

Board of Addiction and Prevention Professionals (BAPP)

Complaint Procedures

Complaints against Certified Professionals, Trainees or those seeking certification shall be made through a formal procedure described herein. Disciplinary action may also be initiated by a majority vote of the Board of Directors of the Board of Addiction and Prevention Professionals. The Administrative Officer with consultation of the Board President may initiate complaints based on information presented to the Board by an applicant or supervisor during the course of the certification, recertification, upgrade or recognition application process.

All complaints must be in writing and include the full name and address of the complainant. The complaint should outline the facts, which clearly and accurately describe the allegations against the respondent.

All complaints other than those generated by the Board or Administrative Officer should be sent by first class mail to:

- South Dakota BAPP Administrative Office
3101 W. 41st Street, Suite 205
Sioux Falls, SD 57105

Upon receipt of a formal written complaint, the Administrative Officer will forward the complaint to the Ethics Committee for review and consideration if the complainant is identified as an individual under the cognizance of the Board. The Ethics Committee shall operate under the authority of the Certification Board Policies and Procedures as outlined in the effective Standards Manual (including changes approved by the Board) and/or statutory regulations and/or rules and/or Policies and Procedures Manual.

Committee members who have a conflict of interest will disqualify themselves from participating in a disciplinary procedure or appeal and may do so without comment.

The following relationships may constitute a conflict of interest:

- Past or present family or "significant other."
- Past working relationship within the same agency or presently employed by the same agency.
- A present or former client or recipient of professional services.
- Any other special circumstances which may make objectivity difficult.

Upon receipt and review of the complaint, the South Dakota BAPP Ethics Committee will determine whether or not the complaint warrants investigation. The committee may, in its sole discretion, dismiss the complaint for any reason. If the Committee finds that

the complaint has no merit, the complainant shall be notified in writing of the decision.

Communication from the Board office will be accomplished through registered and/or certified mail.

The committee may:

- ask for further information or clarification from the complainant
- review and investigate alleged acts or omissions that the committee believes constitute cause for disciplinary sanctions
- forward a copy of the complaint to the respondent and ask the respondent to reply to the complaint in written form
- move to a hearing

Upon review of all information and pertinent documentation, the Ethics Committee may schedule a hearing to receive and review testimony, evidence and question the complainant(s), the respondent(s), and witnesses.

The Board may use its own staff or employ certified chemical dependency counselors, certified prevention specialists, agents, or investigators to assist in the enforcement of any violation of the codes or of the statute designating the Board or any rule promulgated by the Board. Any person violating the provisions of the statute may be enjoined from further violations by an action brought by the state's attorney of the county where the violations occurred or by an action brought by any citizen in the state. The Board, the Attorney General or the relevant state's attorney may apply to the circuit court for the county in which a violation is alleged to have occurred for an order enjoining or restraining the commission or continuance of the acts.

The Board may authorize a hearing examiner to conduct the hearing required to determine a violation of this Act.