



2026 South Dakota Legislature

House Bill 1029

Introduced by: The Chair of the Committee on Health and Human Services at the request of the South Dakota Board of Addiction and Prevention Professionals

1 **An Act to revise provisions related to the practice of addiction counseling and**
 2 **prevention services.**

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

4 **Section 1. That § 36-34-1 be AMENDED:**

5 **36-34-1.** Terms used in this chapter mean:

- 6 (1) "Board," the South Dakota Board of Addiction and Prevention Professionals; and
 7 (2) "Practitioner," a person certified, licensed, or recognized under this chapter in the
 8 practice of addiction counseling or prevention services, who holds oneself out to
 9 the public by any title or description of services ~~which uses~~ using the following
 10 words ~~certified or any derivatives thereof:~~
 11 (a) Certified addiction counselor, ~~licensed;~~
 12 (b) Licensed addiction counselor, ~~addiction;~~
 13 (c) Addiction counselor trainee, ~~certified;~~
 14 (d) Addiction counselor supervisee;
 15 (e) Certified prevention specialist, ~~prevention;~~
 16 (f) Prevention specialist trainee, ~~or any derivatives thereof;~~
 17 (g) Prevention specialist supervisee;
 18 (h) Peer support specialist;
 19 (i) Peer support specialist trainee; or
 20 (j) Peer support specialist supervisee.

21 **Section 2. That a NEW SECTION be added to chapter 36-34:**

22 The board shall regulate addiction counseling and prevention services practitioners
 23 in this state for the purposes of ensuring competency of practitioners, compliance with
 24 national examination requirements, and the safety of the public.

1 **Section 3. That § 36-34-12 be AMENDED:**

2 **36-34-12.** The board shall:

- 3 (1) ~~Promulgate rules that set standards for professional practice of addiction~~
 4 ~~counseling and prevention services and other rules as necessary for the~~
 5 ~~administration of this chapter. All rules shall be promulgated pursuant to chapter~~
 6 ~~1-26;~~
- 7 ~~(2) Be responsible~~ Maintain responsibility for all disciplinary proceedings under this
 8 chapter;
- 9 ~~(3) Establish, by rules promulgated pursuant to chapter 1-26, education, training and~~
 10 ~~competency, continuing education, and ethical standards governing the~~
 11 ~~examination and practice of practitioners under this chapter;~~
- 12 ~~(4)(2) Examine, or cause to be examined, for competency, eligible applicants,~~ for
 13 recognition, certification, or licensure to practice addiction counseling and
 14 prevention services. ~~Examinations shall be held at least semiannually;~~
- 15 ~~(5)(3) Issue~~ recognition, certificates, and licenses to ~~those~~ applicants who successfully
 16 complete the recognition, certification, or licensing requirements for practitioners,
 17 and renew the recognitions, certifications, and licenses of ~~those~~ practitioners who
 18 continue to meet the standards of this chapter;
- 19 ~~(6)(4) Maintain a record of all practitioners which includes the~~ publicly available list that
 20 includes each practitioner's status;
 21 (a) Status;
 22 (b) Recognition, certificate, or license number, and the date the recognition,
 23 certification, or licensure was granted, ~~renewal;~~
 24 (c) Renewal date; ~~and any public record of discipline~~
 25 (d) Record of disciplinary action from the board; ~~and~~
- 26 ~~(7) Establish and collect, pursuant to rules promulgated pursuant to chapter 1-26, fees~~
 27 ~~for applications, recognition, certification, licensure, dual credentials, examination,~~
 28 ~~upgrades, reciprocity, continuing education, renewal, reinstatement, and all~~
 29 ~~services authorized by this chapter~~
- 30 (5) Employ personnel in accordance with the needs and budget of the board;
- 31 (6) Enter into contracts, as necessary to carry out the board's responsibilities pursuant
 32 to this chapter;
- 33 (7) Communicate disciplinary actions and recognition, certification, or licensing status
 34 to the relevant state and federal governing bodies, as required; and
- 35 (8) Perform other duties directly related to this chapter.

