

**South Dakota Board of Addiction and Prevention Professionals  
Via Videoconference  
January 27, 2023**

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

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

**Board Members Absent:** Kelsey Smith

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

Motion to approve the proposed agenda with a correction to the date of the minutes to be approved from the previous meeting by McCoy. Seconded by Hagen. **Motion carried.**

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

Motion to approve the meeting minutes of November 18, 2022 by Graveman. Seconded by McCoy. Kashas abstained. **Motion carried.**

Motion to accept the December 31, 2022 financial report as presented by Bowen. Seconded by Kashas. **Motion carried.**

Motion to go into executive session for consideration of contested cases and contractual matters at 9:21 am by McCoy. Seconded by Bowen. **Motion carried.**

Viedt declared the Board out of executive session at 9:35 a.m.

Motion to dismiss Complaint 2022-03 by Jacobsma. Seconded by Bowen. Hagen and Kashas abstained. **Motion carried.**

Motion to dismiss Complain 2021-01 by Graveman. Seconded by Kashas. Jacobsma abstained. **Motion carried.**

Motion to move Complaints 2022-08, 2022-09, and 2022-11 to hearing by Bowen. Seconded by Hagen. **Motion carried.**

Motion to authorize the assistant attorney general to offer a settlement agreement and final order to be entered if accepted in Complaint 2022-06 by Jacobsma. Seconded by Bowen. Viedt abstained. Hartman was recused. **Motion carried.**

Motion to move Complaint 2022-10 to hearing by Jacobsma. Seconded by Bowen. McCoy abstained. **Motion carried.**

Stalley provided an update in the Board's proposed legislation for 2023.

Stalley provided an office update.

Tracy Mercer reported an update from the Department of Social Services.

The Board's next meeting is scheduled for May 5, 2023, at 10:00 am (central) in Pierre.

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

The Board adjourned at 9:49 a.m.

Respectfully Submitted,

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Nicole Bowen, Secretary

## Remaining Authority by Object/Subobject

Expenditures current through 04/01/2023 03:50:31 PM

SOCIAL SERVICES – Summary

FY 2023 Version -- AS – Budgeted and Informational

FY Remaining: 24.9 %

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	4,769	0	0	0	4,769		100.0
5101030 Board & Comm Mbrs Fees	2,866	1,380	0	0	1,486		51.8
<b>Subtotal</b>	<b>7,635</b>	<b>1,380</b>	<b>0</b>	<b>0</b>	<b>6,255</b>		<b>81.9</b>
<b>EMPLOYEE BENEFITS</b>							
5102010 Oasi-employer's Share	1,039	106	0	0	933		89.8
5102020 Retirement-er Share	519	0	0	0	519		100.0
5102060 Health Insurance-er Share	500	0	0	0	500		100.0
5102080 Worker's Compensation	363	0	0	0	363		100.0
5102090 Unemployment Compensation	31	0	0	0	31		100.0
<b>Subtotal</b>	<b>2,452</b>	<b>106</b>	<b>0</b>	<b>0</b>	<b>2,346</b>		<b>95.7</b>
<b>51 Personal Services</b>							
<b>Subtotal</b>	<b>10,087</b>	<b>1,486</b>	<b>0</b>	<b>0</b>	<b>8,601</b>		<b>85.3</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	857	0	0	343		28.6
5203280 Other-public-out-of-state	125	95	0	0	30		24.0
5203300 Lodging/out-state	1,455	276	0	0	1,179		81.0
5203350 Non-taxable Meals/out-st	475	158	0	0	317		66.7
<b>Subtotal</b>	<b>6,472</b>	<b>1,386</b>	<b>0</b>	<b>0</b>	<b>5,086</b>		<b>78.6</b>
<b>CONTRACTUAL SERVICES</b>							
5204020 Dues & Membership Fees	2,448	1,793	0	0	655		26.8
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	82,226	21,717	0	13,882		11.8
5204130 Other Consulting	0	235	5,065	0	-5,300		0.0
5204160 Workshop Registration Fee	550	200	0	0	350		63.6
5204201 Central Services	4,726	2,170	0	0	2,556		54.1
5204203 Central Services	20	0	0	0	20		100.0
5204204 Central Services	154	234	0	0	-80		0.0
5204207 Central Services	1,788	724	0	0	1,064		59.5

