**20:38:39:01.  Complaints.** Any person, board member, or the executive director of the board, claiming that a licensee or an applicant for licensure under SDCL chapter 36-18A has engaged in or is engaged in conduct constituting grounds for disciplinary action as enumerated in SDCL chapter 36-18A or chapter 20:38:36 may file with the board a written complaint. The board may require the complaining party to file a complaint verified on oath stating the name of the applicant or licensee against whom the complaint is made and setting out full details of the conduct which is alleged to be a violation. Failure to file a written complaint, verified under oath, in the form satisfactory to the board, is a basis to dismiss the complaint. On receipt of a complaint deemed to be in proper form by the board or the executive director, the complaint shall be served by mail upon the applicant or licensee complained against and upon any other affected parties, together with a copy of chapter 20:38:36.

The applicant or licensee complained against shall respond to the complaint within 20 calendar days after service of the complaint on the applicant or licensee. The response of the applicant or licensee shall be sent to the executive director of the board at the board's office. 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 chair of the board, considering only the complaint and any response, shall appoint one member of the board who, along with the executive director and such other individuals as may be appointed by the chair of the board, to act as an investigative committee to determine if the complaint has merit and constitutes grounds for disciplinary action, or lacks merit and should be dismissed.

**Source:** 26 SDR 9, effective July 29, 1999; 29 SDR 95, effective January 6, 2003; 33 SDR 70, effective June 20, 2006; transferred from § 20:38:24:01, 38 SDR 121, effective January 16, 2012.

**General Authority:** SDCL 36-18A-22(9).

**Law Implemented:** SDCL 36-18A-55, 36-18A-56, 36-18A-59.

**Editor's Note:** The Legislative Research Council changed the reference from 20:38:20 to 20:38:36 to correct an inadvertent error.