



South Dakota
Department of
Social Services

**South Dakota Board of Addiction
and Prevention Professionals**

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Pierre, SD 57501

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South Dakota Board of Addiction and Prevention Professionals

Via Teleconference

Monday, April 15, 2024 – 9:00 AM CDT

Join Zoom Meeting

<https://us02web.zoom.us/j/86473266369?pwd=NDdYdWlhZkNmUWpXWmVLUDB0bDR4QT09>

Call-In: 1-312-626-6799

Meeting ID: 864 7326 6369

Passcode: 779522

Proposed Meeting Agenda - BOARD

- 1) Call to Order
- 2) Approval of Agenda
- 3) Open Forum: *5 minutes for the public to address the Board*
- 4) Approval of Minutes: December 1, 2023
- 5) Approval of Financial Statement: March 31, 2024
- 6) Executive Session (Pursuant to SDCL 1-25-2(3) for consultation with legal counsel for consideration of proposed contested cases or litigation)
- 7) Old Business
 - a. Hearing in the Matter of Complaint Nos. 2023-07, 2023-08, 2023-07-36-1C and 2023-08-36-1c
- 8) New Business
 - a. Proposed Internal Complaint Process Procedure
 - b. Administrative Rule Change Discussion
 - c. Course Review Committee Membership
 - d. Acceptance of Courses from CACREP Accredited Program
- 9) Other Business
 - a. Office Update
 - b. DSS Update
- 10) Announcements
 - a. Next Board Meeting: June 10, 2024 at 10:00 am in person in Pierre
- 11) Adjourn

**South Dakota Board of Addiction and Prevention Professionals
Via Videoconference
December 1, 2023**

President Viedt called the meeting to order at 10:06 a.m. central and determined a quorum.

Board Members Present via Videoconference: Jill Viedt, Nicole Bowen, Kara Graveman, Kristi Jacobsma, Tiffany Kashas

Board Members Absent: Kelsey Smith

Others Present via Videoconference: Jennifer Stalley, Executive Secretary; Natalie Young, administrative staff; Court Roper, Board Legal Counsel, Department of Social Services; Erin Handke, Assistant Attorney General; Tracy Mercer, Department of Social Services.

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

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

Motion to approve the meeting minutes of September 15, 2023, by Bowen. Seconded by Kashas. **Motion carried.**

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

Motion to go into executive session for consideration of contested cases at 10:15 a.m. by Bowen. Seconded by Kashas. **Motion carried.**

Viedt declared the Board out of executive session at 10:39 am.

Motion to move Complaints 2023-07 and 2023-08 to a hearing by Bowen. Seconded by Graveman. Jacobsma recused. **Motion carried.**

Motion to dismiss Complaint 2023-09 by Kashas. Seconded by Jacobsma. **Motion carried.**

Motion to adopt the proposed findings of fact, conclusions of law, and final order in Complaint 2022-01 by Kashas. Seconded by Graveman. **Motion carried.** Viedt recused.

Motion to vacate earlier action on Complaint 2023-01, remove the report to the national practitioner's database regarding the complaint, and dismiss the complaint by Bowen. Seconded by Jacobsma. **Motion carried.**

Motion to recognize Prevention Technology Transfer Center (PTTC) as a preapproved continuing education provider for addition and prevention related continuing education accepted for renewal by Kashas. Seconded by Graveman. **Motion carried.**

Motion to adopt the 2024 meeting schedule with meeting dates of March 22, 2024; June 10, 2024; September 6, 2024; and December 6, 2024 by Kashas. Seconded by Bowen. **Motion carried.**

Stalley updated the Board on renewals with the last day for renewal being November 30, 2023. The biennial renewal went well. A total of 521 licenses were renewed by November 30th. Thirty-four licenses were not renewed and have until December 31st to reinstate or be expired. Overall, the feedback was

positive on the change to the biennial renewal. No continuing education was required this renewal cycle. Continuing education will be required in 2025.

Mercer provided a brief update on the status of board appointments. Recommendations for open positions on the board are welcomed.