1 **Section 4. That § 36-34-13 be AMENDED:**

2 **36-34-13.** The board ~~may shall~~ promulgate rules, pursuant to chapter 1-26, to
 3 ~~provide fees for all services and charges authorized by this chapter. The fees may not~~
 4 ~~exceed the following maximums establish:~~

5 (1) Recognition, certification, and licensure requirements for practitioners related to
 6 qualifying education, examinations, and work experience;

7 (2) Requirements for the supervision of candidates for recognition, certification, and
 8 licensure;

9 (3) Renewal requirements for practitioner recognition, certification, and licensure;

10 (4) Continuing education requirements for the renewal of a practitioner's certification
 11 or license;

12 (5) Standards for the practice of addiction counseling and prevention services;

13 (6) The following fees, which may not exceed the amounts specified:

14 (a) Application fee, fifty dollars;

15 (b) Examination fee, two hundred dollars;

16 (c) Certified addiction counselor, certified prevention specialist, or licensed
 17 addiction counselor ~~application and examination certification or license~~ fee,
 18 three hundred dollars;

19 ~~(2)~~(d) Certified addiction counselor, certified prevention specialist, or licensed
 20 addiction counselor retest fee, two hundred fifty dollars;

21 ~~(3)~~(e) Certified addiction counselor, certified prevention specialist, or licensed
 22 addiction counselor renewal fee, four hundred dollars;

23 ~~(4)~~(f) Certified addiction counselor, certified prevention specialist, or licensed
 24 addiction counselor reinstatement fee, two hundred dollars;

25 ~~(5)~~(g) Peer support specialist certification, renewal, or reinstatement fee, two
 26 hundred dollars;

27 (h) Status upgrade fee, one hundred fifty dollars;

28 ~~(6)~~(i) Addiction counselor trainee ~~or, addiction counselor supervisee,~~ prevention
 29 specialist trainee, ~~prevention specialist supervisee, peer support specialist~~
 30 trainee, or peer support specialist supervisee recognition fee, one hundred
 31 fifty dollars;

32 ~~(7)~~(j) Addiction counselor trainee ~~or, addition counselor supervisee,~~ prevention
 33 specialist trainee, ~~prevention specialist supervisee, peer support specialist~~
 34 trainee, or peer support specialist supervisee renewal fee, one hundred fifty
 35 dollars;

1 ~~(8)(k)~~ Addiction counselor trainee or, addiction counselor supervisee, prevention
 2 specialist trainee, prevention specialist supervisee, peer support specialist
 3 trainee, or peer support specialist supervisee reinstatement fee, one
 4 hundred fifty dollars;

5 ~~(9)(l)~~ International certificate fee, twenty dollars;

6 ~~(10)(m)~~ Dual credential renewal fee, four hundred dollars;

7 ~~(11)(n)~~ Inactive license or certificate fee, fifty dollars; and

8 ~~(12)(o)~~ Temporary license or certificate fee, one hundred dollars.

9 **Section 5. That § 36-34-13.1 be AMENDED:**

10 **36-34-13.1.** No person may represent oneself as a licensed or certified addiction
 11 counselor, addiction counselor trainee, addiction counselor supervisee, certified
 12 prevention specialist, prevention specialist trainee, prevention specialist supervisee, peer
 13 support specialist, peer support specialist trainee, or peer support specialist supervisee,
 14 or any other title that includes ~~such those~~ those words unless the person is recognized, certified,
 15 or licensed under this chapter.

16 **Section 6. That § 36-34-13.5 be AMENDED:**

17 **36-34-13.5.** The board may grant a certificate or license to any person who, at
 18 the time of application, is certified or licensed in another state or territory of the United
 19 States that imposes substantially the same requirements as this chapter, and who has
 20 taken and passed an examination similar to that required under this chapter, ~~and has not~~
 21 ~~been convicted of a felony within five years of the date of application, and if convicted of~~
 22 ~~a felony, has completed all sentencing requirements prior to the date of application.~~

23 **Section 7. That a NEW SECTION be added to chapter 36-34:**

24 The board may renew a recognition if the practitioner:

25 (1) Submits an application to the board for renewal before the expiration of the
 26 recognition;

27 (2) Pays the required renewal fee; and

28 (3) Provides documentation of accumulated work, supervision, or education hours, as
 29 required by the board.

