



Board of Examiners in Optometry
PO Box 513
Wall, SD 57790
sdoptboard@goldenwest.net
Telephone: (605) 279-2244
Website: <http://optometry.sd.gov>

AGENDA

August 17, 2018
Tieszen Law Office Conference Room
306 East Capitol Ave, Ste 300
Pierre, SD 57501
8:30 a.m. (CST)

1. Attendance
2. Approval of Agenda
3. Approve minutes from the regular meeting on March 26, 2018.
4. Treasurer's Report
5. Board review and approve CE courses
6. Old Business
 - a. National and State Issues Monitored
 - Board Certification
 - Injections
 - Tele-Medicine
 - Lasers
 - PDMP
7. New Business
 - a. Licensing
 - b. Procedural Codes
 - c. Board Member Requests for Conflict Waiver
 - d. Code of Conduct
 - e. Administrative Rule/Legislative Updates
 - f. ARBO Annual Meeting Update
 - g. Spectacle Prescription
 - h. Live Streaming/Recording Meetings
 - i. Online Renewal/Credit Card Payments
 - j. PEPL Fund
 - k. Investigator Training
8. Public Comment
9. Time and place of next meeting
10. Adjournment

This meeting is being held in a physically accessible place. Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the in Board of Examiners in Optometry (605-279-2244) or sdoptboard@goldenwest.net at least 24 hours advance of the meeting to make any necessary arrangements.



South Dakota Board of Examiners in Optometry

Meeting Minutes

March 26, 2018

8:30AM (CST)

Tieszen Law Office Conference Room
Pierre, SD 57501

DRAFT MINUTES
HAVE NOT BEEN
APPROVED BY THE
BOARD

Board Members		Board Staff Present	
Craig Dockter, OD, President	Present	Deni Amundson, Executive Secretary	
Denette Eismach, OD	Present	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present	Ann Meyer, Assistant Attorney General	
Scott Schirber, OD	Present		
Nancy Van Camp, Consumer Member	Absent		
		Guests	
		Deb Mortenson, South Dakota Optometric Society	

1. **Attendance:** President Dockter called the meeting to order at 8:30AM on March 26, 2018.

2. Approval of Agenda

Board Action: D Eismach moved to approve the agenda, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

3. Board Minutes

Board Action: D Eismach moved to approve minutes from August 11, 2017, with the edit of the attendance to indicate Dr. Schirber and Dr. Haiar were both in attendance as opposed to Dr. Schirber being listed twice, seconded by A Haiar.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

Board Action: D Eismach moved to approve the minutes from October 20, 2017, as presented, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

4. **Financial Reports:** D Amundson presented the financial report for fiscal year 2018 through March 3, 2018, and the multi-year comparison report. Discussion was also had regarding D Amundson attending the Association of Regulatory Boards of Optometry annual conference in Denver, CO from June 16-19, 2018.

Board Action: S Schirber moved to accept the financial report as presented, seconded by D Eismach.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

- 5. Board Review and Approve CE Courses:** Continuing education courses submitted since the last meeting on August 11, 2018, were reviewed and approved by individual signature vote.
- 6. Old Business:** Discussion was had regarding the four agenda items that have been continued to be monitored on state and national levels. Since these topics will continue to be monitored, they will be combined in future agendas and listed as “National and State Issues Monitored”.
- A. Board Certification:** No discussion. Will continue to monitor.
- B. Injections:** This has been a topic of discussion by the South Dakota Optometric Society board. Will continue to monitor.
- C. Tele-Medicine:** D Mortenson reported on a bill presented during the 2018 Legislative Session that was not successful that would have applied to tele-medicine in South Dakota. Will continue to monitor.
- D. Lasers:** This has been a topic of discussion by the South Dakota Optometric Society board. Will continue to monitor.

