

ADMINISTRATIVE RULES
DEPARTMENT OF HEALTH

Article

20:41	Chiropractors.
20:43	Dentists.
20:45	Funeral service.
20:46	Hearing aid dispensers.
20:47	Physicians and surgeons.
20:48	Nurses.
20:49	Nursing home administrators.
20:50	Optometry.
20:51	Pharmacists.
20:52	Physician's assistants.
20:55	Podiatrists.
20:59	Social workers <u>Transferred.</u>
20:60	Psychologists <u>Transferred.</u>
20:61	Advanced life support.
20:62	Nurse practitioners and midwives.
20:63	Athletic trainers.
20:64	Occupational therapists.
20:66	Physical therapists.
20:67	Wholesale drug distributors.
20:70	Respiratory care practitioners.
20:72	Audiologists.

44:02	Lodging and food service.
44:03	Radiation safety.
44:04	Medical facilities.
44:06	Children's special health services.
44:09	Public health statistics.
44:12	Tattooing and body piercing.
44:16	Reserved.
44:17	Imported food animals.
44:18	Health maintenance organizations.
44:19	Newborn metabolic screening.
44:20	Communicable disease control.
44:22	Cancer data collection.
44:23	Residential living centers.
44:24 to 44:56	Reserved.
44:58	Drug control.
44:59	Health laboratory.
44:61	Medical education scholarships.
44:62	Declaratory rulings.
44:63	J-1 visa waiver program.
44:64	Tuition reimbursement program for nurses.
44:65	Fetal alcohol syndrome.

ADMINISTRATIVE RULES

DEPARTMENT OF SOCIAL SERVICES

Article

20:59 Social workers.

20:60 Psychologists.

20:80 Addiction and prevention professionals.

20:85 Behavior analysts.

46:20 Mental health, Repealed.

67:01 to 67:09 Reserved.

67:10 Temporary assistance to needy families.

67:11 Office of secretary.

67:12 Assistance payments.

67:13 Supplemental nutrition assistance program.

67:14 Child protection services.

67:15 Low income energy assistance.

67:16 Covered medical services.

67:17 Office administration.

67:18 Child support enforcement.

67:19 Catastrophic county poor relief, Transferred to Article 22:02.

67:20 Mental health, Transferred to Article 46:20.

67:21 Title XX services, Transferred to Chapter 67:20:15.

67:22 Auxiliary placement program.

67:23 Reserved.

67:24 Division of mental health, Repealed.

67:25 Developmental disabilities services, Transferred to Article 46:14.

67:26	Adjustment training center standards, Repealed.
67:27	Standards for community living facilities for developmentally disabled adults, Repealed.
67:28	Community facility standards, Repealed.
67:29	Advocacy services, Transferred to Article 46:12.
67:30	Division of rehabilitation services, Transferred to Title 71.
67:31 to 67:39	Reserved.
67:40	Office of adult services and aging.
67:41	Children and youth, Transferred to Article 67:42.
67:42	Regulatory administration.
67:43	Office of reservation children, Transferred to Chapter 67:14:37.
67:44	Home and community-based services waiver operated by the Division of Adult Services and Aging
67:45	Nursing facility level of care and claims.
67:46	Eligibility for medical services.
67:47	Child care services.
67:48	Recoveries and investigations.
67:49	Enforcement of remedies for nursing facility deficiencies.
67:50	Board of charities and corrections, Transferred to Title 17.
67:51	Juvenile corrections, Transferred to Title 17.
67:52	Adult corrections, Transferred to Title 17.
67:53	Youth services program, Repealed.
67:54	Medical programs administered by Department of Human Services.
67:55	Crime victims' compensation.
67:56	Domestic violence and sexual assault programs.

67:57 Sales tax on food refund program.

67:58 and 67:59 Reserved.

67:60 Pardons and paroles, Transferred to Title 17.

67:61 Substance use disorders.

67:62 Mental health.

