

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

Board of Directors Meeting
MINUTES

December 3, 2010

SD High School Activities Assn. Building, Pierre

Present: Pam Kettering, Rick Ostrander, Mary Guth, Jill Schoen, Dave Johnson, Woody Schrenk, Darrel Kessler, Jim Carlon, Steve Blair, and Joyce Vos

The meeting was called to order at 8:15am. Changes and additions were suggested for the agenda.

M/S/P Johnson/Kettering to move into Executive Session at 8:20am.

M/S/P Kessler/Ostrander to move into General Session at 10:15am.

M/S/P Schoen/Kessler to dismiss case #2010-04.

M/S/P Ostrander/Kettering to refer case #2010-05 to the Office of Hearing Examiners whereas we retain decision authority, and offer a revocation without findings in the Notice of Hearing. Johnson abstained.

M/S/P Kessler/Schoen to dismiss case #2010-06. Johnson abstained.

M/S/P Kettering/Guth to approve the licensee's completion of the stipulations in the settlement agreement in case #2009-08.

Case #2010-08 was assigned to Kessler and case #2010-09 was assigned to Kinyon.

1. M/S/P Guth/Ostrander to approve the September 20, 2010 Minutes as presented.
2. a. The Board discussed using the Office of Hearing Examiners (OHE) for our complaint hearings. Due to additional questions, more information will be obtained from OHE.
b. Proposed draft changes to the Internal Operating Procedures, taking into account the OHE, will be reviewed by Carlon.
3. The hearing on Rehabilitation Counseling commenced. Guests included Wm. Peniston, Wm. Tysdal, Grady Kickul, Laurie Bauer, and Jim Miller. President Schrenk was moving the hearing toward a final decision and the audience objected. Audience members stated that they didn't receive a piece of correspondence early enough to consider and wanted to address it. Staff noted it was included in the official documents at the September meeting whereas they were present, and it was recently emailed to them

upon request. Carlon spoke to the procedures of getting to a final decision. The hearing was conducted.

Johnson made a motion and Kettering seconded the motion that the board issue a Declaratory Ruling that in interpreting the statute, vocational rehabilitation counseling does not fall under the board's jurisdiction of the mandatory practice law. Guth called the question and Ostrander abstained from the call. The motion carried and Ostrander abstained. Carlon will prepare the Declaratory Ruling and bring it to the board for approval.

Kickul mentioned that 90% of the voc rehab counselors were State employees and practicing in SD. He thanked the board for the diligent deliberation; that lots of his questions were answered while listening to the debate, and he stands ready to answer any questions of the board.

Peniston thanked the board for examining the issue and their diligence, and added that perhaps they'd get added to the exemptions. He stated his phone number was taken out of the counseling part of the phone book. He stated he would with utmost effort refer as necessary.

The hearing concluded at 11:40am.

4. Staff asked questions about Janice Mengenhauser's Application by Endorsement from Nebraska. Staff was directed to send the application through the review process and the reviewer could bring questions to the board if necessary.

5. M/S/P Guth/Johnson to defer the licensing decision about Donna Farrar's Application by Endorsement from Nebraska pending the outcome of Nebraska's investigative review.

6. Staff brought the question of online counseling/therapy requested from a licensee in Iowa. The answer is if the physical presence of counseling is taking place in SD – client resides in SD – the mandatory law is in effect. The licensee could get a license by endorsement if they wish to practice online. It was mentioned that we could put a statement regarding online counseling in our Rules.

7. Staff asked if the fee for annual renewal could be waived for new licenses issued in the latter months of the year. As much as the board understood the possible monetary hardship, the answer was no plus annual renewal is required in §36-32-20.

8. Patricia LaVelle did not appear for her presentation to the board on her ethics CE issue. It was stated that licensees should not email their documents to the board members but go through the office in a timely manner. Schrenk will prepare a letter to LaVelle.

9. Staff updated the board on the 2011 proposed legislation. Only the criminal background check and qualification of board members was moving forward. The others will be considered in the near future and included in the department's Sunset review.

10. AASCB board attendee out-of-state travel requests and the registrations were discussed and planned.

11. Guth summarized her written notes on her attendance at the AMFTRB conference in September. Supervision and endorsement were key topics. The States are encouraged

to adopt the AMFTRB model of endorsement. Guth recommends our board visit this topic.

12. Notes from the Nov 2010 Supervision Task Force were provided. Some discussion items were highlighted. It was thought that by January, Guth and Schoen could develop a draft contract to bring to the March board meeting.

13. The list of new licensees since that last meeting was offered as informational.

Staff provided an article on Life Coaches recently published in the Argus Leader. It was noted that this “profession” has been mentioned at the national meetings in the past and is becoming more prevalent. Staff was directed to contact a licensee that is also a life coach and visit about the typical range of services, cross-over of counseling, etc.

Staff gave the board an update on the number of licensees not renewed yet. She was told that even if the licensee wasn’t renewed as required by January 1, the licensee assumes they are because they dated their envelope December 31. Since we have a mandatory practice law, we could write a Rule to require renewal by December 1 in order to comply with the January 1 statute.

The meeting was adjourned at 2:40pm.

Respectfully submitted,

Joyce M. Vos
Executive Secretary