7. New Business:

- A. Licensing:** D Amundson presented a consent agreement regarding Jason Hafner as an informational item. No action taken.
- B. Procedural Codes:** No discussion or action taken.
- C. Board Member Requests for Conflict Waiver:** N Cromwell reported that the South Dakota Bureau of Human Resources is working on a code of conduct for state boards. This will continue to be monitored. There were no requests for conflict waivers or action taken.
- D. Administrative Rule/Legislative Updates:** D Amundson, N Cromwell and D Mortenson all reported on bills regarding a licensure reciprocity compact, tele-medicine and Medicaid reimbursement. No action taken.
- E. PDMP- Guidance for Licensees:** D Amundson presented information submitted by the South Dakota Pharmacy Board regarding South Dakota’s Pharmacy Drug Monitoring Program. Discussion was had regarding SDCL 36-7-25(13). This law gives this board the authority to take disciplinary action if someone is improperly prescribing controlled substances. No action taken, but will continue to closely monitor.
- F. Law and Ethics Exam:** D Amundson presented the current law and ethics exam for the board to review.

Board Action: D Eisnach moved that, since there was a recent amendment to ARSD 20:50:07:01, #22 of the exam should be changed to “Minimum Comprehensive Eye Exam” and that a 45 minute time limit should be set for the open-book exam, seconded by A Haiar.

Dockter	YES	Schirber	YES
Eisnach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

G. Application: D Amundson presented a revised application with the addition of, appendix D, the verification of practice location documentation as requested at the last meeting.

Board Action: A Haiar moved to approve this document as presented, seconded by D Eismach.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

H. Office Inspection Form: Discussion was had regarding the current office inspection form.

Board Action: D Eismach moved to remove the section referencing ARSD 20:50:07:01, Minimum Comprehensive Eye Exam, and add SDCL 36-7-18, Display of Certificate in Office, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

I. TrueTear: Nasal Lacrimal Stimulation Device: Discussion was had regarding this product not being a procedure as it is a device prescribed for purchasing by the patient. As such, it would not have a corresponding procedural code. This product has been FDA approved. There was general consensus that the prescribing of this product would be allowed under the scope of practice for South Dakota optometrist as presented. No formal action taken.

J. Complaint and Investigation Process:

Board Action: A Haiar moved to authorize board president, C Dockter, to act on behalf of the board on consent agreement matters until June 30, 2019, D Eismach seconded.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

K. Contracts:

Board Action: D Eismach moved to approve the FY19 contract for Tieszen Law Office using the same terms as FY18, seconded by A Haiar.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

Board Action: S Schirber moved to approve the FY19 contract for the South Dakota Optometric Society using the same terms as FY18, seconded by A Haiar.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haiar	YES	4 YES, MOTION CARRIED	

Board Action: D Eismach moved to approve the FY19 contract for BPro using the same terms as FY18, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haier	YES	4 YES, MOTION CARRIED	

Board Action: D Eismach moved to approve the FY19 contract for Scott Kennedy using the same terms as FY18, seconded by A Haier.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haier	YES	4 YES, MOTION CARRIED	

Board Action: A Haier moved to approve the FY19 contract for Lisa Kollis-Young using the same terms as FY18, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haier	YES	4 YES, MOTION CARRIED	

Board Action: D Eismach moved to approve the FY19 contract for Deni Amundson with a 1.2% increase in the salary from the FY18 contract, all other terms remain the same, seconded by A Haier.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haier	YES	4 YES, MOTION CARRIED	

- 8. Time and Place of Next Meeting:** Discussion was had regarding moving the location of the meetings to the Capitol Building to use their technology to live-stream meetings or to begin recording them with technology purchased by the board and uploading the meeting recordings on the state open government website. D Amundson will research options for location, technology and expense and report back at the next meeting.

Next Meeting: Friday, August 17, 2018, 8:30AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

9. Adjournment:

Board Action: D Eismach moved to adjourn the meeting at 10:57AM, seconded by S Schirber.

