

Board of Directors Meeting
Friday, March 1, 2013
Pierre, SD

MINUTES

Present: Tacey Braithwaite, Pam Kettering, Darrel Kessler, Jill Schoen, Mary Guth, Jim Kinyon, Dave Johnson, Joyce Vos, Brooke Bonenkamp, and Amy Iversen-Pollreisz.

The meeting was called to order at 8:30am. Staff had one addition for the Executive Session agenda.

M/S/P Kettering/Johnson to move into Executive Session at 8:32am pursuant to SDCL 1-25-2(3) and 19-13-3 to consult with legal counsel.

M/S/P Kinyon/Schoen to move into General Session at 9:06am.

M/S/P Kessler/Braithwaite to accept the proposed findings of facts and conclusions of law in case #2011-09. Johnson abstained.

M/S/P Kessler/Braithwaite to accept the proposed findings of facts and conclusions of law in case #2012-02. Johnson abstained.

M/S/P Kettering/Johnson to request Board compensation for the exact costs of hearings and legal fees from the individuals in complaint cases. Carlon will calculate his legal fees relative to these cases.

7. M/S/P Schoen/Johnson to approve the November 2, 2012 Board Minutes as presented.

M/S/P Kessler/Kinyon to move into Executive Session at 9:33am pursuant to SDCL 1-25-2 and 36-32-27/36-32-29 to conduct a complaint hearing. Johnson was recused.

M/S/P Kettering/Braithwaite to move into General Session at 10:24am.

M/S/P Kettering/Braithwaite that the defendant in case #2009-06 failed to show compliance of completing the four hours of specific training in confidentiality/breach of confidentiality as stipulated. Kinyon, Kessler, and Johnson abstained.

M/S/P Kettering/Schoen to require the defendant in case #2009-06 to complete at least four hours of specific ethics training in confidentiality/breach of confidentiality pre-approved by the Board.

A friendly amendment was made by Kettering and seconded by Schoen that the defendant is not eligible to be re-licensed until compliance of this requirement.

Another friendly amendment was made by Kettering and seconded by Schoen that the ethics training can be pre-approved by the Board President and one other board member. Kinyon, Kessler, and Johnson abstained.

1b. In reference to the letter from Dr. Price regarding the alleged unlicensed practice of Shanna Moke, Carlon felt he was asking the Board for a declaratory ruling. Carlon informed the Board that the Supreme Court recently defined the minimum requirements for family mediators in Rule. Since mediators, custody evaluators, and parent coordinators have not been required to hold a license the Board requested that Carlon review the Rule to determine any over-lap to the Board's legal definition of counseling.

1a. The Board reviewed the anonymous mailing regarding Rebecca Wiener, CCH and her Healing With Hypnosis business. Staff was directed to research the CCH credentials for requirements, standards, etc., as well as life coaches. The Board will review and determine whether there is any over-lap to the Board's legal definition of counseling.

2. Staff reported on the list of expired counselors/therapists and their lack of response to the two mailed notices. Carlon read statutes 36-32-37 and 36-32-38 in regard to investigation and reporting of violators to county law enforcement and the State's Attorney's office if they are found to be practicing. Staff was directed to investigate and proceed as necessary.

3. M/S/P Johnson/Kettering to approve Michele Turner for LPC by Endorsement.

5. M/S/P Kettering/Kinyon to approve Nettie Boyd's request for an exception to her late Individual Licensee CE Post-Approval application.

9. Staff and Kettering reported on their attendance at the January AASCB conference.

6. Deputy Secretary Iversen-Pollreisz agreed to take the request to pay Staff's conference registration back to the Department for re-consideration.

4. The Board reviewed the same Draft Administrative Rules. The review will continue at a future time.

8. M/S/P Kessler/Johnson to take the consultant contract through the State RFP process.

10. a. – e. were provided as information.

Deputy Secretary Iversen-Pollreisz updated the Board on various behavioral health-related legislation that had been approved so far.

It was suggested that an item for the next agenda would discuss how the Board could give direction to the licensees when continuing education hours are stipulated in their complaint Settlement Agreement.

11. The next meeting was scheduled for Friday, May 10, 2013.

M/S/P Braithwaite/Schoen to adjourn the meeting at 2:33pm

Respectfully submitted,

Joyce M. Vos
Executive Secretary