

**South Dakota Board of Addiction and Prevention Professionals  
Via Videoconference  
May 5, 2023**

President Hartman called the meeting to order at 9:00 a.m. central and determined a quorum.

**Board Members Present via Videoconference:** Amy Hartman, Jill Viedt, Nicole Bowen, Lynne Hagen, Kristi Jacobsma, Tiffany Kashas, Donald McCoy, Kelsey Smith

**Board Members Absent:** Kara Graveman

**Others Present via Videoconference:** Jennifer Stalley, Executive Secretary; Kaitlynn Kelly, administrative staff; Court Roper, Board Legal Counsel, Department of Social Services; Shale Kramme, Assistant Attorney General; Tracy Mercer, Department of Social Services.

Motion to approve the proposed agenda by Smith. Seconded by Jacobsma. **Motion carried.**

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

Motion to approve the meeting minutes of January 27, 2023, with a noted spelling correction by Jacobsma. Seconded by Hagen. **Motion carried.**

Motion to accept the March 31, 2023 financial report as presented by Kashas. Seconded by Bowen. **Motion carried.**

Motion to go into executive session for consideration of contested cases and contractual matters at 9:08 am by Jacobsma. Seconded by Smith. **Motion carried.**

Hartman declared the Board executive session at 9:58 a.m.

Hartman noted the time and place for the hearing in the matter of Complaints 2022-08, 2022-09, and 2022-11. The cases were consolidated for purposes of the hearing. Kianah Bay did not attend the hearing.

Motion to go into executive session for consideration of contested cases and contractual matters at 10:22 a.m. by Jacobsma. Seconded by Kashas. **Motion carried.**

Hartman declared the Board out of executive session at 10:41 a.m.

Motion to renew a contract with Albertson Consulting for database services in an amount of up to \$15,500 by Jacobsma. Seconded by McCoy. **Motion carried.**

Motion to renew a contract with Midwest Solutions for executive services with an increase of 7% by Smith. Seconded by Jacobsma. **Motion carried.**

Motion to move Complaint 2022-01 to hearing by Jacobsma. Seconded by Bowen. **Motion carried.**

Motion to find that Kianah Bay (Complaints 2022-08, 2022-09, and 2022-11) failed to respond to the Board regarding a complaint involving an underlying matter alleging a breach of ethics in violation of SDCL 36-1C therefore Ms. Bay is ineligible for trainee status, certification or licensure by the Board by Vied. Seconded by Kashas. **Motion carried.**

Motion to authorize legal counsel to offer a settlement agreement and execute a final order in Complaint 2022-10 or proceed to a hearing by McCoy. Seconded by Jacobsma. **Motion carried.**

Motion to open complaint regarding a National Practitioner Data Bank report received by the Board by Kashas. Seconded by Bowen. **Motion carried.**

Motion to accept National Certification Commission for Alcohol Professionals' examinations at the corresponding levels for certification or licensure by McCoy. Seconded by Jacobsma. **Motion carried.**

Stalley provided an update on Senate Bill 8 and the implementation plan for transitioning licensees to a biennial renewal. All CAC, LAC and CPS renewal dates will be reset to November 30, 2023, and all retired status licensees will be contacted about their options to move to an active or inactive status. ACT renewal dates will remain for current ACTs and move to an annual renewal from the date of issues moving forward.

The Board reviewed the proposed administrative rule changes as presented.

Motion to move the proposed rule changes to the administrative rule chapter 20:80:01, 20:80:02, 20:80:03, 20:80:04, 20:80:07, 20:80:08, 20:80:09 and 20:80:10 into the formal rulemaking process after review and formatting changes by Kashas. Seconded by Viedt. **Motion carried.**

Stalley provided an office update.

Tracy Mercer noted no additional updates from the Department of Social Services.

The Board set the Public Rules Hearing for the administrative rule proposal for June 27, 2023, at 9:00 am (central) via zoom.

The Board's next regular meeting is scheduled for September 15, 2023, at 10:00 am (central) in Pierre.

Motion to adjourn by Viedt. Seconded by Smith. **Motion carried.**

The Board adjourned at 12:06 p.m.

