

South Dakota Board of Addiction and Prevention Professionals
Via Videoconference
May 6, 2021

President Hartman called the meeting to order at 10:32 am central and determined a quorum.

Board Members Present via Videoconference: Terri Brown, Nicole Bowen, Kara Graveman, Amy Hartman, Kristi Jacobsma, Donald McCoy and Jill Viedt

Board Members Absent: Stacy Gorman

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Karen Cudmore, administrative staff; Ryan Loker, Board Legal Counsel, Department of Social Services, Marilyn Kinsman, Department of Social Services, Caroline Srstka, Assistant Attorney General

Caroline Srstka introduced herself to the Board.

Motion to approve the proposed agenda by Viedt. Seconded by McCoy. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Hartman asked for comments from the public. There were no comments offered.

Motion to approve the meeting minutes of February 4, 2021 by McCoy. Seconded by Jacobsma. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Motion to accept the financial report as of March 31, 2021 by Jacobsma. Seconded by Brown. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Motion to go into executive session for consideration of contested cases and contractual matters at 10:42 am by Viedt. Seconded by Brown. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Hartman declared the Board out of executive session at 11:38 am.

Motion to dismiss Complaint 2020-02 by Graveman. Seconded by Brown. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman and McCoy voted aye. Jacobsma abstained. **Motion carried.**

Motion to offer a settlement agreement for Complaint 2020-03 by Brown. Seconded by Bowen. The Board voted by roll call. Hartman, Bowen, Brown, Graveman and McCoy voted aye. Viedt and Jacobsma abstained. **Motion carried.**

Stalley provided an update on cultural awareness training and options for future training for Board members. The Board discussed options to gain training individually or as a group. To plan for the new members joining the Board, the Board asked Stalley will explore logistics and options for trainings for discussion at the next board meeting.

Stalley discussed administrative rule changes and the process. Hartman asked Bowen, Jacobsma, and McCoy to serve on a workgroup to discuss rules changes and possible updates to statutes during the next legislative session. Hartman will also be on the workgroup.

Motion to contract with Albertson Consulting for the development and maintenance of an online licensee database and renewal system by Bowen. Seconded by Graveman. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Motion to renew the contract with Midwest Solutions for executive and administrative services by McCoy. Seconded by Viedt. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

Kinsman provided updates from the Department of Social Services. DSS is working to enhance their website and appreciates recommendations for changes or additional information to be included on the Board's page. The official announcement on the appointments for the two open Board positions will be coming soon.

Hartman recognized Terri Brown's last meeting and her work with the Board. The Board thanked Brown for her years of service.

Motion to set the next meeting dates for August 26 and October 14 at 9am (central) via teleconference by Viedt. Seconded by Jacobsma. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye.

Motion to adjourn by Brown. Seconded by Viedt. The Board voted by roll call. Hartman, Viedt, Bowen, Brown, Graveman, Jacobsma and McCoy voted aye. **Motion carried.**

The Board adjourned at 12:48 pm.

Respectfully Submitted,

Nicole Bowen, Secretary

Remaining Authority by Object/Subobject

Expenditures current through 07/10/2021 04:20:55 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

0894 Board of Addiction & Prevent Prof - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101010 F-t Emp Sal & Wages	59,480	17,949	0	0	41,531	69.8
5101020 P-t/temp Emp Sal & Wages	23,999	0	0	0	23,999	100.0
5101030 Board & Comm Mbrs Fees	2,641	2,100	0	0	541	20.5
Subtotal	86,120	20,049	0	0	66,071	76.7
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	6,941	1,480	0	0	5,461	78.7
5102020 Retirement-er Share	4,048	650	0	0	3,398	83.9
5102060 Health Insurance-er Share	29,850	2,405	0	0	27,445	91.9
5102080 Worker's Compensation	350	108	0	0	242	69.1
5102090 Unemployment Compensation	30	18	0	0	12	40.0
Subtotal	41,219	4,661	0	0	36,558	88.7
51 Personal Services						
Subtotal	127,339	24,710	0	0	102,629	80.6
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	1,500	0	0	0	1,500	100.0
5203100 Lodging/in-state	1,006	0	0	0	1,006	100.0
5203120 Incidentals-travel-in St.	50	0	0	0	50	100.0
5203140 Meals/taxable/in-state	361	0	0	0	361	100.0
5203150 Non-taxable Meals/in-st	300	0	0	0	300	100.0
5203260 Air-comm-out-of-state	1,200	0	0	0	1,200	100.0
5203280 Other-public-out-of-state	125	0	0	0	125	100.0
5203300 Lodging/out-state	1,455	0	0	0	1,455	100.0
5203350 Non-taxable Meals/out-st	475	0	0	0	475	100.0
Subtotal	6,472	0	0	0	6,472	100.0
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	2,448	1,733	0	0	715	29.2
5204050 Computer Consultant	625	199	0	0	426	68.2
5204080 Legal Consultant	16,830	4,023	0	0	12,807	76.1
5204090 Management Consultant	0	71,499	0	0	-71,499	0.0
5204160 Workshop Registration Fee	550	0	0	0	550	100.0
5204201 Central Services	4,726	3,161	0	0	1,565	33.1
5204203 Central Services	20	0	0	0	20	100.0
5204204 Central Services	154	159	0	0	-5	0.0

