

State of South Dakota

EIGHTY-SECOND SESSION LEGISLATIVE ASSEMBLY, 2007

400N0359

HOUSE BILL NO. 1056

Introduced by: The Committee on Health and Human Services at the request of the Board of
Counselor Examiners

1 FOR AN ACT ENTITLED, An Act to revise certain provisions relating to the practice of
2 counseling.

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

4 Section 1. That § 36-32-1 be amended to read as follows:

5 36-32-1. Terms as used in this chapter mean:

6 (1) "Board," the Board of Counselor Examiners established under this chapter;

7 (2) ~~"Counseling," rendering or offering to render to any person, group, organization, or~~
8 ~~the general public, a counseling service involving the application of clinical~~
9 ~~counseling principles, methods, or procedures to assist any person in achieving more~~
10 ~~effective personal, social, educational, or career development and adjustment;~~

11 ~~— (3) — "Counseling principles, methods, or procedures," an approach to counseling that~~
12 ~~emphasizes the counselor's role in systematically assisting any client through all of~~
13 ~~the following: assessing and analyzing background and current information,~~
14 ~~formulating a conceptual understanding of the problem, exploring possible solutions,~~
15 ~~and developing and providing a treatment plan for mental and emotional adjustment~~



1 ~~or development~~ "Counseling treatment interventions," the application of cognitive,
2 affective, behavioral, and systemic counseling strategies which include principles of
3 development, wellness, and pathology implemented in the context of a professional
4 counseling relationship;

5 ~~(4)~~(3) "Doctorate or master's degree in counseling," completion of study following a
6 bachelor's degree in a clearly identified counseling program which stands as a
7 recognizable organizational entity within an accredited institution of higher learning
8 and which includes participation in a supervised practicum and internship in
9 counseling;

10 ~~(5)~~(4) "Postgraduate," following completion of study for a master's or doctoral degree;

11 (5) "Practice of professional counseling," application of mental health, psychological,
12 and human development principles in order to:

13 (a) Facilitate human development and adjustment throughout the life span;

14 (b) Prevent, diagnose, and treat mental, emotional, or behavioral disorders and
15 associated distresses which interfere with mental health;

16 (c) Conduct assessments and diagnoses for the purpose of establishing treatment
17 goals and objectives; and

18 (d) Plan, implement, and evaluate treatment plans using counseling treatment
19 interventions;

20 (6) "Supervised internship," an actual on-the-job-experience in professional counseling
21 under the supervision of an on-site supervisor who is a licensed professional
22 counselor or related mental health professional or who is eligible to be licensed;

23 (7) "Supervised practicum," the providing of counseling to any bona fide client or group
24 seeking services from a counselor. This supervised practicum shall be under the

1 direction of a qualified graduate faculty member and includes critiquing of
2 counseling, either observed or recorded on audio or video tape.

3 Section 2. That § 36-32-9 be amended to read as follows:

4 36-32-9. It is a Class 2 misdemeanor for any person to engage in the practice, or attempt to
5 practice, ~~counseling as a licensed professional counselor without a license, or licensed~~
6 ~~professional counselor--mental health without a certificate,~~ professional counseling as defined
7 in subdivision 36-32-1(5) and collect a fee for the service without a license issued pursuant to
8 this chapter.

9 Section 3. That § 36-32-12 be amended to read as follows:

10 36-32-12. ~~Nothing in this chapter may be construed to prevent anyone from doing work~~
11 ~~within the standards and ethics of the person's respective profession or calling, provided the~~
12 ~~person does not hold himself or herself out to the public as a counselor by using the title~~
13 ~~"licensed professional counselor," "licensed counselor" or "licensed professional counselor--~~
14 ~~mental health" unless the person is licensed or certified under this chapter. This chapter does~~
15 not apply to the activities and services of a person practicing professional counseling as defined
16 in subdivision 36-32-1(5) as part of that person's duties as a:

- 17 (1) Professional licensed or certified under this title acting in a manner consistent with
18 state law regarding the scope of practice;
- 19 (2) Person employed by a school, college, university, or other institution of higher
20 learning;
- 21 (3) Person employed by a federal, state, county, or local governmental institution or
22 agency while performing those duties for which the person was employed by such
23 institution, agency, or facility;
- 24 (4) Person who is employed by a licensed health care facility, an accredited prevention

1 or treatment facility, an adjustment training center, a nonprofit mental health center,
2 or a licensed or registered child welfare agency;

3 (5) Member of the clergy while acting in a ministerial capacity if the activity is within
4 the scope of performance of regular or specialized duties;

5 (6) Post-graduate supervised trainee who has an approved plan of supervision on file
6 with the board;

7 (7) Mental health practitioner who has a minimum of a master's degree in counseling or
8 a related mental health field with a plan of supervision and original transcripts on file
9 with the board before July 1, 2008; or

10 (8) Students enrolled in recognized programs of study leading to counseling degrees
11 may practice only under the direct supervision of a counselor educator or counselor
12 licensed under this chapter.

13 Section 4. That chapter 36-32 be amended by adding thereto a NEW SECTION to read as
14 follows:

15 The requirements of subdivisions 36-32-13(5), (6) and (7) are waived if the applicant:

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

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

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