

State of South Dakota

EIGHTY-NINTH SESSION
LEGISLATIVE ASSEMBLY, 2014

400V0378

SENATE BILL NO. 14

Introduced by: The Committee on Health and Human Services at the request of the Board of Examiners for Counselors and Marriage and Family Therapists

1 FOR AN ACT ENTITLED, An Act to revise certain provisions pertaining to the Board of
2 Examiners of Counselors and Marriage and Family Therapists.

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

4 Section 1. That § 36-32-13.1 be repealed.

5 ~~— 36-32-13.1. Any applicant who entered a doctoral or master degree program in counseling~~
6 ~~at any accredited institution of higher education in South Dakota, or other accredited institution~~
7 ~~of higher education, at the discretion of the board, between July 1, 1990, and June 30, 1998, and~~
8 ~~who has been and continues to be enrolled in that program until graduation is entitled to apply~~
9 ~~for licensure under the provisions of § 36-32-13, as the provisions of § 36-32-13 existed on June~~
10 ~~30, 1998. The provisions of this section apply only to applicants who successfully complete~~
11 ~~such program before July 1, 2000.~~

12 Section 2. That § 36-32-13.2 be repealed.

13 ~~— 36-32-13.2. The requirements of subdivisions 36-32-13(5), (6) and (7) are waived if the~~
14 ~~applicant:~~

15 ~~— (1) — Has a master's degree in counseling or a related mental health field;~~



1 ~~(2) Has completed an application for licensure before January 1, 2008; and~~

2 ~~(3) Submits three letters of verification on forms provided by the board documenting a~~
3 ~~minimum of ten years of at least half-time professional counseling as defined in~~
4 ~~subdivision 36-32-1(5) in the immediate preceding fifteen years.~~

5 Section 3. That § 36-32-18 be amended to read as follows:

6 36-32-18. The board shall ~~hold licensure examinations at least annually and from time to~~
7 ~~time at such places as the board may designate~~ require an examination for licensure as a
8 professional counselor or a professional counselor-mental health.

9 Section 4. That § 36-32-19 be amended to read as follows:

10 36-32-19. Any applicant failing to pass the examination ~~provided by this chapter for~~
11 licensure is entitled ~~within six months to a reexamination upon payment of an additional fee,~~
12 ~~not to exceed one hundred dollars, to be promulgated by the board pursuant to chapter 1-26.~~
13 ~~However, two such reexaminations shall exhaust the privilege under the original application to~~
14 two reexaminations under the plan of supervision filed with the board.

15 Section 5. That § 36-32-19.1 be repealed.

16 ~~36-32-19.1. Any applicant failing to pass the examination required for licensed professional~~
17 ~~counselor-mental health is entitled to a reexamination within six months upon payment of an~~
18 ~~additional fee, not to exceed one hundred dollars, to be promulgated by the board pursuant to~~
19 ~~chapter 1-26. However, two such reexaminations exhaust the privilege under the original~~
20 ~~application.~~

21 Section 6. That § 36-32-41 be amended to read as follows:

22 36-32-41. ~~Effective January 1, 1996, a~~ A licensed professional counselor may apply to the
23 board for ~~certification~~ licensure as a licensed professional counselor-mental health (LPC-MH).
24 No person may use the designation LPC-MH unless the person is ~~certified~~ licensed pursuant to

1 §§ 36-32-41 to 36-32-43, inclusive.

2 Section 7. That § 36-32-42 be amended to read as follows:

3 36-32-42. The board shall ~~certify~~ license an applicant as a LPC-MH if the applicant fulfills
4 the following requirements:

5 (1) Obtains licensure under this chapter as a licensed professional counselor;

6 (2) Completes a master's, specialist, or doctoral degree with an emphasis in mental health
7 counseling from a counseling program approved by the Council for Accreditation of
8 Counseling and Related Educational Programs as listed in the Directory of
9 Accredited Programs, July 1991, or an equivalent program as demonstrated by
10 studies in the following areas:

11 (a) The general principles and practices of etiology, diagnosis, treatment, and
12 prevention of mental and emotional disorders and dysfunctional behavior, and
13 the general principles and practices for the promotion of optimal mental
14 health;

15 (b) The specific models and methods for assessing mental status and the
16 identification of mental illness or abnormal, deviant, or psychopathologic
17 behavior by obtaining appropriate behavioral data using a variety of
18 techniques, including nonprojective personality assessments and achievement,
19 aptitude, and intelligence testing, and translating findings into the Diagnostic
20 and Statistical Manual categories, as adopted by the board by rules
21 promulgated pursuant to chapter 1-26;