The Board's next regular meeting is scheduled for March 22, 2024, at 9:00 am (central) via Zoom.

Motion to adjourn by Jacobsma. Seconded by Bowen. **Motion carried.**

The Board adjourned at 11:09 a.m.

Respectfully Submitted,

Nicole Bowen, Secretary

DRAFT

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE SUMMARY
FOR MONTH ENDING 03-31-24**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	4920045			0894000	721		2024	09	\$ 1,464.06	\$ -
6503	4293020	0	0	0894000	721		2024	09	\$ 4,459.71	\$ 374.53
6503	4293021	0	0	0894000	721		2024	09	\$ 400.00	\$ -
6503	4293022	0	0	0894000	721		2024	09	\$ 150.00	\$ -
6503	4293023	0	0	0894000	721		2024	09	\$ 100.00	\$ -
6503	4293030	0	0	0894000	721		2024	09	\$ 31,500.00	\$ -
6503	4293031	0	0	0894000	721		2024	09	\$ 800.00	\$ -
6503	4293032	0	0	0894000	721		2024	09	\$ 111,950.00	\$ (100.00)
6503	4293034	0	0	0894000	721		2024	09	\$ 4,100.00	\$ -
6503	4293035	0	0	0894000	721		2024	09	\$ 5,210.00	\$ -
6503	4293040	0	0	0894000	721		2024	09	\$ 300.00	\$ -
6503	4293050	0	0	0894000	721		2024	09	\$ 160.00	\$ -
6503	4293054	0	0	0894000	721		2024	09	\$ 50.00	\$ -
6503	4293055	0	0	0894000	721		2024	09	\$ 600.00	\$ -
6503	4293110	0	0	0894000	721		2024	09	\$ 1,750.00	\$ 300.00
6503	4293130	0	0	0894000	721		2024	09	\$ 2,550.00	\$ 300.00
6503	4293134	0	0	0894000	721		2024	09	\$ 300.00	\$ -
6503	4293135	0	0	0894000	721		2024	09	\$ 3,100.00	\$ 600.00
6503	4293140	0	0	0894000	721		2024	09	\$ 400.00	\$ -
6503	4293155	5	0	0894000	721		2024	09	\$ 150.00	\$ -
6503	4293310	0	0	0894000	721		2024	09	\$ 250.00	\$ -
6503	4293320	0	0	0894000	721		2024	09	\$ 1,400.00	\$ 400.00
6503	4293332	0	0	0894000	721		2024	09	\$ 3,500.00	\$ -
6503	4293350	5	0	0894000	721		2024	09	\$ 1,800.00	\$ 700.00
6503	4293355	5	0	0894000	721		2024	09	\$ 250.00	\$ -
6503	4293410	0	0	0894000	721		2024	09	\$ 100.00	\$ 100.00
6503	4293432	0	0	0894000	721		2024	09	\$ 750.00	\$ -
6503	4293455	5	0	0894000	721		2024	09	\$ 50.00	\$ -
6503	4293510	0	0	0894000	721		2024	09	\$ 200.00	\$ 50.00
6503	4293520	0	0	0894000	721		2024	09	\$ 800.00	\$ 200.00
6503	4293521	0	0	0894000	721		2024	09	\$ 200.00	\$ -
6503	4293522	0	0	0894000	721		2024	09	\$ 150.00	\$ 150.00
6503	4293532	0	0	0894000	721		2024	09	\$ 24,800.00	\$ -
6503	4293550	0	0	0894000	721		2024	09	\$ 60.00	\$ -
6503	4293550	5	0	0894000	721		2024	09	\$ 600.00	\$ (200.00)
6503	4293555	5	0	0894000	721		2024	09	\$ 700.00	\$ -
6503	4293632	0	0	0894000	721		2024	09	\$ 400.00	\$ -
									\$ 205,503.77	\$ 2,874.53