CHAPTER 20:59:01
APPLICATION FOR LICENSURE

Section

20:59:01:01	Definitions.
20:59:01:02	Application forms.
20:59:01:02.01	Information required.
20:59:01:03	Repealed.
20:59:01:03.01	Transferred.
20:59:01:04	Repealed.
20:59:01:04.01	Additional information required to engage in private, independent practice of social work.
20:59:01:05 and 20:59:01:06	Transferred.
20:59:01:07	References.
20:59:01:07.01	Notarization of application and transcripts.
20:59:01:08	Fees.
20:59:01:09	Repealed.
20:59:01:10	Fee schedule for applications.
20:59:01:10.01	Fee schedule for endorsement without examination.
20:59:01:10.02	License renewal fees.
20:59:01:10.03	No reimbursement before expiration of license.
20:59:01:10.04	No refund of license fees.
20:59:01:10.05	Duplicate license fee.
20:59:01:10.06	Examination and reexamination fee.
20:59:01:10.07	Late fee.

20:59:01:10.08	Temporary license fee <u>Repealed.</u>
20:59:01:11	Certificates.
20:59:01:12	Repealed.
20:59:01:13	Application disposition.
20:59:01:14	Verification of licensure for the public.
20:59:01:15 to 20:59:01:17	Repealed.
20:59:01:18 to 20:59:01:22	Transferred.

20:59:01:04.01. Additional information required to engage in private, independent

practice of social work. A licensed certified social worker ~~who desires~~ desiring to engage in the private,

independent practice of social work ~~must~~ shall include with the application the information requested by

§§ 20:59:01:02.01, 20:59:01:07, and 20:59:01:07.01 and the following information:

(1) The fields of specialization in which the licensed certified social worker ~~either~~ intends to practice or is already practicing;

(2) The places and dates covering a total of 24 months during which the licensed certified social worker worked under supervision as defined in §§ 20:59:05:02 to 20:59:05:11, inclusive, in a social work capacity. The supervisor shall submit to the board a written statement certifying the following:

(a) The supervisor's educational and practical background in the area of specialization;

(b) The length, frequency, and focus of supervision;

(c) The licensed certified social worker's professional competence in the area of specialization;

(d) The licensed certified social worker's adherence to the "NASW Code of Ethics" as approved by the ~~1996~~ 2008 NASW Delegate Assembly ~~and revised by the 1999 NASW Delegate Assembly~~;

(e) Verification of employment in a social work position. An employer verification affidavit must be submitted verifying each place of employment during the required supervision; and

(3) The name, address, and license number of the supervisor or supervisors.

Source: 4 SDR 82, effective June 6, 1978; 12 SDR 186, effective May 25, 1986; 12 SDR

151, 12 SDR 155, effective July 1, 1986; 22 SDR 57, effective October 16, 1995; 26 SDR 81, effective December 12, 1999; 29 SDR 92, effective December 24, 2002.

General Authority: SDCL 36-26-29.

Law Implemented: SDCL 36-26-17, 36-26-32.

Reference: "NASW Code of Ethics," as approved by the ~~1996~~ 2008 NASW Delegate Assembly ~~and revised by the 1999 NASW Delegate Assembly~~, National Association of Social Workers, Washington, DC. Copies may be obtained free of charge from the Board of Social Work Examiners, 132 East Illinois, Spearfish, SD 57783 or at www.naswdc.org/pubs/code/code.asp.

20:59:01:10.06. Examination and reexamination fee. The fee for the initial examination and for each reexamination for the associate, bachelor, and master degree levels is \$255. The fee for the initial examination and for each reexamination for the clinical and advanced generalist practice levels is \$285. All examination fees are paid directly to the examining entity.

Source: 3 SDR 81, effective May 29, 1977; transferred from § 20:59:01:22, 4 SDR 82, effective June 6, 1978; 6 SDR 38, effective October 24, 1979; 10 SDR 138, effective June 20, 1984; repealed, 12 SDR 151, 12 SDR 155, effective July 1, 1986; readopted, 17 SDR 88, effective January 1, 1991; 22 SDR 57, effective October 16, 1995; 29 SDR 92, effective December 24, 2002; 36 SDR 208, effective June 30, 2010.

General Authority: SDCL 36-26-19.

Law Implemented: SDCL 36-26-19.

20:59:01:10.08. Temporary license fee. ~~The fee for a temporary license is \$100~~ Repealed.

Source: 20 SDR 214, effective July 1, 1994.