30 Recognition is valid for one year from the date of issuance and may not be renewed
 31 more than four times. The board may establish procedures, in rules promulgated in

1 accordance with chapter 1-26, for the reinstatement of an expired recognition if a renewal
 2 application is received within thirty days after the expiration of the recognition.

3 **Section 8. That § 36-34-21 be AMENDED:**

4 **36-34-21.** Any practitioner subject to this chapter shall practice in accordance
 5 with the standards established by the board and is subject to the exercise of the
 6 disciplinary sanctions enumerated in § 36-34-23 if, after a hearing in the manner provided
 7 in chapter 1-26, the board finds that:

- 8 (1) A practitioner has employed or knowingly cooperated in fraud or material deception
 9 in order to obtain a recognition, certificate, or license to practice the profession, or
 10 has engaged in fraud or material deception in the course of professional services
 11 or activities;
- 12 (2) A practitioner has been convicted in any court of a felony;
- 13 (3) A practitioner has engaged in or permitted the performance of unacceptable patient
 14 care by the practitioner or by auxiliaries working under the practitioner's
 15 supervision due to any deliberate or negligent act or failure to act;
- 16 (4) A practitioner has knowingly violated any provision of this chapter or board rules;
- 17 (5) A practitioner has continued to practice although the practitioner has become unfit
 18 to practice due to professional incompetence, failure to keep abreast of current
 19 professional theory or practice, physical or mental disability, or addiction or severe
 20 dependency upon or use of alcohol or other drugs which endanger the public by
 21 impairing a practitioner's ability to practice safely;
- 22 (6) A practitioner has engaged in lewd or immoral conduct in connection with the
 23 delivery of addiction counseling or prevention services to consumers;
- 24 (7) A practitioner has employed or assisted, or is employing or assisting ~~an uncertified~~
 25 ~~or unlicensed~~, a person ~~to hold himself or herself~~ who holds oneself out as a
 26 recognized, certified, or licensed ~~addiction counselor or certified prevention~~
 27 ~~specialist in accordance with this chapter, but who is not recognized, certified, or~~
 28 licensed in accordance with this chapter;
- 29 (8) A practitioner submitted false, misleading, or inaccurate information to the board
 30 in obtaining issuance or renewal of recognition, certification, or licensure; or
- 31 (9) A practitioner has failed to provide information or documents requested by the
 32 board in the investigation or prosecution of a professional or ethical complaint filed
 33 with the board.

1 Each legally required notice ~~shall~~ must be sent via ordinary first-class mail to the
 2 most recent address that the practitioner has reported to the board. The practitioner has
 3 the duty to maintain an accurate and current mailing address with the board.

4 **Section 9. That § 36-34-23 be AMENDED:**

5 **36-34-23.** The board may impose any of the following sanctions, singly or in
 6 combination, if the board finds that a practitioner has violated any part of § 36-34-21:

- 7 (1) Revoke a practitioner's recognition, certification, or license to practice for an
 8 indefinite length of time;
- 9 (2) Suspend a practitioner's recognition, certification, or license for a specific or
 10 indefinite length of time;
- 11 (3) Censure a practitioner;
- 12 (4) Issue a letter of reprimand;
- 13 (5) Place a practitioner on probationary status and require the practitioner to report
 14 regularly to the board on the matters ~~which~~ that are the basis for probation;
- 15 (6) Limit the practitioner's practice to areas prescribed by the board ~~and continue to~~
 16 ~~renew professional education~~ until a satisfactory degree of skill has been attained
 17 in those areas ~~which~~ that are the basis of the probation; or
- 18 (7) Require the practitioner to reimburse the board in an amount equal to the costs
 19 incurred for the investigation and disciplinary hearing, including the amount paid
 20 by the board for legal expenses, attorney fees, court reporters, and any mediator
 21 or hearing officer, provided there is clear and convincing evidence of wrongdoing
 22 on the part of the practitioner.

23 The board may withdraw the probation if the board finds the deficiencies that
 24 resulted in disciplinary action have been remedied.

25 ~~Certification~~ A practitioner's recognition, certification, or licensure ~~shall remain~~
 26 remains in effect during the pendency of an appeal unless suspended under § 36-34-24.