22 (c) The specific theories of psychotherapy for initiating, maintaining, and
23 terminating therapy with a mentally and emotionally impaired client or a client
24 with disabilities in a variety of settings using a variety of modalities, including

- 1 crisis intervention, brief, intermediate, and long-term modalities;
- 2 (d) The basic classification, indications, and contraindications of the commonly
- 3 prescribed psychopharmacological medications for the purpose of identifying
- 4 the effects and side effects of prescribed psychotropic medications;
- 5 (e) The guidelines for conducting an intake interview and mental health history
- 6 for planning and managing of client caseload; and
- 7 (f) The specific concepts and ideas related to mental health education, outreach,
- 8 prevention, and mental health promotion;
- 9 (3) Completes two years of clinical experience and supervision under a licensed mental
- 10 health professional after receiving a master's degree. The supervising mental health
- 11 professional must hold the highest level of licensure within that supervisor's
- 12 profession. Clinical experience must consist of two thousand hours of direct client
- 13 contact in a clinical setting. Supervision must consist of one hundred hours of direct
- 14 supervision, at least fifty hours of which shall be face-to-face. The balance may be
- 15 face-to-face or by telephone conferencing or interactive video conferencing.
- 16 However, any telephone conferencing or interactive video conferencing must be
- 17 secure such that reasonable precautions have been taken to ensure that the conference
- 18 will not be intercepted or listened to by unauthorized persons; and
- 19 (4) Passes an examination approved by the board for the purpose of assessing an
- 20 applicant's knowledge in the content areas of mental health counseling.

21 Section 8. That § 36-32-43 be amended to read as follows:

22 36-32-43. The board shall promulgate rules pursuant to chapter 1-26 regarding standards for

23 professional practice, ~~certification~~ licensing, eligibility, continuing education, ethical standards,

24 supervision, and examination of an applicant for and a holder of ~~certification~~ licensure as a

1 licensed professional counselor-mental health. The board shall set fees pursuant to chapter 1-26
2 of not more than one hundred fifty dollars for examination ~~for certification~~, not more than
3 seventy-five dollars for initial ~~certification~~ licensure, and not more than seventy-five dollars for
4 annual renewal of ~~certification~~ licensure.

5 Section 9. That § 36-32-44 be amended to read as follows:

6 36-32-44. Supervision received in pursuit of licensure as a licensed professional counselor,
7 if the supervising mental health professional holds the highest level of licensure within that
8 supervisor's profession, and clinical experience consisting of direct client contact in a clinical
9 setting accumulated in pursuit of licensure as a licensed professional counselor, may be applied
10 to fulfill the ~~certification~~ licensing requirements of a licensed professional counselor--mental
11 health. No more than fifty hours of such supervision and no more than one thousand hours of
12 such clinical experience may be applied to the ~~certification~~ licensing requirements of a licensed
13 professional counselor--mental health.

14 Section 10. That § 36-32-45 be repealed.

15 ~~36-32-45. Any person pursuing certification as a licensed professional counselor or a~~
16 ~~licensed professional counselor--mental health who filed a supervision plan before July 1, 2004,~~
17 ~~may submit a revised supervision plan in accordance with §§ 36-32-42, 36-32-44, and 36-32-45.~~
18 ~~The period of time during which the person accumulated clinical experience and received~~
19 ~~qualifying supervision and the actual hours of clinical experience completed and supervision~~
20 ~~received before July 1, 2004, shall be credited to the person's revised supervision plan. The~~
21 ~~board shall accept the period of time and the actual hours in the revised plan if the period of~~
22 ~~time and the actual hours are in accord with § 36-32-44.~~

23 Section 11. That § 36-33-11 be amended to read as follows:

24 36-33-11. The board ~~may conduct~~ shall require an examination ~~at least once a year at a time~~

1 ~~and place designated by the board~~ for licensure.

2 Section 12. That § 36-33-12 be amended to read as follows:

3 36-33-12. Any applicant who fails an examination ~~conducted~~ required by the board is
4 entitled ~~after six months to a reexamination upon payment of an additional fee, but to~~ three such
5 reexaminations ~~shall exhaust the privilege under the original application~~ plan of supervision
6 filed with the board.