law Implemented:** SDCL 36-32-42, 36-32-43.~~

—— ~~**Reference:** ACA Code of Ethics, 2014 edition. Copies may be obtained by writing to ACA, 5999 Stevenson Ave., Alexandria, VA 22304, calling 800-347-6647, or online at www.counseling.org.~~

20:73:04:04. Restrictions on applying supervised hours. ~~If the supervisee intends to apply hours received in pursuit for licensure as a licensed professional counselor to mental health counselor license, the supervision must meet the requirements provided in chapters 20:68:04 and 20:73:04, and SDCL 36-32-44. Only the supervised hours of direct client contact in a clinical setting may be applied~~ Repealed.

Source: 32 SDR 32, effective August 29, 2005; 42 SDR 97, effective January 4, 2016.

~~— **General Authority:** SDCL 36-32-43, 36-32-44.~~

~~— **Law Implemented:** SDCL 36-32-44.~~

20:73:04:05. Supervisor application. ~~To be considered for board-approved supervisor status, a licensee must submit:~~

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

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

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

~~—— **Law Implemented:** SDCL 36-32-42, 36-32-43.~~

20:73.04:06. Definitions. Terms used in this chapter mean:

- (1) “Contact hour,” a continuous period of time spent with a client. A contact hour may be accumulated in increments of 15 or 20 minutes. One contact hour equals at least 50 total minutes of time spent with a client;
- (2) “Direct client contact,” synchronous contact with a client;
- (3) “In person,” physically present in the same location and the same time;
- (4) “Supervisee,” an applicant for licensure as a professional counselor-mental health who is acquiring necessary post graduate supervision hours for licensure under a board approved post graduate plan of supervision;
- (5) “Supervisor,” an approved licensee who meets the requirements of this chapter and has been approved by the board to provide post graduate supervision to an approved supervisee;
- (6) “Synchronous,” interaction between an individual or group of people using what is seen and heard in person to communicate in real time.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

~~20:73:04:02~~ **20:73:04:07. Supervisor qualifications.** ~~A board approved~~ An approved supervisor shall be must be licensed in South Dakota by the applicable state licensing board and be:

(1) ~~An~~ Licensed as a professional counselor-mental health by the board and credentialed as an Approved Clinical Supervisor (ACS) ~~credentialed~~ by the Center for Credentialing & Education, Inc. and recognized by the National Board for Certified Counselors (~~NBCC~~), Inc. and Affiliates;

(2) ~~A licensed~~ Licensed as a professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist, or licensed psychiatrist, in good standing with the applicable state licensing board, who has been actively licensed for at least two years prior to the beginning of supervision and proof of at least four hours of qualified continuing education, pursuant to chapter 20:73:06, focused on supervision within two years prior to the date of application;

(3) ~~A licensed~~ Licensed as a professional counselor-mental health, licensed marriage and family therapist, certified social worker-private independent practice, licensed psychologist, or licensed psychiatrist, in good standing with the applicable state licensing board, who has been actively licensed for at least one year prior to the beginning of supervision ~~and has evidence of completing~~ proof of at least 15 hours of supervision training pursuant to § 20:68:07:09 before beginning supervision qualified continuing education, pursuant to chapter 20:73:06, focused on supervision within two years prior to the date of application; or

(4) ~~An~~ Licensed by the board and an American Association for Marriage and Family Therapy approved clinical supervisor.

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

Source: 25 SDR 85, effective December 22, 1998; 32 SDR 32, effective August 29, 2005; 34 SDR 73, effective September 17, 2007; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL ~~36-32-43~~ 36-32-55, 36-32-56.

Law Implemented: SDCL ~~36-32-42, 36-32-43~~ 36-32-65.

20:73:04:08. Post graduate supervision requirements – professional counselor-mental health. Post graduate supervision required for licensure as a professional counselor-mental health, as prescribed by SDCL 36-32-65, shall take place pursuant to a board approved plan of supervision and consist of the following:

- (1) A minimum of 2,000 hours of direct client contact; 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 one or 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 may take place by electronic means, as prescribed by chapter 20:73:08 and must be synchronous.