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
REVENUE DETAIL
FOR MONTH ENDING 03-31-24**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	FUND CENTER	FISCAL SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	DESCRIPTION	AMOUNT
6503	4293020	0	0	0894000	721	09	06	2024	C08400174; BAPP ACH DEPOSIT	C	\$ (400.00)
6503	4293020	0	0	0894000	721	09	06	2024	C08400174; BAPP CHECK DEPOSIT	C	\$ (400.00)
6503	4293020	0	0	0894000	721	09	06	2024	C08400174; BAPP CHECK DEPOSIT	C	\$ 400.00
6503	4293020	0	0	0894000	721	09	06	2024	C08400174; BAPP ACH DEPOSIT	C	\$ 400.00
6503	4293020	0	0	0894000	721	09	06	2024	C08400174; BAPP ACH DEPOSIT	C	\$ 400.00
6503	4293550	5	0	0894000	721	09	06	2024	M08240155	C	\$ (400.00)
6503	4293020	0	0	0894000	721	09	04	2024	D084BF005 BAPP BANK FEES	C	\$ (25.47)
6503	4293020	0	0	0894000	721	09	04	2024	D084BF005 BAPP BANK FEES	C	\$ (25.47)
6503	4293020	0	0	0894000	721	09	04	2024	D084BF005 BAPP BANK FEES	C	\$ 25.47
6503	4293032	0	0	0894000	721	09	13	2024	M08240159	C	\$ (100.00)
6503	4293110	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ (200.00)
6503	4293110	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 200.00
6503	4293110	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 200.00
6503	4293135	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 400.00
6503	4293320	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 400.00
6503	4293350	5	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 350.00
6503	4293410	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 100.00
6503	4293510	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 50.00
6503	4293520	0	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 200.00
6503	4293550	5	0	0894000	721	09	11	2024	C08400179; BAPP CHECK DEPOSIT 03/08/2024C		\$ 200.00
6503	4293130	0	0	0894000	721	09	14	2024	C08400186; BAPP ACH DEPOSIT	C	\$ (300.00)
6503	4293130	0	0	0894000	721	09	14	2024	C08400186; BAPP ACH DEPOSIT	C	\$ 300.00
6503	4293130	0	0	0894000	721	09	14	2024	C08400186; BAPP ACH DEPOSIT	C	\$ 300.00
6503	4293110	0	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ (100.00)
6503	4293110	0	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ 100.00
6503	4293110	0	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ 100.00
6503	4293135	0	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ 200.00
6503	4293350	5	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ 350.00
6503	4293522	0	0	0894000	721	09	25	2024	C08400189; BAPP CHECK DEPOSIT	C	\$ 150.00
											\$ 2,874.53

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
EXPENDITURE SUMMARY REPORT
FOR MONTH ENDING 03-31-24**

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	09	\$ 1,140.00	\$ -
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0894000	721		2024	09	\$ 87.21	\$ (13.41)
6503	5102060	0	0	HEALTH/LIFE INS.-ER SHARE	0894000	721		2024	09	\$ -	\$ 981.84
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0894000	721		2024	09	\$ 1,875.00	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0894000	721		2024	09	\$ 88,161.30	\$ 9,601.65
6503	5204130	0	0	OTHER CONSULTING	0894000	721		2024	09	\$ -	\$ -
6503	5204201	0	0	BFM CENTRAL SERVICES	0894000	721		2024	09	\$ 2,403.29	\$ 1,006.38
6503	5204204	0	0	RECORDS MGMT SERVICES	0894000	721		2024	09	\$ 261.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0894000	721		2024	09	\$ 575.66	\$ -
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0894000	721		2024	09	\$ 4,050.00	\$ 250.00
6503	5205020	0	0	OFFICE SUPPLIES	0894000	721		2024	09	\$ 101.14	\$ -
6503	5205310	0	0	PRINTING-STATE	0894000	721		2024	09	\$ 420.20	\$ 94.90
6503	5205350	0	0	POSTAGE	0894000	721		2024	09	\$ 1,881.33	\$ 90.21
										\$ 100,956.13	\$ 12,011.57