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Expenditures current through 04/01/2023 03:50:31 PM

SOCIAL SERVICES -- Summary

FY 2023 Version -- AS -- Budgeted and Informational

FY Remaining: 24.9 %

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 Srves	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	
5204740 Bank Fees And Charges	0	423	0	0	-423	0.0	
5204960 Other Contractual Service	3,200	2,881	0	0	319	10.0	
<b>Subtotal</b>	<b>165,774</b>	<b>90,886</b>	<b>26,782</b>	<b>0</b>	<b>48,106</b>	<b>29.0</b>	
<b>SUPPLIES &amp; MATERIALS</b>							
5205020 Office Supplies	1,250	185	0	0	1,065	85.2	
5205028 Office Supplies	0	312	0	0	-312	0.0	
5205300 Trophies & Awards	155	0	0	0	155	100.0	
5205310 Printing-state	0	77	0	0	-77	0.0	
5205328 Printing-commercial	1,000	0	0	0	1,000	100.0	
5205350 Postage	1,900	1,023	0	0	877	46.2	
<b>Subtotal</b>	<b>4,305</b>	<b>1,597</b>	<b>0</b>	<b>0</b>	<b>2,708</b>	<b>62.9</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>93,869</b>	<b>26,782</b>	<b>0</b>	<b>56,075</b>	<b>31.7</b>	
<b>Total</b>							
<b>Total</b>	<b>186,813</b>	<b>95,355</b>	<b>26,782</b>	<b>0</b>	<b>64,676</b>	<b>34.6</b>	

## BOARD OF ADDICTION AND PREVENTION PROFESSIONALS

**CASH CENTER BALANCE****FOR MONTH ENDING 03-31-23**[illegible]



**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
REVENUE SUMMARY  
FOR MONTH ENDING 03-31-23**

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		2023	09	\$ 4,536.13	\$ 572.06
6503	4293022	0	0	0894000	721		2023	09	\$ 300.00	\$ -
6503	4293030	0	0	0894000	721		2023	09	\$ 19,250.00	\$ 2,625.00
6503	4293031	0	0	0894000	721		2023	09	\$ 3,350.00	\$ 575.00
6503	4293032	0	0	0894000	721		2023	09	\$ 49,750.00	\$ 5,000.00
6503	4293033	0	0	0894000	721		2023	09	\$ 1,175.00	\$ 187.50
6503	4293034	0	0	0894000	721		2023	09	\$ 18,900.00	\$ 1,650.00
6503	4293035	0	0	0894000	721		2023	09	\$ 5,687.50	\$ 662.50
6503	4293040	0	0	0894000	721		2023	09	\$ 170.00	\$ -
6503	4293050	0	0	0894000	721		2023	09	\$ 350.00	\$ 60.00
6503	4293051	0	0	0894000	721		2023	09	\$ 100.00	\$ -
6503	4293054	0	0	0894000	721		2023	09	\$ 300.00	\$ 100.00
6503	4293055	0	0	0894000	721		2023	09	\$ 1,350.00	\$ 150.00
6503	4920045			0894000	721		2023	09	\$ 486.13	\$ -
									\$ 105,704.76	\$ 11,582.06

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
REVENUE DETAIL  
FOR MONTH ENDING 03-31-23**