For the purpose of this chapter, a supervisee may count a maximum of 1,000 hours of direct client contact hours and a maximum of 50 hours of supervision acquired with a board approved supervisor under a post graduate plan of supervision for a professional counselor issued pursuant to § 20:68:01:04 if the supervisor providing supervision under the post graduate plan of supervision for a professional counselor met the qualifications of § 20:73:04:07 at the time the supervision hours were acquired.

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

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:09. Recognition of supervision by a South Dakota licensing board – professional counselor- mental health. The board may recognize direct client contact hours acquired pursuant to supervision approved and overseen by another South Dakota licensing board. Such hours must meet the definition of the practice of counseling, as prescribed by SDCL 36-32-47, and must be documented as prescribed by this chapter.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:10. Supervisor application. An applicant to be an approved supervisor shall submit to the board:

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

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:11. Renewal of approved supervisor status. Approval as a supervisor is valid from the date of approval through November 30 of the next even-numbered year and is subject to renewal. An approved supervisor may renew status as an approved supervisor by submitting to the board a completed application and proof of at least four hours of qualified continuing education, pursuant to chapter 20:73:06, focused on supervision, acquired during the current continuing education cycle.

Failure to renew approval as a supervisor by November 30 of an even-numbered year automatically expires the approval and any post graduate plan of supervision authorized with the supervisor. A previously approved supervisor may be reinstated as an approved supervisor upon submission of an application and verification of qualifications, pursuant to this chapter, as of the date of the application.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:12. Supervisor duties. An approved supervisor is responsible for the meaningful supervision of a supervisee through an intensive, interpersonal, and focused relationship to facilitate the development of the supervisee during a period of post graduate supervision. An approved supervisor is responsible for ensuring:

(1) Client welfare is protected;

(2) The supervisee functions within the limits of the supervisee's competence;

(3) The supervision occurs in activities relevant to the supervisee's position and academic background;

(4) The supervision is designed to expand and improve skills in areas for which the supervisee has academic background but limited training; and

(5) The supervision covers theoretical approaches in the following areas:

(a) Counseling psychotherapy techniques;

(b) Appraisal, evaluation, and diagnostic procedures;

(c) Treatment planning and implementation;

(d) Case management and record keeping;

(e) Professional identity and function; and

(f) Professional ethics and standards of practice; and

(6) Appropriate setting for supervisee practice.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:13. Multiple supervisors. A supervisee may have more than one approved supervisor. Each supervisor is responsible for the supervision of the supervisee during the time an approved post graduate plan of supervision with the supervisor is in effect. The frequency of supervision requirements prescribed by § 20:73:04:08(2) may be met by one supervisor for any given period, if the supervisee has multiple supervisors.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:04:14. Completion or termination of post graduate plan of supervision.

An approved supervisor shall notify the board, in writing, of the completion or termination of an approved post graduate plan of supervision within 14 days of the completion or termination of the post graduate plan of supervision. The approved supervisor shall provide the supervisee with a completed verification of supervision hours, if applicable, within 14 days of the completion or termination of the post graduate plan of supervision. Failure to notify the board of the completion or termination of a post graduate plan of supervision or failure to provide verification of supervision hours within the required time, without good cause, may be considered unprofessional conduct under SDCL 36-32-83.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-65.

20:73:05:01. Examination. The National Clinical Mental Health Counselor Examination (NCMHCE) is the examination required for to be licensed as a professional counselor -- mental health. The applicant shall apply directly to the National Board ~~of~~ for Certified Counselors.

Source: 25 SDR 85, effective December 22, 1998; 34 SDR 73, effective September 17, 2007.

General Authority: SDCL ~~36-32-43~~ 36-32-65.

Law Implemented: SDCL ~~36-32-42, 36-32-43~~ 36-32-65.