BOARD OF ADDICTION AND PREVENTION PROFESSIONALS
 EXPENDITURE DETAIL REPORT
 FOR MONTH ENDING 03-31-24

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	SUB FUND	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	VENDOR NUMBER/ INVOICE NUMBER	CHECK NUMBER	VENDOR NAME	AMOUNT
6503	5205310	0	0	0894000	721		09	01	2024	CD402018	CENTRAL DUPLICATING SERVIC		0894	\$ 94.90
6503	5204960	0	0	0894000	721		09	06	2024	475387	120199789468 OM	00100900592	ICRCAODAIN	\$ 250.00
6503	5204201	0	0	0894000	721		09	07	2024	FM412050	CENTRAL SERVICE BILLINGS		0894	\$ 1,006.38
6503	5204090	0	0	0894000	721		09	11	2024	485932	1219990224SC081011-FEB OM	00100901940	MIDWESTSOL	\$ 9,601.65
6503	5205350	0	0	0894000	721		09	14	2024	MS402030	CENTRAL MAIL SERVICES	C	0894	\$ 90.21
6503	5102010	0	0	0894000	721		09	20	2024	CGEC240320				\$ (13.41)
6503	5102060	0	0	0894000	721		09	20	2024	CGEC240320				\$ 981.84
														\$ 12,011.57

Remaining Authority by Object/Subobject

Expenditures current through 03/30/2024 01:50:23 PM

SOCIAL SERVICES -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 25.5 %

0894 Subobject	Board of Addiction & Prevent Prof - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
EMPLOYEE SALARIES							
5101010	F-t Emp Sal & Wages	5,103	0	0	0	5,103	100.0
5101030	Board & Comm Mbrs Fees	3,066	1,140	0	0	1,926	62.8
Subtotal		8,169	1,140	0	0	7,029	86.0
EMPLOYEE BENEFITS							
5102010	Oasi-employer's Share	1,111	87	0	0	1,024	92.2
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
Subtotal		2,798	87	0	0	2,711	96.9
51 Personal Services							
Subtotal		10,967	1,227	0	0	9,740	88.8
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	1,875	0	0	573	23.4
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	88,161	32,177	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	2,403	0	0	2,323	49.2
5204203	Central Services	20	0	0	0	20	100.0
5204204	Central Services	154	261	0	0	-107	0.0
5204207	Central Services	1,788	576	0	0	1,212	67.8

Remaining Authority by Object/Subobject

Expenditures current through 03/30/2024 01:50:23 PM

SOCIAL SERVICES -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 25.5 %

0894 Subobject	Board of Addiction & Prevent Prof - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT 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 Srvc	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	4,050	0	0	-850	0.0
Subtotal		165,774	97,326	37,677	0	30,771	18.6
SUPPLIES & MATERIALS							
5205020	Office Supplies	1,250	101	0	0	1,149	91.9
5205300	Trophies & Awards	155	0	0	0	155	100.0
5205310	Printing-state	0	420	0	0	-420	0.0
5205328	Printing-commercial	1,000	0	0	0	1,000	100.0
5205350	Postage	1,900	1,881	0	0	19	1.0
Subtotal		4,305	2,402	0	0	1,903	44.2
CAPITAL OUTLAY							
5207491	Telephone Equipment	175	0	0	0	175	100.0
Subtotal		175	0	0	0	175	100.0
52 Operating Subtotal		176,726	99,728	37,677	0	39,321	22.2
Total		187,693	100,955	37,677	0	49,061	26.1