Dockter	YES	Schirber	YES
Eismach	YES	Van Camp	ABSENT
Haier	YES	4 YES, MOTION CARRIED	

2017/2018 Detailed Expenses

July 1, 2018

Description	Expenditure	Notes
Board Member Fees	660.00	
OASI- Employer's Share	50.00	
Travel-Auto- In State	854.00	
Travel- Lodging- In State	421.00	
Travel- Meals- In State	192.00	
Travel- Airfare		
Travel- Meals, Lodging- Out of State		
ARBO Dues	750.00	
Education and Training Consultant	4,000.00	Contract with SDOS
Computer Consultant	350.00	Bpro- Database
Legal Consultant	26,376.00	Tieszen Law Office Fees
Management Consultant	34,541.25	Reimbursements to Deni Amundson (details below)
		Salary- \$1754/12 months= \$21,048
		Rent- \$400/12 months= \$4,800
		Postage and PO Box Rent-\$800.80
		Printing & Office Supplies-\$1,008.80
		Travel Expenses-\$3,329.82
		Errors and Omissions Insurance- \$2,267.93
		Telephone and Internet-\$989.12
		Computer Service- \$343.46
		National Healthcare Practitioner Databank- \$96.00
		DOH Error- \$626.68
		Credits- \$769.36
Investigator	0.00	
Computer Services- State	158.00	
Central Services- 5204200	1,115.00	DOH Charges relating to payroll and audit.
Central Services- 5204204	199.00	DOH Charges relating to records management.
Central Services- 5204207	230.00	DOH Charges relating to personnel services.
Insurance Premiums	815.00	
Printing- State	0.00	Law Booklets
Computer Hardware	0.00	

Total expenses through 7/1/2018 70,711.25

Total revenue for 2017/2018 73,801.78

7/1/2017 Cash Balance 52,025.36
7/1/2017 Cash Balance 48,935.18
7/1/2016 Cash Balance 51,986.12
7/1/2015 Cash Balance 36,406.28
7/1/2014 Cash Balance 38,025.23
7/1/2013 Cash Balance 47,283.03
7/1/2012 Cash Balance 63,977.43
7/1/2011 Cash Balance 52,176.16
7/1/2010 Cash Balance 39,609.76
7/1/2009 Cash Balance 33,999.17
7/1/2008 Cash Balance 30,205.52
7/1/2007 Cash Balance 24,246.08
7/1/2006 Cash Balance 10,727.46

238 Total Licensees	
17/18 New Licenses	
Becker, Phillip: Mitchell, SD	
Fowles, Megan: Sioux Falls, SD	
Freitag, Jarrell: Sioux Falls, SD	
Kent, Delaney: Sioux Falls, SD	
Nielsen, Paige: Rapid City, SD	
Wendande, Nicholas: Mitchell, SD	
Wong, Jennifer: Aberdeen, SD	
17/18 Non-Renewed Licenses	
Kempfer, Randall: Fergus Falls, MN	
Kolenda, Kevin: Phoenix, AZ	
McDonald, George: Luverne MN	

Subobject	Description	FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual
	Salaries									
5101030	Board & Comm Members	1,140	480	960	720	720	660	780	900	660
5102010	OASI-Employer's	92	41	76	56	55	51	61	69	50
5203010	Auto-State									
	Board Member Travel	1,824	826	1,004	1,268	996	855	1,229	1,002	1,467
	*Includes: Auto, Meals, Lodging									
5204020	Dues & Memberships	750	750	750	750	750	750	750	750	750
5204060	Ed & Training	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
5204050	Computer Consultant (database)				3,799	2,813	406	1,595	175	350
5204100	Medical Consultant (investigator)				2,375	-	-	360	2,140	-
5204080	Legal Consultant	10,849	9,573	7,218	25,953	25,482	16,949	12,623	30,665	26,376
5204090	Management Consultant	20,516	21,573	24,390	28,974	25,960	28,588	31,703	33,924	34,541
5204180	Computer Services- State								213	158
5204200	Central Services	653	598	636	681	778	802	828	1,125	1,115
5204203	Central Services		8							
5204204	Central Services	139	113	128	199	261	233	192	192	199
5204207	Central Services	262	201	220	111	319	208	242	293	230
5204960	Other Contractual			88						
5205310	Printing-State	331	96			483		1048	0	0
5204590	Ins Premiums & Surety Bds	900	-	975	470	750	740	380	335	815
5205350	Postage			9				36	0	0
5207905	Computer	2593	-				1868	0	0	0
5207451	Office Furniture and Fixtures			850				0	0	0
	Total Expenses	44,049.00	38,259.00	41,304.00	69,356.00	63,367.00	56,110.00	55,827.00	75,783.00	70,711.00
	TOTAL REVENUE	49,661.00	50,824.22	53,104.77	52,660.58	54,109.40	54,491.16	71,403.85	72,734.74	73,801.78
		5,612.00	12,565.00	11,801.00	-16,695.00	-9,258.00	-1,618.84	15,576.85	-3,048.26	3,090.78