Note: National Board for Certified Counselors, 3 Terrace Way, Suite A, Greensboro, NC 27403, 336-547-0607, www.nbcc.org.

CHAPTER 20:73:06
CONTINUING EDUCATION

Section

- 20:73:06:01 ~~Continuing education compliance for license renewal~~ Repealed.
- 20:73:06:02 Definitions.
- 20:73:06:03 Continuing education requirements.
- 20:73:06:04 Record keeping.
- 20:73:06:05 Qualified continuing education.
- 20:73:06:06 Restrictions on continuing education credit.
- 20:73:06:07 Approved continuing education programs.
- 20:73:06:08 Credit for presentations and publications.
- 20:73:06:09 Waiver of continuing education requirements.

20:73:06:01. Continuing education compliance for license renewal. ~~A licensee under this chapter shall comply with chapter 20:68:07 for license renewal eligibility~~
Repealed.

Source: 25 SDR 85, effective December 22, 1998.

General Authority: ~~SDCL 36-32-43.~~

Law Implemented: ~~SDCL 36-32-43.~~

20:73:06:02. Definitions. Terms used in this chapter mean:

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

(3) "Licensee," a person licensed to practice as a professional counselor-mental health in this state.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:03. Continuing education requirements. A licensee shall complete 40 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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:04. 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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:05. 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 15 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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:06. Restrictions on continuing education credit. A licensee may not receive more than eight contact hours during a continuing education compliance period from qualified in-house programs.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73.06.07. 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 Marriage and Family Therapists;
- (2) American Association of Social Workers;
- (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 Association of Addiction and Prevention Professionals;
- (9) South Dakota Board of Addiction and Prevention Professionals;
- (10) South Dakota Board of Examiners for Psychologists;
- (11) South Dakota Board of Social Work Examiners;
- (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:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:08. Credit for presentations and publications. A licensee who has prepared an academic counseling course, a counseling in-service training workshop, or a counseling seminar or who has written as first author a counseling article accepted for publication in a recognized professional journal is allowed a maximum of ten contact hours in each compliance period for each original presentation or publication. Verification of completion of the presentation or the letter of acceptance to publish, must be maintained by the licensee consistent with the requirements of this chapter.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:06:09. Waiver of continuing education requirements. The board may waive the continuing education requirements of this chapter upon receipt of a licensee's written request showing of good cause for the waiver. Continuing education requirements may not be waived for more than one continuing education cycle.

Source:

General Authority: SDCL 36-32-55, 36-32-56.

Law Implemented: SDCL 36-32-72, 36-32-73, 36-32-74, 36-32-75.

20:73:07:01. Ethical standards. A ~~licensed professional counselor—mental health~~ licensee, supervisee, or supervisor shall comply with the ethical standards as set forth in the American Counseling Association Code of Ethics, as approved by ~~ACA~~ the American Counseling Association Governing Council.

Source: 28 SDR 51, effective October 14, 2001; 42 SDR 97, effective January 4, 2016.

General Authority: SDCL 36-32-26.

Law Implemented: SDCL 36-32-29(10).

Reference: ACA Code of Ethics, 2014 edition. Copies may be obtained by writing to ACA, 5999 Stevenson Ave., Alexandria, VA 22304, calling 800-347-6647, or online at www.counseling.org.

CHAPTER 20:73:08

COUNSELING THROUGH ELECTRONIC MEANS

Section

20:73:08:01

Definitions.

20:73:08:02

Standards for counseling through electronic means.

20:73:08:01. Definitions. Terms used 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: SDCL 36-32-55; 36-32-56.

Law Implemented: SDCL 36-32-91.

20:73:08:02. Standards for counseling through electronic means. Counseling provided through electronic means shall adhere to the requirements of this article, HIPAA regulations, and the ethical requirements of chapter 20:73:07. Failure to adhere to these regulations and requirements may be considered unprofessional conduct by the board subject to discipline.

Source:

General Authority: SDCL 36-32-55; 36-32-56.

Law Implemented: SDCL 36-32-91.