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	CENTER	FUND SRC	FISCAL MONTH	FISCAL DAY	FISCAL YEAR	SOURCE CODE	DESCRIPTION	AMOUNT
6503	4293020	0	0	0894000	721	09	02	2023	D0823BF04 BAPP BANK FEES	C	\$ (177.94)
6503	4293020	0	0	0894000	721	09	02	2023	D0823BF04 BAPP BANK FEES	C	\$ (177.84)
6503	4293020	0	0	0894000	721	09	02	2023	D0823BF04 BAPP BANK FEES	C	\$ (177.94)
6503	4293020	0	0	0894000	721	09	02	2023	D0823BF04 BAPP BANK FEES	C	\$ 177.94
6503	4293020	0	0	0894000	721	09	02	2023	D0823BF04 BAPP BANK FEES	C	\$ 177.84
6503	4293020	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ (250.00)
6503	4293020	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 250.00
6503	4293020	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 250.00
6503	4293031	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 287.50
6503	4293033	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 187.50
6503	4293035	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 312.50
6503	4293050	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 40.00
6503	4293054	0	0	0894000	721	09	06	2023	C08230177: BAPP CHECK DEPOSIT	C	\$ 100.00
6503	4293030	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ (1,575.00)
6503	4293030	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ 1,575.00
6503	4293030	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ 1,575.00
6503	4293032	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ 3,200.00
6503	4293034	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ 450.00
6503	4293055	0	0	0894000	721	09	10	2023	C08230182: BAPP ACH DEPOSIT	C	\$ 300.00
6503	4293030	0	0	0894000	721	09	17	2023	C08230187: BAPP ACH DEPOSIT	C	\$ (350.00)
6503	4293030	0	0	0894000	721	09	17	2023	C08230187: BAPP ACH DEPOSIT	C	\$ 350.00
6503	4293030	0	0	0894000	721	09	17	2023	C08230187: BAPP ACH DEPOSIT	C	\$ 350.00
6503	4293032	0	0	0894000	721	09	17	2023	C08230187: BAPP ACH DEPOSIT	C	\$ 1,200.00
6503	4293034	0	0	0894000	721	09	17	2023	C08230187: BAPP ACH DEPOSIT	C	\$ 150.00
6503	4293020	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ (500.00)
6503	4293020	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ 500.00
6503	4293020	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ 500.00
6503	4293031	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ 287.50
6503	4293035	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ 350.00
6503	4293050	0	0	0894000	721	09	21	2023	C08230190: BAPP CHECK DEPOSIT	C	\$ 20.00
6503	4293055	0	0	0894000	721	09	24	2023	M08230210 C		\$ (150.00)
6503	4293030	0	0	0894000	721	09	27	2023	C08230197: BAPP ACH DEPOSIT	C	\$ (700.00)
6503	4293030	0	0	0894000	721	09	27	2023	C08230197: BAPP ACH DEPOSIT	C	\$ 700.00
6503	4293030	0	0	0894000	721	09	27	2023	C08230197: BAPP ACH DEPOSIT	C	\$ 700

**BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
EXPENDITURE DETAIL REPORT  
FOR MONTH ENDING 03-31-23**

[illegible]



BOARD OF ADDICTION AND PREVENTION PROFESSIONALS  
EXPENDITURE SUMMARY REPORT  
FOR MONTH ENDING 03-31-23

COMP	ACCOUNT	BDGT YEAR	GRANT YEAR	ACCOUNT DESCRIPTION	CENTER	FUND SRC	SUB FUND	FISCAL YEAR	FISCAL MONTH	YTD AMOUNT	MTD AMOUNT
6503	5204201	0	0	BFM CENTRAL SERVICES	0894000	721		2023	09	\$ 2,170.08	\$ 287.83
6503	5204204	0	0	RECORDS MGMT SERVICES	0894000	721		2023	09	\$ 234.00	\$ -
6503	5204207	0	0	HUMAN RESOURCES SERVICES	0894000	721		2023	09	\$ 724.08	\$ 237.92
6503	5204740	0	0	BANK FEES AND CHARGES	0894000	721		2023	09	\$ 423.27	\$ -
6503	5204960	0	0	OTHER CONTRACTUAL SERVICE	0894000	721		2023	09	\$ 2,881.00	\$ -
6503	5205020	0	0	OFFICE SUPPLIES	0894000	721		2023	09	\$ 184.76	\$ -
6503	5205028	0	0	OFFICE SUPPLIES	0894000	721		2023	09	\$ 312.00	\$ -
6503	5205310	0	0	PRINTING-STATE	0894000	721		2023	09	\$ 76.80	\$ -
6503	5205350	0	0	POSTAGE	0894000	721		2023	09	\$ 1,022.98	\$ 98.39
6503	5101030	0	0	BOARD & COMM MBRS FEES	0894000	721		2023	09	\$ 1,380.00	\$ 420.00
6503	5102010	0	0	OASI-EMPLOYER'S SHARE	0894000	721		2023	09	\$ 105.57	\$ 32.13
6503	5203260	0	0	AIR-COMM-OUT-OF-STATE	0894000	721		2023	09	\$ 857.20	\$ -
6503	5203280	0	0	OTHER-PUBLIC-OUT-OF-STATE	0894000	721		2023	09	\$ 94.65	\$ -
6503	5203300	0	0	LODGING/OUT-OF-STATE	0894000	721		2023	09	\$ 275.72	\$ -
6503	5203350	0	0	NON-TAXABLE MEALS/OUT-ST	0894000	721		2023	09	\$ 158.00	\$ -
6503	5204020	0	0	DUES & MEMBERSHIP FEES	0894000	721		2023	09	\$ 1,792.50	\$ -
6503	5204090	0	0	MANAGEMENT CONSULTANT	0894000	721		2023	09	\$ 82,225.68	\$ 9,013.40
6503	5204130	0	0	OTHER CONSULTING	0894000	721		2023	09	\$ 235.00	\$ -
6503	5204160	0	0	WORKSHOP REGISTRATION FEE	0894000	721		2023	09	\$ 200.00	\$ -
										\$ 95,353.29	\$ 10,089.67