Respectfully Submitted,

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Nicole Bowen, Secretary

# Remaining Authority by Object/Subobject

Expenditures current through 07/29/2023 01:20:19 PM

SOCIAL SERVICES -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 92.3%

0894 Board of Addiction & Prevent Prof - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL	
<b>EMPLOYEE SALARIES</b>							
5101010 F-t Emp Sal & Wages	5,103	0	0	0	5,103	100.0	
5101030 Board & Comm Mbrs Fees	3,066	480	0	0	2,586	84.3	
<b>Subtotal</b>	<b>8,169</b>	<b>480</b>	<b>0</b>	<b>0</b>	<b>7,689</b>	<b>94.1</b>	
<b>EMPLOYEE BENEFITS</b>							
5102010 Oasi-employer's Share	1,111	37	0	0	1,074	96.7	
5102020 Retirement-er Share	555	0	0	0	555	100.0	
5102060 Health Insurance-er Share	711	0	0	0	711	100.0	
5102080 Worker's Compensation	388	0	0	0	388	100.0	
5102090 Unemployment Compensation	33	0	0	0	33	100.0	
<b>Subtotal</b>	<b>2,798</b>	<b>37</b>	<b>0</b>	<b>0</b>	<b>2,761</b>	<b>98.7</b>	
<b>51 Personal Services</b>							
<b>Subtotal</b>	<b>10,967</b>	<b>517</b>	<b>0</b>	<b>0</b>	<b>10,450</b>	<b>95.3</b>	
<b>TRAVEL</b>							
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	
<b>Subtotal</b>	<b>6,472</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>6,472</b>	<b>100.0</b>	
<b>CONTRACTUAL SERVICES</b>							
5204020 Dues & Membership Fees	2,448	0	0	0	2,448	100.0	
5204050 Computer Consultant	625	0	0	0	625	100.0	
5204080 Legal Consultant	16,830	0	0	0	16,830	100.0	
5204090 Management Consultant	117,825	9,772	110,566	0	-2,513	0.0	
5204130 Other Consulting	0	0	5,500	0	-5,500	0.0	
5204160 Workshop Registration Fee	550	0	0	0	550	100.0	
5204201 Central Services	4,726	832	0	0	3,894	82.4	
5204203 Central Services	20	0	0	0	20	100.0	
5204204 Central Services	154	87	0	0	67	43.5	
5204207 Central Services	1,788	0	0	0	1,788	100.0	



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0894 Board of Addiction & Prevent Prof - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
5204460 Equipment Rental	2,800	0	0	0	2,800		100.0
5204490 Rents-private Owned Prop.	11,478	0	0	0	11,478		100.0
5204530 Telecommunications Svcs	2,100	0	0	0	2,100		100.0
5204550 Garbage & Sewer	120	0	0	0	120		100.0
5204590 Ins Premiums & Surety Bds	1,110	0	0	0	1,110		100.0
5204960 Other Contractual Service	3,200	250	0	0	2,950		92.2
<b>Subtotal</b>	<b>165,774</b>	<b>10,941</b>	<b>116,066</b>	<b>0</b>	<b>38,767</b>		<b>23.4</b>
<b>SUPPLIES &amp; MATERIALS</b>							
5205020 Office Supplies	1,250	0	0	0	1,250		100.0
5205300 Trophies & Awards	155	0	0	0	155		100.0
5205328 Printing-commercial	1,000	0	0	0	1,000		100.0
5205350 Postage	1,900	407	0	0	1,493		78.6
<b>Subtotal</b>	<b>4,305</b>	<b>407</b>	<b>0</b>	<b>0</b>	<b>3,898</b>		<b>90.5</b>
<b>CAPITAL OUTLAY</b>							
5207491 Telephone Equipment	175	0	0	0	175		100.0
<b>Subtotal</b>	<b>175</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>175</b>		<b>100.0</b>
<b>52 Operating Subtotal</b>	<b>176,726</b>	<b>11,348</b>	<b>116,066</b>	<b>0</b>	<b>49,312</b>		<b>27.9</b>
<b>Total</b>	<b>187,693</b>	<b>11,865</b>	<b>116,066</b>	<b>0</b>	<b>59,762</b>		<b>31.8</b>

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
CASH CENTER BALANCE  
FOR MONTH ENDING 07-31-23**

[illegible]

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS**  
**REVENUE SUMMARY**  
**FOR MONTH ENDING 07-31-23**

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		2024	01	\$ 2,327.14	\$ 2,327.14
6503	4293034	0	0	0894000	721		2024	01	\$ 150.00	\$ 150.00
6503	4293035	0	0	0894000	721		2024	01	\$ 237.50	\$ 237.50
									\$ 2,714.64	\$ 2,714.64

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
REVENUE DETAIL  
FOR MONTH ENDING 07-31-23**

[illegible]