General Authority: ~~SDCL 36-26-19.~~

Law Implemented: ~~SDCL 36-26-19, 36-26-44.~~

CHAPTER 20:59:02
ACADEMIC AND EQUIVALENCY REQUIREMENTS

Section

20:59:02:01	Academic requirements for social work associate.
20:59:02:02 and 20:59:02:03	Repealed.
20:59:02:03.01	Programs approved by council on social work education.
20:59:02:03.02	Repealed.
20:59:02:03.03	Information required of equivalency applicants for a social worker license <u>Repealed.</u>
20:59:02:04	Equivalent courses for a social worker license <u>Repealed.</u>
20:59:02:05	Field work experience as part of social worker equivalency <u>Repealed.</u>
20:59:02:06	Repealed.
20:59:02:07	Transferred.

20:59:02:03.03. Information required of equivalency applicants for a social worker

license. ~~An equivalency applicant for a social worker license must include with the application the information required by §§ 20:59:01:02.01, 20:59:01:07, and 20:59:01:07.01 and the following information:~~

~~(1) Courses of academic and nonacademic training related to social work, where the training occurred, and the dates of training;~~

~~(2) Places of social work employment, job title, and length of employment;~~

~~(3) Name and address of supervisors;~~

~~(4) A copy of the job description for the social work employment; and~~

~~(5) Statements from supervisors on forms provided by the board validating the applicant's full-time social work employment over a 24-month period. The supervisor shall certify the following:~~

~~(a) The length and frequency of supervision;~~

~~(b) The professional competence of the applicant; and~~

~~(c) The applicant's adherence to the "NASW Code of Ethics" as approved by the 1996 NASW Delegate Assembly and revised by the 1999 NASW Delegate Assembly Repealed.~~

Source: 4 SDR 82, effective June 6, 1978; transferred from § 20:59:01:03.01, 12 SDR 186, effective May 25, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 57, effective October 16, 1995; 29 SDR 92, effective December 24, 2002.

General Authority: ~~SDCL 36-26-29.~~

Law Implemented: ~~SDCL 36-26-15, 36-26-32.~~

Reference: ~~"NASW Code of Ethics," as approved by the 1996 NASW Delegate Assembly~~

~~and revised by the 1999 NASW Delegate Assembly, National Association of Social Workers,
Washington, D.C. Copies may be obtained free of charge from the Board of Social Work
Examiners, 132 East Illinois, Spearfish, SD 57783 or at www.naswdc.org/pubs/code/code.asp.~~

20:59:02:04. Equivalent courses for social worker license. ~~An applicant for a social worker license with a bachelor's degree in a field other than social work meets the requirement for equivalent courses if the applicant has successfully completed at least 30 semester hours at a junior college, college, or university accredited by a nationally recognized accrediting agency approved by the United States Department of Education in the following areas:~~

- ~~(1) A minimum of 12 semester credit hours of human behavior in the social environment;~~
- ~~(2) A minimum of 9 semester credit hours of social welfare policy and services, including a minimum of 3 semester hours of introduction to social work;~~
- ~~(3) A minimum of 6 semester credit hours of practice methodology in social work, including a minimum of 3 semester hours which incorporate an understanding of the knowledge, values, and skills of the social work profession; and~~
- ~~(4) A maximum of 3 semester credit hours in other social work courses.~~

~~At least 25 semester hours must be academic credit hours. Up to 5 semester hours may be nonacademic training. Fifteen contact hours of nonacademic training are equivalent to one semester credit hour.~~ Repealed.

Source: 2 SDR 82, effective June 14, 1976; 4 SDR 82, effective June 6, 1978; 12 SDR 186, effective May 25, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 22 SDR 57, effective October 16, 1995; 29 SDR 92, effective December 24, 2002.

General Authority: ~~SDCL 36-26-29.~~

Law Implemented: ~~SDCL 36-26-15.~~

20:59:02:05. Field work experience as part of social worker equivalency. Applicants for a social worker equivalency license may substitute supervised field work experience as part of the required two years of experience in a social work capacity on an hour for hour basis Repealed.