REQUEST FOR WAIVER

SDCL 5-18A-17 to 5-18A-17.6

THIS IS A PUBLIC DOCUMENT

Date: _____

Employee Name: _____

Employee Signature: _____

Agency: _____

Position No: _____

Title: _____

Brief explanation of your potential conflict of interest:

Brief explanation of your role in the award, administration or supervision of a contract with an outside party or your current or anticipated business transaction with a state agency (other than a contract of employment):

Brief explanation of why you believe a waiver should be granted:

FOR AGENCY/BHR USE ONLY:

Date received by official acting on request:

Signature of Official acting on request: _____

Date of interview:

Date acted upon:

Waiver granted? Y/N

If waiver is conditional, so note here (Y/N), list conditions on separate sheet and attach to this document.

Appeal requested? Y/N

Appeal received in Governor's Office:

Date appeal acted upon:

Waiver granted on appeal? Y/N

Received by BHR:

Code of Conduct and Conflict of Interest Policy for Use By State Authority, Board, Commission, and Committee Members

Purpose

The purpose of this code of conduct and conflict of interest policy ("Code") is to establish a set of ethical principles and guidelines for members of state authorities, boards, commissions, or committees when acting within their official public service capacity. This Code applies to all appointed and elected members of state authorities, boards, commissions, and committees (hereinafter "Boards" and "Board member(s)").

Conflict of Interest for Board Members

Board members may be subject to statutory restrictions specific to their Boards found in state and federal laws, rules and regulations. Those restrictions are beyond the scope of this Code. Board members should contact their appointing authority or the attorney for the Board for information regarding restrictions specific to their Board.

General Restrictions on Participation in Board Actions

A conflict of interest exists when a Board member has an interest in a matter that is different from the interest of members of the general public. Examples of circumstances which may create a conflict of interest include a personal or pecuniary interest in the matter or an existing or potential employment relationship with a party involved in the proceeding.

Whether or not a conflict of interest requires a Board member to abstain from participation in an official action of the Board depends upon the type of action involved. A Board's official actions are either quasi-judicial or quasi-legislative. A quasi-judicial official action is particular and immediate in effect, such as a review of an application for a license or permit. In order to participate in a quasi-judicial official action of the Board, a Board member must be disinterested and free from actual bias or an unacceptable risk of actual bias. A Board member must abstain from participation in the discussion and vote on a quasi-judicial official action of the Board if a reasonably-minded person could conclude that there is an unacceptable risk that the Board member has prejudged the matter or that the Board member's interest or relationship creates a potential to influence the member's impartiality.

A quasi-legislative official action, also referred to as a regulatory action, is general and future in effect. An example is rule-making. If the official action involved is quasi-legislative in nature, the Board member is not required to abstain from participation in the discussion and vote on the action

unless it is clear that the member has an unalterably closed mind on matters critical to the disposition of the action.

“Official action” means a decision, recommendation, approval, disapproval or other action which involves discretionary authority. A Board member who violates any of these restrictions may be subject to removal from the Board to which the member is appointed.