Board Complaint Review Process

A. COMPLAINTS

1. All complaints must be filed in writing with the Executive Secretary using the form adopted by the Board and provided via the Board's website or by the Executive Secretary.
2. All complaints must be signed by the Complainant.
 - a. At the discretion of the Board President, unsigned complaints will not be reviewed.
3. All Complainants must indicate whether they are willing to testify should the allegations raised by the complaint reach a contested hearing.
4. The complaint form adopted by the Board shall contain a written waiver and release of information form to be completed by the Complainant.
 - a. If the Complainant refuses to authorize the release of information; at the discretion of the Board President, the complaint will not be further reviewed.
5. Upon receipt of the waiver and release, the Executive Secretary will provide copy of the complaint to the licensee(s) identified in the complaint.
 - a. When a licensee receives a complaint from the Executive Secretary, he or she shall send a response to the complaint to the Executive Secretary within twenty business days after service of the complaint.
 - b. The licensee may provide any supporting documentary evidence or exhibits they feel necessary to the resolution of the complaint.
6. The Executive Secretary may file complaints against licensees whenever he or she becomes aware of information that, if proven true, would be a violation of the ethical rules imposed upon licensees, or would be a violation of any section of SDCL Ch. 36-34 or the administrative rules promulgated thereunder.
 - a. When the Executive Secretary files a complaint, he or she becomes the Complainant for all further purposes regarding the complaint.
7. The written complaint and response from the licensee, along with any supporting documents and exhibits, will be provided by the Executive Secretary to a member of the Board assigned to review the matter, the Assistant Attorney General assigned to prosecute ethical violations before the Board, and the Board's General Counsel (i.e. Investigative Committee).
8. All complaint materials, reviews, and informal proceedings will remain confidential.
9. Failure of a licensee to respond to a complaint provided for a response by a licensee is subject to discipline for violation of SDCL Ch 36-1c.

- a. A separate complaint for failure to respond to a complaint provided for a response does not require a separate complaint form to be filed but must be noticed to the licensee for hearing prior to action by the Board as a violation of SDCL Ch 36-1C.

B. REVIEW OF COMPLAINTS

1. The Board's Investigative Committee regarding any complaint shall consist of the assigned reviewing board member, the Assistant Attorney General assigned to prosecute ethical violations before the Board, and the Executive Secretary (i.e. Investigative Committee).
2. The Board President may appoint reviewing board members at his or her discretion.
3. If a complaint is filed against a licensee who has previously had a complaint filed against them, the Board President should appoint to the reviewing board member who handled the previous complaint(s).
4. Lay members of the Board may be appointed reviewing board members of any complaint received by the Board.
 - a. A licensed board member may be appointed to review any complaint initially reviewed by a lay member if after review of the complaint it is determined by the Assistant Attorney General, and/or the lay reviewing board member, that the complaint involves issues regarding the standard(s) of practice in the counseling profession.
5. The Investigative Committee should conduct a review of all complaint materials in order to fully analyze the complaint and prepare a report and recommendation for the Board.
 - a. The Investigative Committee shall recommend to the Board whether the complaint should be dismissed for lack of probable cause, resolved by informal disposition, or settled by a formal hearing.
 - i. The failure of the complainant or licensee to comply with the investigation is grounds for denial of the application or disciplinary action.
 - b. The report and recommendation should be given by the Investigative Committee to the Board at the next regularly scheduled Board meeting held after conclusion of the review of the complaint. The report and recommendation will be discussed in executive session.

C. REPORT TO THE BOARD

1. The Investigative Committee's report to the Board may be given either orally or in writing and should consist of:
 - a. A short recitation of the facts of the complaint sufficient to provide the Board with enough information to make an informed decision regarding the Committee's recommendation; and
 - b. A listing of the potential ethical or statutory violation(s) identified from complaint materials; and

- c. The action the committee recommends the Board take regarding the file.
 2. The Investigative Committee, or any of its members, may recommend to the Board that:
 - a. No further action be taken on the complaint;
 - b. That a letter of concern be issued by the Investigative Committee to the licensee;
 - c. That a private reprimand be issued by the Board;
 - d. That a public reprimand be issued by the Board;
 - e. That the Board suspend the licensee's license;
 - f. That the Board revoke the licensee's license;
 - g. That the Board enter into an agreed disposition or settlement agreement with the licensee; or
 - h. That the Board take any of the above actions in combination with a recommendation for continuing education, additional or continuing supervision, a mental examination conducted by a qualified professional approved by the Board, or any other additional condition justified by the factual allegations of the complaint and allowed by law.
 3. The Investigative Committee has the authority to negotiate proposed settlement agreements and agreed dispositions with the licensee prior to making its recommendation to the Board.
 - a. If a settlement agreement is reached prior to the Investigative Committee's recommendation, a written copy of the settlement agreement, signed by the licensee and the Assistant Attorney General, must be presented to the Board at the time the committee makes its recommendation.
 4. The licensee or the Assistant Attorney General may request a settlement conference with the Board to discuss the settlement agreement.
 - a. The conference may be held at the time the Investigative Committee's recommendation is given to the Board.
 - b. The Assistant Attorney General must consent to any settlement conference between the Board and the licensee.
 - c. The request may be granted or denied by the President of the Board.