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
EXPENDITURE SUMMARY REPORT  
FOR MONTH ENDING 07-31-23**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5101030	0	0	BOARD & COMM MBRS FEES	0894000	721		2024	01	\$ 480.00	\$ 480.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0894000	721		2024	01	\$ 36.72	\$ 36.72
6503	5204090	0	0	MANAGEMENT CONSULTANT	0894000	721		2024	01	\$ 9,771.97	\$ 9,771.97
6503	5204130	0	0	OTHER CONSULTING	0894000	721		2024	01	\$ -	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0894000	721		2024	01	\$ 832.21	\$ 832.21
6503	5204204	0	0	RECORDS MGMT SERVICES	0894000	721		2024	01	\$ 87.00	\$ 87.00
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0894000	721		2024	01	\$ 250.00	\$ 250.00
6503	5205350	0	0	POSTAGE	0894000	721		2024	01	\$ 407.45	\$ 407.45
										\$ 11,865.35	\$ 11,865.35



**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
EXPENDITURE DETAIL REPORT  
FOR MONTH ENDING 07-31-23**

[illegible]

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
AVAILABLE FUNDS  
FOR MONTH ENDING 07-31-23**

**Available Funds Report**

	Budget	Commitment	Encumbrance	MTD Amount	YTD Amount	Remaining Budget	Percent Remaining
<b>5101 - Salaries</b>	8,169.00	0.00	0.00	480.00	480.00	7,689.00	94.12%
<b>5102 - Benefits</b>	2,798.00	0.00	0.00	36.72	36.72	2,761.28	98.69%
<b>Total PS</b>	10,967.00	0.00	0.00	516.72	516.72	10,450.28	95.29%
<b>5203 - Travel</b>	6,472.00	0.00	0.00	0.00	0.00	6,472.00	100.00%
<b>5204 - Contractual</b>	165,774.00	0.00	116,065.95	10,941.18	10,941.18	38,766.87	23.39%
<b>5205 - Supplies</b>	4,305.00	0.00	0.00	407.45	407.45	3,897.55	90.54%
<b>5206 - Grants</b>	0.00	0.00	0.00	0.00	0.00	0.00	/0
<b>5207 - Capital Outlay</b>	175.00	0.00	0.00	0.00	0.00	175.00	100.00%
<b>5208 - Other</b>	0.00	0.00	0.00	0.00	0.00	0.00	/0
<b>5228 - Transfers</b>	0.00	0.00	0.00	0.00	0.00	0.00	/0
<b>Total OE</b>	176,726.00	0.00	116,065.95	11,348.63	11,348.63	49,311.42	27.90%
<b>Total PS &amp; OE</b>	187,693.00	0.00	116,065.95	11,865.35	11,865.35	59,761.70	31.84%

THE SOUTH DAKOTA DEPARTMENT OF SOCIAL SERVICES  
BOARD OF ADDICTION AND PREVENTION PROFESSIONALS

IN THE MATTER OF ADDICTION COUNSELOR TRAINEE LICENSING STATUS OF KIANAH BAY (ACT - 8393)	<b>Case Nos. 2022-08, 2022-09, 2022-11</b>  <b>STATE'S PROPOSED FINDINGS OF FACT AND CONCLUSIONS OF LAW</b>
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Three initial complaints (2022-08, 2022-09, and 2022-11) were filed with the South Dakota Board of Addiction and Prevention Professionals (hereinafter “the Board”) against Kianah Bay, ACT – 8393 (hereinafter “Bay”) alleging Bay had an inappropriate romantic relationship with a previous client constituting a violation of SDCL 36-34-21(4) and ARSD 20:80:01:05. Bay then failed to provide information requested by the Board in the investigation of these three complaints constituting violations of SDCL 36-1C-3 and SDCL 36-34-21(9). Consequently, three formal complaints (2022-08-36-1C, 2022-09-36-1C, and 2022-11-36-1C) were filed with the Board against Bay. These complaints were duly investigated by the Board, and it was determined that the nature of the complaints warranted the holding of an adversarial administrative hearing pursuant to the authority and jurisdiction granted to the Board by SDCL Chapter 36-34, and the applicable rules of the State of South Dakota.

On May 5, 2023, said hearing was held and conducted via ZOOM teleconferencing platform. Bay did not appear at the hearing. The interests of the State of South Dakota at the hearing were represented by Assistant

Attorney General, Shale R. Kramme. A quorum of the Board was present, and the Board's General Counsel, Court Roper served as Hearing Officer.