Remaining Authority by Object/Subobject

Expenditures current through 07/10/2021 04:20:55 PM

SOCIAL SERVICES -- Summary

FY 2021 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

0894 Board of Addiction & Prevent Prof - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
5204207 Central Services	1,788	665	0	0	1,123		62.8
5204460 Equipment Rental	2,800	1,298	0	0	1,502		53.6
5204490 Rents-private Owned Prop.	11,478	4,817	0	0	6,661		58.0
5204530 Telecommunications Srves	2,100	1,325	0	0	775		36.9
5204550 Garbage & Sewer	120	41	0	0	79		65.8
5204590 Ins Premiums & Surety Bds	1,110	682	0	0	428		38.6
5204960 Other Contractual Service	3,200	2,980	0	0	220		6.9
Subtotal	47,949	92,582	0	0	-44,633		0.0
SUPPLIES & MATERIALS							
5205020 Office Supplies	1,250	753	0	0	497		39.8
5205080 Hardware Supplies	0	22	0	0	-22		0.0
5205300 Trophies & Awards	155	0	0	0	155		100.0
5205310 Printing-state	0	683	0	0	-683		0.0
5205328 Printing-commercial	1,000	0	0	0	1,000		100.0
5205350 Postage	1,900	1,791	0	0	109		5.7
5205980 Procurement Card Purchase	0	391	0	0	-391		0.0
Subtotal	4,305	3,640	0	0	665		15.4
CAPITAL OUTLAY							
5207491 Telephone Equipment	175	0	0	0	175		100.0
Subtotal	175	0	0	0	175		100.0
52 Operating							
Subtotal	58,901	96,222	0	0	-37,321		0.0
Total	186,240	120,932	0	0	65,308		35.1

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE SUMMARY
FOR MONTH ENDING 06-30-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4293020	0	0	0894000	721		2021	12	\$ 6,050.00	\$ 1,250.00
6503	4293021	0	0	0894000	721		2021	12	\$ 200.00	\$ -
6503	4293022	0	0	0894000	721		2021	12	\$ 300.00	\$ 150.00
6503	4293030	0	0	0894000	721		2021	12	\$ 22,225.00	\$ 1,925.00
6503	4293031	0	0	0894000	721		2021	12	\$ 4,587.50	\$ -
6503	4293032	0	0	0894000	721		2021	12	\$ 66,300.00	\$ 7,000.00
6503	4293033	0	0	0894000	721		2021	12	\$ 1,662.50	\$ 331.25
6503	4293034	0	0	0894000	721		2021	12	\$ 26,325.00	\$ 2,700.00
6503	4293035	0	0	0894000	721		2021	12	\$ 7,859.50	\$ 975.00
6503	4293040	0	0	0894000	721		2021	12	\$ 325.00	\$ 50.00
6503	4293050	0	0	0894000	721		2021	12	\$ 1,280.00	\$ 80.00
6503	4293051	0	0	0894000	721		2021	12	\$ 700.00	\$ -
6503	4293054	0	0	0894000	721		2021	12	\$ 700.00	\$ 150.00
6503	4293055	0	0	0894000	721		2021	12	\$ 900.00	\$ -
6503	4293057	0	0	0894000	721		2021	12	\$ 5.00	\$ -
6503	4920045			0894000	721		2021	12	\$ 1,040.38	\$ -
									\$ 140,459.88	\$ 14,611.25