BAPP Revenue Codes		
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\$25.00	Application Materials	429301000
\$250.00	Application & Testing Fee	429302000
\$200.00	Retest Fee	429302100
\$150.00	Status Upgrade Fee	429302200
\$175.00	Annual Certification Renewal Fee	429303000
	Annual Dual Credentialed Renewal Fee	429303100
\$200.00	Annual Licensure Renewal Fee	429303200
	Annual Retirement Status Fee	429303300
\$150.00	Annual Trainee Renewal Fee	429303400
	Trainee Recognition Initial Fee	429303500
\$25.00	Continuing Educ Service Provider Fee	429304000
\$20.00	IC&RC Certificate	429305000
\$100.00	Mailing Labels	429305100
\$25.00	Portfolio Review Fee	429305400
\$150.00	Reinstatement Fee	429305500
\$15.00	Replacement Certificate	429305600
\$5.00	Replacement ID Card	429305700

CAC/CPS=262.50; LAC/CPS=287.50

CAC/CPS=87.50; LAC=100

PRORATED 12.50 per month



## 2023 South Dakota Legislature

### Senate Bill 8

### ENROLLED

#### AN ACT

**ENTITLED An Act to revise provisions relating to addiction and prevention services professionals.**

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

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

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

- (1) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor application and examination fee, three hundred dollars;
- (2) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor retest fee, two hundred fifty dollars;
- (3) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor renewal fee, four hundred dollars;
- (4) Certified addiction counselor, certified prevention specialist, or licensed addiction counselor reinstatement fee, two hundred dollars;
- (5) Status upgrade fee, one hundred fifty dollars;
- (6) Addiction counselor trainee or prevention specialist trainee recognition fee, one hundred fifty dollars;
- (7) Addiction counselor trainee or prevention specialist trainee renewal fee, one hundred fifty dollars;
- (8) Addiction counselor trainee or prevention specialist trainee reinstatement fee, one hundred fifty dollars;
- (9) International certificate fee, twenty dollars;
- (10) Dual credential renewal fee, four hundred dollars;
- (11) Inactive license or certificate fee, fifty dollars; and
- (12) Temporary license or certificate fee, one hundred dollars.

**Section 2. That § 36-34-13.2 be AMENDED:**

**36-34-13.2.** Any applicant seeking recognition, certification, or licensure shall disclose to the board whether the applicant has been convicted of, plead guilty to, or plead no contest to any felony, to any crime involving or relating to the practice of counseling, or to any crime involving dishonesty or moral turpitude, in any state, federal, foreign jurisdiction, tribal, or military court. An applicant's failure to disclose this information may result in denial, revocation, suspension, or refusal of recognition, certification, or licensure.

The board may grant a license to an applicant who has been convicted of or pled guilty to a felony, to any crime involving or relating to the practice of counseling, or to any crime involving dishonesty or moral turpitude if the board determines that the applicant does not constitute a risk to public safety.

**Section 3. That § 36-34-13.3 be AMENDED:**

**36-34-13.3.** The board may renew a certificate or license if the practitioner:

- (1) Submits an application to the board for renewal before the expiration of the certificate or license;
- (2) Pays the required renewal fee; and
- (3) Provides proof of compliance with the continuing education requirements prescribed by the board.