Based on the evidence presented, the Board makes the following:

#### FINDINGS OF FACT

1. On September 7, 2022 the Board staff received the first initial complaint (2022-08) regarding Bay's unprofessional conduct.
2. On October 8, 2022 the Board staff received a second initial complaint (2022-09) regarding Bay's unprofessional conduct.
3. On November 20, 2022 the Board staff received a third initial complaint regarding Bay's unprofessional conduct.
4. The initial complaints allege that while working as an addiction counselor trainee (ACT) counselor at Wellfully, Bay engaged in a sexual relationship with a past client.
5. The initial complaints also allege that when confronted with the allegation, Bay admitted to dating a past client and left employment at Wellfully.
6. On September 13, 2022, a letter was sent by certified mail to Bay's address on file notifying her of the first complaint and that a response was required from her regarding this incident due within 20 days of receipt.
7. On September 19, 2022, Bay signed for the letter.
8. On October 28, 2022, a letter was sent by certified mail to Bay's address on file notifying her of the second complaint and that a response was required from her regarding this incident due within 20 days of receipt.



9. On November 23, 2022, a letter was sent by certified mail to Bay's address on file notifying her of the third complaint and that a response was required from her regarding this incident due within 20 days of receipt.

10. Bay failed to respond to the any of the initial complaints within twenty business days of receipt of the initial complaint.

11. Due to Bay's failure to respond to the three initial complaints, Formal Complaints (Case Nos. 22-08-36-1C, 22-09-36-1C, and 22-11-36-1C) were entered against her in each file.

12. On January 19, 2023, a letter was sent to Bay's address on file notifying her of the three Formal Complaints and responses were required from her regarding this incident due within 20 days of receipt.

13. The Board investigator did not receive a response from Bay.

14. As of the hearing that took place on May 5, 2023, the Board investigator had not received a response from Bay.

15. Bay no longer maintains an addiction counselor trainee (ACT) certification with the State of South Dakota but was certified at the time of the alleged conduct and at the time the initial complaint was submitted to the Board.

#### CONCLUSIONS OF LAW

1. The Board has jurisdiction over this matter pursuant to the provisions of SDCL 36-34.



2. The Board has the authority to investigate complaints of violations of SDCL 36-1C-3, SDCL 36-34-21(4), and SDCL 36-34-21(9), and ARSD 20:80:01:05.
3. The Board concludes, via the evidence introduced, that Bay's conduct that is the subject of this complaint did violate SDCL 36-1C-3, SDCL 36-34-21(4), and SDCL 36-34-21(9), and ARSD 20:80:01:05.
4. The Board has both jurisdiction, and cause, to enter Bay's failure to respond to the initial and Formal Complaints into the National Practitioner Data Bank.
5. Any Finding of Fact or Conclusion of Law that has been improperly designated is hereby redesignated and incorporated into the appropriate section.

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE BOARD OF ADDICTION AND PREVENTION  
PROFESSIONALS

\_\_\_\_\_  
Amy Hartman, President

ATTEST:

\_\_\_\_\_  
Jennifer Stalley, Executive Secretary

THE BOARD OF ADDICTION PREVENTION PROFESSIONALS  
STATE OF SOUTH DAKOTA

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IN THE MATTER OF:	)	CASE NOS. 2022-08-36-1C, 2022-
	)	09-36-1C, 2022-11-36-1C
KIANAH BAY, ACT,	)	
	)	FINAL ORDER
Respondent.	)	REVOCATION OF CERTIFICATION

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The above captioned matter came before the Board of Addiction Prevention Professionals on Friday, May 5, 2023, pursuant to a hearing held on Case Nos. 2022-08-36-1C, 2022-09-36-1C, and 2022-11-36-1C, for entering of Bay's failure to respond to the Board's investigations into the National Practitioner Data Bank. Bay did not appear at the hearing. Board staff was present and represented by Assistant Attorney General Shale R. Kramme. After being otherwise fully informed of the facts and issues pertinent to Case Nos. 2022-08-36-1C, 2022-09-36-1C, and 2022-11-36-1C, the Board has ordered Bay's failure to respond to the Board's investigations to be entered into the National Practitioner Data Bank. Because the Board ordered Bay's failure to respond to the Board's investigations in Case Nos. 2022-08-36-1C, 2022-09-36-1C, and 2022-11-36-1C to be entered into the National Practitioner Data Bank, the Board issues the following:

It is hereby

ORDERED that Bay's failure to respond to the Board's investigations in Case Nos. 2022-08-36-1C, 2022-09-36-1C, and 2022-11-36-1C be entered into the National Practitioner Data Bank. It is further

ORDERED that this Order is a public record of the Board and the State of South Dakota and shall be published on the Board's website and reported as necessary to all other entities deemed appropriate by the Board in compliance with State and Federal Law.

SIGNATURE PAGE TO FOLLOW

Dated this \_\_\_\_ day of \_\_\_\_\_, 2023.

BY THE BOARD OF ADDICTION AND PREVENTION  
PROFESSIONALS

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Amy Hartman, President