

Board of Directors Meeting  
**MINUTES**  
September 10, 2010  
Capitol Building, Pierre

Present: Jim Kinyon, Darrel Kessler, Jill Schoen, Woody Schrenk, Tacey Braithwaite, Rick Ostrander, Mary Guth, Jim Carlon, Steve Blair, and Joyce Vos

The meeting was called to order at 8:40am. One item was added to the Agenda.

M/S/P Schoen/Ostrander to move into Executive Session at 8:50am.

M/S/P Guth/Kessler to move into General Session at 10:25am.

M/S/P Braithwaite/Schoen to accept the proposed settlement in Case #2009-08 with changes that 5 hours of CE be completed before the annual license renewal date of December 31, 2010; that the counselor appear before the Board upon the completion of the stated terms of the stipulation, and that the typical legal language of the Board's settlements be included as well.

M/S/P Guth/Ostrander to accept the CE presented by the counselor in Case #2009-10 as fulfillment of the 10 hours required in the settlement.

M/S/P Kinyon/Braithwaite to dismiss Case #2010-03. Kessler abstained.

Case #2010-04 was assigned to Kinyon.

M/S/P Kessler/Braithwaite to direct Ass't Attorney General Blair to send a Notice of Hearing and a Notice of Intent to Revolve in Case #2010-05.

1. Schrenk mentioned he visited with Leo Disberg with the Office of Hearing Examiners about services they could provide to the Board. Staff was directed to learn more about their process and the cost involved.
4. Guests were present to continue the hearing on a Declaratory Ruling on Rehabilitation Counseling. They were Wm. Penniston, Wm. Tysdal, and Jim Carroll. Carlon clarified whether and how they could request and/or receive official transcripts from the proceedings. He suggested they seek their own legal counsel to assist them with their questions. They asked whether a decision was going to be made today. They were told it was more likely a decision could be made at the next meeting since there were

going to be more documents distributed today and the Board would need time to review them all. Documents they presented for the official record were a letter from Penniston, a letter from Tysdal, and a letter from Cindy Chapman, Executive Director for the Commission on Rehabilitation Counselor Certification. The guests were asked if they had anything new to offer on the issue. Both Penniston and Tysdal addressed the Board. Schrenk noted a sentence about diagnosis and treatment in Chapman's letter that he felt conflicted with the CRC Code of Professional Ethics. Penniston agreed the statement wasn't clear. Schrenk mentioned he would contact Chapman about it.

They were promised all the documents would be disseminated to the full board promptly. Also, that the Board could continue to take comments up to the next meeting and those would be disseminated to the Board ahead of time. The plan was that the next meeting would involve the discussion and vote.

For the record, the official documents to date are: Chapman letter, Penniston letter, Tysdal letter, CRCC Code of Professional Ethics, an email from Dr. Trenhaile, Department Head, SDSU Counseling and Human Development, and the SDSU counseling course catalog.

2. M/S/P Kessler/Schoen to approve the June 4, 2010 Minutes with two minor corrections.
3. M/S/P Schoen/Ostrander to approve the request from Gretchen Hartman's for an extension of her LMFT supervision period.
5. M/S/P Kinyon/Schoen to approve all the proposed legislation with two changes in §36-32-2 – two lay members back to three and six professional members changed to five.
6. M/S/P Ostrander/Schoen to direct Staff to respond to Karine Pogosyan that there is no documentation to support she has qualifying hours from ND.
7. Schoen and Guth briefed the Board on the supervision task committee meeting they conducted in August. They will attempt to conduct another face-face meeting in October, and then a conference call in November.
8. Schrenk presented a report on his attendance at the NBCC meeting this summer.
9. The current financials were available, and Staff referenced the 8-Year-View.
10. The list of new licensees since the last meeting was provided as informational.
11. The annual statistical reports from NBCC for the SD NCE and NCMHCE examinees were provided as informational.

Staff presented a continuing education request from Patricia LaVelle. A motion was made by Guth and seconded by Kessler to approve the program for six hours of

Ethics. The motion failed. M/S/P Ostrander/Schoen to deny LaVelle's request for a total of six hours of ethics and maintain what was originally issued by Staff. Guth abstained. There was a concern about her statement that the Psychology, Social Worker, and Alcohol and Drug boards "have all approved the workshop for 6 CEU's under the Ethics subject." Staff reported that she called the boards for confirmation since she had never heard of other boards requiring Ethics CE. The Psychology board doesn't review programs or issue CE hours; and neither the SW board nor Alcohol and Drug board require CE hours in Ethics.

12. The next meeting was scheduled for Friday, December 3, 2010.

The meeting was adjourned at 2:10pm.

Respectfully submitted,

Joyce M. Vos  
Executive Secretary