D. BOARD RESPONSE

1. The Board may accept, reject or modify any recommendation it receives from the Investigative Committee.
2. The Board may accept, reject or modify any settlement agreement or agreed disposition entered into between the licensee and the Assistant Attorney General.
3. The Board may recommend that any of the following actions take place regarding the complaint:
 - a. No further action be taken on the complaint;
 - b. That a letter of concern be issued by the Investigative Committee to the licensee;

- c. That a private reprimand be issued by the Board;
 - d. That a public reprimand be issued by the Board;
 - e. That the Board suspend the licensee's license;
 - f. That the Board revoke the licensee's license;
 - g. That the Board enter into an agreed disposition or settlement agreement with the licensee; or
 - h. That the Board take any of the above actions in combination with a recommendation for continuing education, additional or continuing supervision, a mental examination conducted by a qualified professional approved by the Board, or any other additional condition justified by the factual allegations of the complaint and allowed by law.
4. Upon presentation of the Investigative Committee's recommendation, the Board may request that a settlement conference occur between the Board, the licensee, and the Assistant Attorney General.
 - a. The licensee and the Assistant Attorney General must both consent to any settlement conference.
 5. If the Board accepts a recommendation from the Investigative Committee, or determines through its own motion, requiring action that would result in the Board making specific findings regarding the allegations (i.e. private reprimand, public reprimand, suspension or revocation), the Assistant Attorney General will issue a notice of contested proceedings to the licensee.
 - a. The notice should advise the licensee of the date, time and location of the contested proceedings. The notice will also advise the licensee of his or her rights according to SDCL Ch. 1-26, and the general factual allegations raised by the complaint.
 - b. The notice may require the licensee to respond to the notice indicating whether the licensee intends to appear at the proceedings, and requiring the licensee to divulge the names of any witnesses the licensee may call at the hearing.
 - c. The licensee must be given a reasonable amount of time to respond to the notice prior to the contested proceedings, but in no case should it be less than 20 days.
 6. After a notice of contested proceedings is issued, the Investigative Committee continues to have authority to reach an agreement with the licensee regarding settlement.
 - a. If an agreement is reached it may be brought before the Board at the time and location originally scheduled for contested proceedings.
 - b. The Board may request, or the licensee may petition for, a settlement conference after contested proceedings have been noticed.
 - c. After the initiation of contested proceedings, the Board retains the right to accept, reject, or modify any proposed settlement agreement.
 7. The Board's reviewing board member may formally make a motion during an open session of the Board regarding any recommendation for action on a complaint.

- a. In no event, however, may the reviewing board member(s) vote regarding any recommended action or any final disposition regarding any complaint matter.

E. SETTLEMENT CONFERENCES

1. Any party (the Board, the licensee, or the Assistant Attorney General) to a complaint action may request a settlement conference with the entire Board.
2. Before a settlement conference may be held, all parties will be required to sign a settlement conference agreement drafted by the Assistant Attorney General.
3. The settlement conference will be an informal meeting of the parties to discuss the facts alleged by the complaint materials and attempt to reach a settlement in lieu of contested proceedings.
4. Engaging in settlement discussions does not constitute an admission against interest on behalf of the licensee. Nothing that takes place at the settlement conference is admissible against any party at any subsequent contested proceedings.
5. At the conclusion of any settlement conference, the Board may accept, reject or modify any settlement already agreed to by the licensee and the Assistant Attorney General. In such an instance, the licensee shall be given a reasonable time to consider any new or modified settlement proposal.
6. In the event that a settlement is not reached, the Board may choose to proceed with contested proceedings. Nothing that has taken place at the settlement conference may result in the disqualification of the Board, or any member, from participating in the formal contested proceedings.