If a practitioner fails to renew a certificate or license on or before November thirtieth in an odd-numbered year, the certificate or license is automatically suspended.

If a practitioner does not submit a renewal application before the expiration of the certificate or license, the board shall notify the holder that a renewal application has not been received by the board and that the holder may not practice addiction counseling or prevention services. The board may renew the certificate or license if, within thirty days after the expiration date of the certificate or license, the holder submits a renewal application and provides proof of compliance with the continuing education requirements prescribed by the board.

**Section 4. That chapter 36-34 be amended with a NEW SECTION:**

If the board suspects that the physical or mental health of any applicant may jeopardize or endanger anyone who seeks assistance from the applicant, the board may require that the applicant be examined by a health care provider, approved by the board,

who is licensed or authorized to practice pursuant to title 36. The board shall pay all costs of the examination.

The board may deny the application if, after a hearing held in accordance with chapter 1-26, the board finds by clear and convincing evidence that the applicant's physical or mental health may jeopardize or endanger anyone who seeks services from the applicant.

**Section 5. That chapter 36-34 be amended with a NEW SECTION:**

The board may place a certificate or license on inactive status at the request of a practitioner and upon payment of a fee prescribed by the board. An inactive certificate or license expires four years after the date of issuance. The board may reactivate the certificate or license if the practitioner:

- (1) Pays the required renewal fee; and
- (2) Provides proof to the board of having completed at least forty hours of continuing education during the two-year period immediately preceding the reactivation request.

If the practitioner does not reactivate the certificate or license before the date of expiration, all provisions applicable to an applicant for certification or licensure apply in order to restore the certificate or license to active status.

Any certificate or license on retired status as of July 1, 2023, expires on November 30, 2025, unless the practitioner meets the requirements for reactivation before November 30, 2025.

**Section 6. That chapter 36-34 be amended with a NEW SECTION:**

The board may reactivate an expired certificate or license within four years following the date of expiration, if the holder of the expired certificate or license:

- (1) Pays any applicable renewal fees required for the period of expiration;
- (2) Provides proof of any continuing education required for the period of expiration; and
- (3) Provides proof of passing a national examination approved by the board after the date the certificate or license expired.

**Section 7. That chapter 36-34 be amended with a NEW SECTION:**



Any person who practices counseling through electronic means and provides addiction counseling or prevention services to a patient located in this state is engaged in the practice of addiction counseling or prevention services in this state, regardless of the person's physical location. Any person who provides addiction counseling or prevention services through electronic means must comply with the provisions of this chapter and rules promulgated by the board under this chapter.

**Section 8. That § 36-34-18 be AMENDED:**

**36-34-18.** The board shall process a complaint regarding a practitioner as set forth in chapter 36-1C. The board shall maintain a record of each complaint.

Notwithstanding any provision of chapter 36-1C, a member, agent, or appointee of the board may investigate a complaint to determine whether the practitioner committed the alleged violation. The investigator, if a member of the board, may dismiss the complaint if it appears to the member, in consultation with the board president, that the practitioner did not commit a violation. If the investigator is an agent or appointee of the board, only the board president may dismiss the complaint. If an investigator and a practitioner agree upon a disposition of a complaint, the disposition must be approved by the board.

The board must conduct any disciplinary proceeding in accordance with chapter 1-26. Any decision of the board entered in a contested proceeding may be appealed to the circuit court within thirty days. A certificate or license remains in effect during the pendency of an appeal, unless suspended under § 36-34-24.

Testimony or documentary evidence of any kind obtained by the board during the investigation of a complaint is not subject to discovery or disclosure under chapter 15-6, or any other provision of law, and is not admissible as evidence in any legal proceeding, unless the complaint becomes a contested case under chapter 1-26. No person who has participated in the investigation of a complaint on behalf of the board may testify as an expert witness or be compelled to testify for any party in any civil action, if the subject matter of the investigated complaint is a basis for the civil action.

**Section 9. That § 36-34-19 be REPEALED.**

**Section 10. That § 36-34-20 be REPEALED.**