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE DETAIL
FOR MONTH ENDING 06-30-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	FUND CENTER	FISCAL SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	DESCRIPTION	AMOUNT
6503	4293030	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ (175.00)
6503	4293030	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 175.00
6503	4293030	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 175.00
6503	4293032	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 1,200.00
6503	4293033	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 87.50
6503	4293034	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 750.00
6503	4293035	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 162.50
6503	4293050	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 60.00
6503	4293054	0	0	0894000	721	12	01	2021	C082102338	BD OF ADDICTION AND PREVENTIO	\$ 50.00
6503	4293022	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ (150.00)
6503	4293022	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 150.00
6503	4293022	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 150.00
6503	4293030	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 175.00
6503	4293032	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 200.00
6503	4293034	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 600.00
6503	4293035	0	0	0894000	721	12	08	2021	C082102397	BD OF ADDICTION PREVENTION PRC	\$ 337.50
6503	4293020	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ (250.00)
6503	4293020	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 250.00
6503	4293020	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 250.00
6503	4293030	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 700.00
6503	4293032	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 3,000.00
6503	4293034	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 300.00
6503	4293035	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 112.50
6503	4293050	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 20.00
6503	4293054	0	0	0894000	721	12	14	2021	C08210244(BAPP	C	\$ 50.00
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ (500.00)
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 500.00
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 500.00
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ (500.00)
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 500.00
6503	4293020	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 500.00
6503	4293030	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 525.00
6503	4293030	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 350.00
6503	4293032	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 2,000.00
6503	4293032	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 600.00
6503	4293033	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 243.75
6503	4293034	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 300.00
6503	4293034	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 750.00
6503	4293035	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 175.00
6503	4293035	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 187.50
6503	4293040	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 50.00
6503	4293054	0	0	0894000	721	12	30	2021	C082102577	BD OF ADDICTION AND PREVENTIO	\$ 50.00
											\$ 14,611.25

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 06-30-21**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	FUND CENTER	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0894000	721	2021	12	\$ 1,732.50	\$ 1,732.50
6503	5204050	0	0	COMPUTER CONSULTANT	0894000	721	2021	12	\$ 198.99	\$ -
6503	5204080	0	0	LEGAL CONSULTANT	0894000	721	2021	12	\$ 4,023.30	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0894000	721	2021	12	\$ 71,499.17	\$ 8,282.80
6503	5204201	0	0	BFM CENTRAL SERVICES	0894000	721	2021	12	\$ 3,160.71	\$ -
6503	5204204	0	0	RECORDS MGMT SERVICES	0894000	721	2021	12	\$ 159.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0894000	721	2021	12	\$ 665.35	\$ -
6503	5204460	0	0	EQUIPMENT RENTAL	0894000	721	2021	12	\$ 1,297.62	\$ 327.06
6503	5204490	0	0	RENTS-PRIVATE OWNED PROP.	0894000	721	2021	12	\$ 4,816.65	\$ -
6503	5204530	0	0	TELECOMMUNICATIONS SRVCS	0894000	721	2021	12	\$ 1,325.22	\$ -
6503	5204550	0	0	GARBAGE & SEWER	0894000	721	2021	12	\$ 40.78	\$ -
6503	5204590	0	0	INS PREMIUMS & SURETY BDS	0894000	721	2021	12	\$ 682.19	\$ -
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0894000	721	2021	12	\$ 2,980.00	\$ 1,310.00
6503	5205020	0	0	OFFICE SUPPLIES	0894000	721	2021	12	\$ 752.89	\$ 92.34
6503	5205080	0	0	HARDWARE SUPPLIES	0894000	721	2021	12	\$ 21.57	\$ -
6503	5205310	0	0	PRINTING-STATE	0894000	721	2021	12	\$ 683.19	\$ -
6503	5205350	0	0	POSTAGE	0894000	721	2021	12	\$ 1,791.34	\$ 124.07
6503	5205980	0	0	PROC CARD PURCH-APPROVED	0894000	721	2021	12	\$ 391.14	\$ -
6503	5101010	0	0	F-T EMP SAL & WAGES	0894000	721	2021	12	\$ 17,949.33	\$ 324.74
6503	5101030	0	0	BOARD & COMM MBRS FEES	0894000	721	2021	12	\$ 2,100.00	\$ 420.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0894000	721	2021	12	\$ 1,480.45	\$ 57.02
6503	5102020	0	0	RETIREMENT-ER SHARE	0894000	721	2021	12	\$ 649.83	\$ 19.48
6503	5102060	0	0	HEALTH/LIFE INS.-ER SHARE	0894000	721	2021	12	\$ 2,404.75	\$ 50.21
6503	5102080	0	0	WORKER'S COMPENSATION	0894000	721	2021	12	\$ 107.70	\$ 1.92
6503	5102090	0	0	UNEMPLOYMENT COMPENSATION	0894000	721	2021	12	\$ 17.94	\$ 0.33
									\$ 120,931.61	\$ 12,742.47

BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
EXPENDITURE DETAIL REPORT
FOR MONTH ENDING 06-30-21

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	FUND CENTER	SUB SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	VENDOR NUMBER/ INVOICE NUMBER	CHECK NUMBER	VENDOR NAME	AMOUNT	
6503	5101010	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 109.34	
6503	5101030	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 420.00	
6503	5102010	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 40.56	
6503	5102020	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 6.56	
6503	5102060	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 16.93	
6503	5102080	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 0.63	
6503	5102090	0	0	0894000	721	12	01	2021	CGEX210526	C			\$ 0.09	
6503	5204460	0	0	0894000	721	12	04	2021	655278	120074633312745130	0M	00002398174	PITNEYBOWE	\$ 163.53
6503	5204460	0	0	0894000	721	12	04	2021	655279	120074633313268234	0M	00002398174	PITNEYBOWE	\$ 163.53
6503	5204020	0	0	0894000	721	12	08	2021	660769	120199787521	0M	00100724665	ICRCAODAIN	\$ 1,732.50
6503	5204960	0	0	0894000	721	12	08	2021	660772	120199787631	0M	00100724665	ICRCAODAIN	\$ 655.00
6503	5204960	0	0	0894000	721	12	08	2021	660773	120199787681	0M	00100724665	ICRCAODAIN	\$ 655.00
6503	5205020	0	0	0894000	721	12	08	2021	660770	1212441431887	0M	00100725261	JCPRINTING	\$ 12.42
6503	5205020	0	0	0894000	721	12	08	2021	660771	1212441431943	0M	00100725261	JCPRINTING	\$ 79.92
6503	5205350	0	0	0894000	721	12	08	2021	MS105034	CENTRAL MAIL SERVICES	C		0894	\$ 124.07
6503	5204090	0	0	0894000	721	12	10	2021	661945	1219990221SC081011-MAY	0M	00100725324	MIDWESTSOL	\$ 8,282.80
6503	5203010	0	0	0894000	721	12	14	2021	MP105044	SD FLEET AND TRAVEL BILLINC			0894	\$ 154.44
6503	5101010	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 215.40
6503	5102010	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 16.46
6503	5102020	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 12.92
6503	5102060	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 33.28
6503	5102080	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 1.29
6503	5102090	0	0	0894000	721	12	16	2021	CGEX210611	C				\$ 0.24
6503	5203010	0	0	0894000	721	12	25	2021	E082100580	CORRECT MILEAGE BAPP TO CP				\$ (154.44)
													\$ 12,742.47	



STATE OF SOUTH DAKOTA
OFFICE OF THE GOVERNOR

KRISTI NOEM | GOVERNOR

June 28, 2021

Board of Addiction and Prevention Professionals
PO Box 340
1351 North Harrison Ave
Pierre SD 57501
And via email bapp@midwestsolutionssd.com

Dear Executive Director and Board Members,

The COVID pandemic has presented so many challenges to all of us, the least of which is to our healthcare workers in all the fields of practice. Those providers have answered the call to take care of people and for that, I am so appreciative.

In recognition of the challenges to not only recruit healthcare providers but to also retain workers during the pandemic, I suspended several provisions of statutes and administrative rules to cope with this emergency, including the regulatory provision of ARSD 20:80:07:01 requiring applicants to submit proof of completing examination requirements to prevent delaying licensure during the emergency.

We have done a tremendous job of coming together as a state to combat this pandemic and our case counts have declined dramatically. A state of emergency is no longer necessary. Therefore, certified addiction counselor, licensed addiction counselor, and certified prevention specialist who were granted a license or plan of supervision without having submitted the proof of examination pursuant to Executive Order 2020-25, which was extended by Executive Order 2020-34, shall submit proof of examination to their respective state licensing Board by August 31, 2021.