F. CONTESTED HEARINGS

1. Contested proceedings will be held before a majority of the named Board as per SDCL 36-34-21.
2. The Board, or any party to the complaint mater, may request that the proceedings be held before the Office of Hearing Examiners.
 - a. A majority of the Board must be present for any contested proceedings conducted by the Office of Hearing Examiners.
3. Contested proceedings may only be held after proper notice is given to the licensee regarding the allegations raised by the complaint and advising the licensee of his or her rights.
4. The contested proceedings will be held to determine whether the licensee has violated any state statute, administrative rule, or ethical provision. The proceeding will be adversarial in nature at which the licensee has the right to be represented by legal counsel.
5. At the proceeding, each party will have the right to introduce evidence, present witnesses and exhibits, cross examine all witnesses and to submit appropriate written arguments.

6. The Board President will sit as the hearing chair for any contested proceedings held before the Board. The President may also designate a hearing chair of his or her choosing.
7. The Complainant is not entitled to be a party to the contested proceedings unless he or she affirmatively petitions to intervene in the matter, and such petition is granted by the President of the Board or the Hearing Chair designated for the proceedings.
8. Throughout the complaint process the Board's General Counsel shall provide guidance and give legal advice to the Board as a whole. The Board's General Counsel may sit as the Board President's designated hearing chairman in the event the matter moves to contested proceedings.
9. If a licensee does not attend the proceeding, a default may be entered against them.
 - a. A licensee may also affirmatively waive their right to a contested proceeding, which will be considered a default on the allegations raised by the complaint materials.
10. At the hearing, the reviewing board member, the Executive Secretary, and any other appropriate witness may be called to give testimony regarding the allegations contained in the complaint materials.
 - a. If necessary, an expert witness may be retained to provide testimony to the Board regarding any alleged ethical or statutory violation.
11. Any allegation contested at the proceedings must be proven by clear and convincing evidence.

G. FINAL ACTION

1. The reviewing board member, and any other board member called as a witness at the proceedings, should abstain from the discussion of and any final action on the matters contested at the proceedings.
2. The Board, at the conclusion of contested proceedings, may revoke or suspend a license, may dismiss the complaint, or may take any other action it deems appropriate and is allowable by law.
3. The Board shall enter official written findings of fact and conclusions of law regarding any contested matter heard before it. The Board shall also issue any order it deems necessary in conjunction with said findings and conclusions.
 - a. The parties to any contested proceeding may be allowed to submit proposed findings of fact and conclusions of law regarding the contested matter.
4. If the Office of Hearing Examiners conducts the proceedings, the Board will consider OHE's proposed decision, and may accept, reject or modify the proposed decision.
5. The Board's final decision, including any findings of fact and conclusions of law, will be conveyed to the parties by the Board's General Counsel.

6. If the Board takes disciplinary action against a licensee, the Board may assess its actual costs and expenses regarding the contested proceedings against the licensee as provided for in SDCL 1-26-29.1.
7. Any final decision entered after contested proceedings may be appealed to State Circuit Court and potentially to the South Dakota Supreme Court.
8. If the Board finds that the licensee has violated a statute, rule or ethical provision, notice of such a finding will be reported to any applicable national reporting database.

DISCLAIMER: The above-stated procedures are only to be considered internal operating procedures of the Board of Addiction and Prevention Professionals. These procedures do not create any rights or remedies in any party or any individual. The procedures are intended to be guidelines only, and their manner of use is strictly within the discretion of the Board and its staff. These procedures may be altered or modified at any time, either formally or informally, as the Board deems it necessary to process a complaint matter in compliance state law.