Source: 2 SDR 82, effective June 14, 1976; 4 SDR 82, effective June 6, 1978; 12 SDR 186, effective May 25, 1986; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: ~~SDCL 36-26-29.~~

Law Implemented: ~~SDCL 36-26-15.~~

ARTICLE 20:85
BEHAVIOR ANALYSTS

Chapter

- 20:85:01 Application for licensure.
- 20:85:02 Ethics.

CHAPTER 20:85:01
APPLICATION FOR LICENSURE

Section

- 20:85:01:01 Definitions.
- 20:85:01:02 Information required.
- 20:85:01:03 Form of fees.
- 20:85:01:04 Fees.
- 20:85:01:05 Renewal of license—forfeiture—restoration.
- 20:85:01:06 No refund of license fees.
- 20:85:01:07 Certificates.
- 20:85:01:08 Application disposition.
- 20:85:01:09 Verification of licensure for the public.

20:85:01:01. Definitions. Terms used in this article mean:

- (1) “Behavior analyst,” a person defined in SDCL subdivision 36-38-1(2); and
- (2) “Board,” the Board of Social Work Examiners established in SDCL chapter 36-26.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-1, 36-38-2, 36-38-3.

20:85:01:02. Information required. Any person seeking licensure shall submit a notarized application and the following information:

- (1) Name, address, social security number, telephone number, and date of birth of the applicant;
- (2) Documentation of certification as required in SDCL subdivision 36-38-7(2);
- (3) Official transcripts showing compliance with educational requirements required in SDCL 36-38-7. Applicants are responsible for having an official college transcript sent from the college to the board;
- (4) A statement of any criminal record;
- (5) A statement regarding any disciplinary proceedings or pending complaints as required in SDCL 36-38-7; and
- (6) Any applicable fees.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-7, 36-38-8, 36-38-9, 36-38-10.

20:85:01:03. Form of fees. An initial application fee or a licensure fee shall be remitted to the board in the form of a cashier's check, personal check, certified check, or money order made payable to the Board of Social Work Examiners. The board may not take any action on any application for licensure until the fee is received.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-8; 36-38-9, 36-38-10.

20:85:01:04. Fees. The licensure fees for a behavior analyst are:

- (1) An initial application fee of \$350;
- (2) An annual licensing fee of \$300;

An applicant applying for the initial license shall pay the initial application fee and the annual licensing fee.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-8; 36-38-9, 36-38-10.

20:85:01:05. Renewal of license—~~forfeiture~~—restoration. A license shall be renewed annually. The failure to renew a license by July first each year constitutes a suspension. However, a license may be restored if the licensee submits a written application and the annual licensing fee before January first of the next year. If the written application and payment of the required fee is not received before January first of the next year, the applicant is required to pay the initial application fee and the licensing fee required in 20:85:01:04 and submit a written application as required in 20:85:01:02.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-8, 36-38-9.

20:85:01:06. No refund of license fees. The board may not refund an initial application or annual license fee to an applicant or a licensee.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-27.

20:85:01:07. Certificates. Upon approval of licensure by the board, the board shall issue to the licensee a certificate of licensure and a license number for display in the licensee's principal place of practice.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-27.

20:85:01:08. Application disposition. All applications and any supporting papers submitted to the board are the property of the board.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-27.

20:85:01:09. Verification of licensure for the public. The board shall supply verification of the status of the license of any behavior analyst licensed by the board to any person or organization requesting it.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-27.

CHAPTER 20:85:02

ETHICS

Section

20:85:02:01 Ethics.

20:85:02:02 Violations.

20:85:02:01. Ethics. All licensees under SDCL chapter 36-38 shall comply with the Professional and Ethical Compliance Code for Behavior Analysts, approved by the Behavior Analyst Certification Board's Board of Directors on August 7, 2014.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-11.

Reference: Professional and Ethical Compliance Code for Behavior Analysts, 2014.

Copies may be obtained from <http://bacb.com/ethics-code/>.

20:85:02:02. Violations. A violation of any of the provisions of the Professional and Ethical Compliance Code may be grounds for cancellation or revocation of licensure pursuant to SDCL 36-38-12.

Source:

General Authority: SDCL 36-38-27.

Law Implemented: SDCL 36-38-12, 36-38-13.