We fought this pandemic together. Thank you for all you do in serving the courageous healthcare providers that you license.

Best regards,

A handwritten signature in blue ink, appearing to read "Kristi Noem", written over a faint circular stamp.

Kristi Noem
Governor

CC: Secretary Gill, Department of Social Services

CHAPTER [36-1C](#)
UNIFORM COMPLAINT AND DECLARATORY RULING PROCEDURES

- [36-1C-1](#) Definitions.
 - [36-1C-2](#) Complaints--Jurisdiction.
 - [36-1C-3](#) Receipt of complaint--Time to respond--Failure to respond.
 - [36-1C-4](#) Investigation--Dismissal permitted.
 - [36-1C-5](#) Option to authorize limited administrative fines for specified violations.
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[36-1C-1](#). Definitions.

Terms used in this chapter mean:

- (1) "Administrator," the executive director, executive secretary, or other person designated as being responsible for a professional or occupational licensing's board, commission, or agency operation;
- (2) "Agency," a professional or occupational licensing board, commission, or agency set forth in title 36;
- (3) "Complaint," an allegation of a violation of the laws or rules of a professional or occupational licensing board, commission, or agency set forth in title 36;
- (4) "Investigative committee," one or more persons employed or contracted by a professional or occupational licensing board, commission, or agency set forth in title 36 to review and investigate complaints;
- (5) "License," any certification, license, permit, or other authorization related to the practice of any profession or occupation regulated under title 36.

Source: SL 2021, ch 168, § 1.

[36-1C-2](#). Complaints--Jurisdiction.

Any person claiming that a licensee or an applicant for a license under title 36 has engaged in or is engaging in conduct constituting grounds for disciplinary action, as enumerated in the laws or rules of the agency, may file with the agency a written complaint. The agency shall require the complaining party to file a complaint stating the name of the applicant or licensee against whom the complaint is made and setting out, in full detail, the conduct that is alleged to be in violation and may prescribe the form on which a written complaint is made.

The administrator shall request the complainant provide additional information if the complaint does not state a claim within the jurisdiction of the agency.

Failure of the complainant to comply with this section is basis for the administrator to reject the complaint without further action.

Source: SL 2021, ch 168, § 2.

36-1C-3. Receipt of complaint--Time to respond--Failure to respond.

Upon receipt of a properly submitted complaint within the agency's jurisdiction, the administrator shall serve a copy of the complaint by mail or electronic mail upon the applicant or licensee complained against.

The applicant or licensee complained against shall send a response to the complaint to the administrator of the agency within twenty business days after service of the complaint on the applicant or licensee. Upon receipt of the response of the applicant or licensee, or upon expiration of the time for the applicant or licensee complained against to respond, the administrator shall assign an investigative committee to determine if the complaint has probable cause and constitutes grounds for disciplinary action or lacks probable cause and should be dismissed.

The twenty business days may be extended by the administrator for good cause.

Failure to respond to the complaint is grounds for disciplinary action.

Source: SL 2021, ch 168, § 3.

36-1C-4. Investigation--Dismissal permitted.

Upon completion of the investigation, the investigating committee shall recommend to the agency whether the complaint should be dismissed for lack of probable cause, resolved by informal disposition, or settled by a formal hearing. The failure of an applicant or licensee to comply with the investigation is grounds for denial of the application or disciplinary action.

An agency may allow the investigative committee to dismiss a complaint. Any dismissal by the investigative committee must be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

An investigative committee includes the agency's legal counsel.

Source: SL 2021, ch 168, § 4.

36-1C-5. Option to authorize limited administrative fines for specified violations.

The agency may authorize the administrator to impose an administrative fine upon proof of a violation of specified statutes or rules without additional prior approval. Any action taken pursuant to this section shall be reported to the agency at its next scheduled meeting or within thirty days, whichever is shorter.

Any administrative fine issued under this section may be appealed by requesting a contested case under chapter [1-26](#). Notice of appeal must be submitted to the administrator within twenty calendar days of service of the fine.

Any fine issued under this section may not exceed five hundred dollars.

Source: SL 2021, ch 168, § 5.

36-1C-6. Informal disposition--Notice.

The agency may accept an informal disposition regarding a violation of the laws or rules under the agency's jurisdiction. The agreed upon disposition must be in writing and is subject to the approval of the agency.