South Dakota Board of Addiction and Prevention Professionals

P.O. Box 340, 1351 N. Harrison Ave., Pierre, SD 57501-0340

Ph: 605-224-1721 E-mail: bapp@midwestsolutionssd.com

Website: <https://dss.sd.gov/licensingboards/bapp/bapp.aspx>

Complaint Form

Please **type** or **print legibly** and return to the above address. Form must be **SIGNED**.

PARTY MAKING THE COMPLAINT:			
NAME	PHONE NUMBER		
ADDRESS			HOME
CITY	STATE	ZIP	CELL NUMBER
HAVE YOU FILED ANY PREVIOUS COMPLAINTS WITH THIS BOARD? YES NO			

PARTY AGAINST WHOM COMPLAINT IS MADE:			
NAME	DAYTIME PHONE		
ADDRESS			
CITY	STATE	ZIP	
COUNSELOR LICENSE NUMBER (if known)			

DETAILS OF COMPLAINT

1. NATURE OF YOUR COMPLAINT (Check all that apply)	
Standard of Care Dual Relationship Breach of confidentiality Unlicensed practice Violation of professional standards	Practice beyond scope (<i>training, education, expertise</i>) Other. Please describe: _____ _____
2. HAVE YOU COMMUNICATED YOUR CONCERN TO THE PERSON OR OFFICE? YES NO IF YES, ON WHAT DATE AND BY WHAT MEANS: _____	
3. DID THE PERSON OR THE OFFICE RESPOND? YES NO IF YES, WHAT WAS SAID OR DONE? _____	
4. WILL YOU, AS THE COMPLAINANT, WILLINGLY TESTIFY IF A HEARING SHOULD BE CALLED BY THE SD BOARD OF ADDICTION AND PREVENTION PROFESSIONALS FOR THE PURPOSE OF PRESSING CHARGES ARISING FROM THIS COMPLAINT? YES NO	

STATE YOUR COMPLAINT: (In the space below, please state clearly and specifically, all charges made against the party named above. Be it known, your complaint will be sent to the practitioner named above for his/her response. **If more space is needed, please attach additional sheets of paper.**

I verify that I have read the foregoing complaint and the same is true to the best of my knowledge, information and belief. I hereby waive any right of confidentiality or privilege under state law, federal law or the law of the land. I specifically acknowledge and understand that the Board may disclose confidential and privileged information as the Board or its staff deem necessary to investigate and process this complaint. I understand that a copy of this complaint will be provided to the licensee.

Signature of Complainant

Date

**South Dakota Department of Social Services
SD Board of Addiction and Prevention Professionals**

CONFIDENTIALITY WAIVER & RELEASE OF INFORMATION

I, the undersigned, hereby authorize and direct you to release to the South Dakota Board of Addiction and Prevention Professionals all health records and information, (including but not limited to: intake information, informed consent documents, notes, summaries, billing records, etc.) in your possession and control regarding _____ [NAME OF CLIENT] as may be required by the Board or its agent(s).

I understand that release of said information may include information regarding my diagnosis and treatment. I further understand that I may revoke this authorization at any time by notifying the Board in writing. I also understand that the information disclosed pursuant to this authorization may be subject to re-disclosure as necessary to resolve any complaint pending before the Board. I acknowledge that my refusal to sign this waiver and release may result in the Board, and/or its agents, determining that no review of any complaint filed with the Board shall be undertaken. This waiver and release shall be effective until written revocation of the same is received by the Board.

A copy of my signature on this release shall be authorization and direction to release such records and information as is appropriate for the review of any complaint filed with the Board. If the complaint involves a minor, this release must be signed by the minor's parent or legal guardian, and authorizes the release of the minor's mental health records to the Board and its agent(s). A copy of this waiver and release carries the same weight and authority as the original.

I also hereby consent to the release of my identity and records to agents of the Board involved in the investigation, other state licensing boards, and law enforcement agencies as necessary.

Date: _____

Signature: _____

Print Name: _____

(Check one) Client Parent/Guardian