Failure to comply with the terms of an informal disposition is grounds for disciplinary action or allows the agency to institute or reinstitute formal proceedings.

The administrator shall notify, in writing, any complaining party of the results of the informal disposition of a complaint and the action taken, if any.

Source: SL 2021, ch 168, § 6.

36-1C-7. Formal complaint.

If an alleged violation has probable cause constituting grounds for disciplinary action, the legal counsel for the agency may commence formal proceedings by serving a formal complaint by mail or electronic mail upon the applicant or licensee complained against.

The formal complaint must include the name of the applicant or licensee complained against, and a statement of facts setting forth the nature of the violations being charged that constitute grounds for disciplinary action.

Source: SL 2021, ch 168, § 7.

36-1C-8. Response to formal complaint.

The applicant or licensee shall file an answer with the administrator within twenty calendar days after service of the complaint admitting, denying, qualifying, or explaining all facts alleged in the formal complaint and all defenses of the applicant or licensee or mitigating factors.

Source: SL 2021, ch 168, § 8.

36-1C-9. Notice of hearing.

After the receipt of the response in § [36-1C-8](#), the agency's counsel shall file a notice of hearing pursuant to § [1-26-17](#). The notice of hearing must be served no later than twenty calendar days prior to the hearing date.

The agency may continue the date of the hearing as necessary. The agency's counsel shall serve notice of any new date by electronic mail to the applicant or licensee's address on file with the agency. If the applicant or licensee does not have electronic mail, communication shall be sent to the mailing address on file with the agency.

Source: SL 2021, ch 168, § 9.

36-1C-10. Appearance required of applicant or licensee.

The applicant or licensee appearing before the agency at a formal hearing shall appear in person unless otherwise waived by the agency. If an applicant or licensee fails to appear, the hearing may proceed without the applicant or licensee.

Source: SL 2021, ch 168, § 10.

36-1C-11. Board or commission member disqualified.

If an alleged violation against an applicant or licensee is filed by a member of the agency's board or commission, or if a member of the agency's board or commission participates in the investigation of a

violation by an applicant or licensee, that agency's board or commission member is disqualified from participating in the final decision rendered by the agency board or commission.

Source: SL 2021, ch 168, § 11.

36-1C-12. Written waiver of procedures.

An applicant for a license or licensee may, in writing, waive any procedure granted to the applicant or licensee under this chapter.

Notwithstanding any other provision of law, nothing in this chapter shall be construed to limit an agency's authority for emergency action under § [1-26-29](#).

Source: SL 2021, ch 168, § 12.

36-1C-13. Promulgation of rules.

The Departments of Agriculture and Natural Resources, Health, Labor and Regulation, and Social Services shall promulgate rules, pursuant to chapter [1-26](#), to make any consistent addition to the procedures in this chapter in order to comply with any federal statutes, rules, and regulations regarding a profession or occupation within their respective department.

Source: SL 2021, ch 168, § 13; SL 2021, ch 1, § 14.

36-1C-14. Petition for declaratory ruling.

A person seeking a ruling as to the applicability to that person of a law, rule, or order of an agency under title 36 may file with the agency a petition for declaratory ruling in substantially the following form:

Pursuant to the provisions of SDCL [1-26-15](#), I, (name of petitioner), of (address of petitioner), am (title or capacity of petitioner), and do hereby petition the professional or occupational board or commission of (state name of body) for its declaratory ruling in regard to the following:

- (1) The statutes or rules or order in question is: (here identify and quote the pertinent statute, rule, or order.):
- (2) The facts and circumstances that give rise to the issue to be answered by the professional or occupational board or commission's declaratory ruling:
- (3) The precise issue to be answered by the professional or occupational board or commission's declaratory ruling:

Dated at (city and state), this _____ day of _____, _____.

(Signature of Petitioner)

Source: SL 2021, ch 168, § 14.

36-1C-15. Action on petition.

Upon receipt of the petition, the administrator may request from the petitioner any information that may be required for the issuance of its ruling. At the agency's next regularly scheduled meeting following the receipt of the petition or following receipt of requested information, or within ninety days, whichever is shorter, the agency shall issue its declaratory ruling and serve a copy of it by mail or electronic mail upon the petitioner.

Source: SL 2021, ch 168, § 15.

36-1C-16. Appeal of declaratory ruling.

Any person seeking a declaratory ruling hereunder, is considered aggrieved if, within thirty days of the agency's declaratory ruling, a request is made for the agency to conduct a formal hearing. The hearing must be held at the earliest convenience of the agency following the receipt of the request. A hearing under this section is a contested case under chapter [1-26](#).

Source: SL 2021, ch 168, § 16.

CHAPTER [36-1D](#)
LICENSURE BY ENDORSEMENT

[36-1D-1](#) Eligibility--Licensure by endorsement.

[36-1D-2](#) Provisional license--Duration.

[36-1D-3](#) Application of chapter.

[36-1D-4](#) Affected professions.

36-1D-1. Eligibility--Licensure by endorsement.

Notwithstanding any existing provisions related to licensure by endorsement or licensure by reciprocity in any applicable licensing statute, a licensing board shall issue a license, certificate, registration, or permit to an applicant to allow practice in this state if, upon application to the licensing board, the applicant satisfies all of the following conditions:

- (1) Holds a current license, certificate, registration, or permit from another state, territory, or country and the licensing board determines that state's, territory's, or country's requirements are substantially equivalent to or exceed the requirements established in this state;
- (2) Demonstrates competency in the profession or occupation through methods determined by the licensing board, including having completed continuing education or having experience in the profession or occupation for at least two of the five years preceding the date of the application under this section;
- (3) Has not committed any act that constitutes grounds for refusal, suspension, or revocation of a license, certificate, registration, or permit to practice that profession or occupation in this state unless the licensing board determines, in its discretion, that the act should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state;
- (4) Is in good standing and has not been disciplined by the jurisdiction that issued the license, certificate, registration, or permit unless the licensing board determines, in its discretion, that the discipline should not be an impediment to the granting of a license, certificate, registration, or permit to practice in this state; and
- (5) Pays any fees established by the licensing board by rules promulgated pursuant to chapter [1-26](#).

Source: SL 2021, ch 169, § 1.

36-1D-2. Provisional license--Duration.

A licensing board may issue a provisional license, certificate, registration, or permit to an applicant for licensure by endorsement while the applicant is satisfying remaining requirements for the licensure by endorsement as determined by the board. The holder of a provisional endorsement license issued under this section may practice until any of the following occurs:

- (1) A license, certificate, registration, or permit is denied by the licensing board under this section;
- (2) The expiration of the provisional endorsement license as established by the board by regulation; or
- (3) The holder of the provisional endorsement license fails to comply with the terms of the provisional license.

Source: SL 2021, ch 169, § 2.

[36-1D-3. Application of chapter.](#)

Nothing in this chapter may be construed to override, supersede, or invalidate any compact or agreement already in place with regard to the regulation of any profession under title 36.

Source: SL 2021, ch 169, § 3.

36-1D-4. Affected professions.

The provisions of this chapter apply to those practitioners licensed pursuant to chapters [36-4](#), [36-4A](#), [36-4B](#), [36-4C](#), [36-9](#), [36-9A](#), [36-9C](#), [36-10](#), [36-10B](#), [36-11](#), [36-19](#), [36-26](#), [36-27A](#), [36-29](#), [36-31](#), [36-32](#), [36-33](#), [36-34](#), [36-37](#), [36-38](#), and [34-11](#).

Source: SL 2021, ch 169, § 4.

BAPP COMMITTEES

Portfolio Review Committee

The Portfolio Review Committee shall consist of certified/licensed professionals serving on the Board (not lay members). Application portfolios shall be reviewed by the Committee when all required documentation and information for certification or licensure has been submitted by the applicant. At the time of the review, the Committee will either approve or deny the applicant for testing. Board staff will prepare the application packet and all documentation prior to sending to committee.

January time commitment: Estimated 2-4 hours (dependent on number of applications received)

July time commitment: Estimated 2-4 hours (dependent on number of applications received)

Course Review Committee

The Course Review committee shall consist of certified/licensed professionals serving on the Board (not lay members). Course Review Forms shall be reviewed by the Committee when all required documentation and information for the specific course(s) are submitted by the applicant. Board staff will prepare the documentation prior to sending to committee. Reviews will be batched together and sent out on an as needed basis. Course reviews will take place during non-portfolio review months.

Time commitment: August – December; February – June: 1-2 hours per week (dependent on number of course review forms received)