Contract Restrictions

There are federal and state laws, rules and regulations that address conflict of interest for elected and appointed Board members in the area of contracts. As an initial matter, a Board member may not solicit or accept any gift, favor, reward, or promise of reward, including any promise of future employment, in exchange for recommending, influencing or attempting to influence the award of or the terms of a state contract. This prohibition is absolute and cannot be waived.

Members of certain Boards are required to comply with additional conflict of interest provisions found in SDCL Chapter 3-23 and are required to make an annual disclosure of any contract in which they have or may have an interest or from which they derive a direct benefit. The restrictions apply for one year following the end of the Board member’s term. The Boards impacted by these laws are enumerated within SDCL 3-23-10. For more information on these provisions, see the State Authorities/Boards/Commissions page in the Legal Resources section of the Attorney General’s website at: <http://atg.sd.gov/legal/opengovernment/authorityboardcommission.aspx>.

Absent a waiver, certain Board members are further prohibited from deriving a direct benefit from a contract with an outside entity if the Board member had substantial involvement in recommending, awarding, or administering the contract or if the Board member supervised another state officer or employee who approved, awarded or administered the contract. With the exception of employment contracts, the foregoing prohibition applies for one year following the end of the Board member’s term. However, the foregoing prohibition does not apply to Board members who serve without compensation or who are only paid a per diem. See SDCL 5-18A-17 to 5-18A-17.6. For more information on these restrictions see the Conflict of Interest Waiver Instructions and Form on the South Dakota Bureau of Human Resources website at: <http://bhr.sd.gov/forms/>.

Other federal and state laws, rules and regulations may apply to specific Boards. For general questions regarding the applicability of SDCL Chapter 3-23 or other laws, a Board member may contact the attorney for the Board. However, because the attorney for the Board does not represent the Board member in his or her individual capacity, a Board member should contact a private attorney if the member has questions as to how the conflict of interest laws apply to the Board member’s own interests and contracts.

Consequences of Violations of Conflict of Interest Laws

A contract entered into in violation of conflict of interest laws is voidable and any benefit received by the Board member is subject to disgorgement. In addition, a Board member who violates conflict of interest laws may be removed from the Board and may be subject to criminal prosecution. For example, a Board member may be prosecuted for theft if the member knowingly

uses funds or property entrusted to the member in violation of public trust and the use resulted in a direct financial benefit to the member. See SDCL 3-16-7, 5-18A-17.4, and 22-30-46.

Retaliation for Reporting

A Board cannot dismiss, suspend, demote, decrease the compensation of, or take any other retaliatory action against an employee because the employee reports, in good faith, a violation or suspected violation of a law or rule, an abuse of funds or abuse of authority, a substantial and specific danger to public health or safety, or a direct criminal conflict of interest, unless the report is specifically prohibited by law. SDCL 3-16-9 & 3-16-10.

Board members will not engage in retaliatory treatment of an individual because the individual reports harassment, opposes discrimination, participates in the complaint process, or provides information related to a complaint. See SDCL 20-13-26.

Anti-Harassment/Discrimination Policy

While acting within their official capacity, Board members will not engage in harassment or discriminatory or offensive behavior based on race, color, creed, religion, national origin, sex, pregnancy, age, ancestry, genetic information, disability or any other legally protected status or characteristic.

Harassment includes conduct that creates a hostile work environment for an employee or another Board member. This prohibition against harassment and discrimination also encompasses sexual harassment. Sexual harassment includes unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexually harassing nature, when: (1) submission to or rejection of the harassment is made either explicitly or implicitly the basis of or a condition of employment, appointment, or a favorable or unfavorable action by the Board member; or (2) the harassment has the purpose or effect of unreasonably interfering with an individual's work performance or creating an intimidating, hostile, or offensive working environment.

Harassment or discriminatory or offensive behavior may take different forms and may be verbal, nonverbal, or physical in nature. To aid Board members in identifying inappropriate conduct, the following examples of harassment or discriminatory or offensive behavior are provided:

- Unwelcome physical contact such as kissing, fondling, hugging, or touching;
- Demands for sexual favors; sexual innuendoes, suggestive comments, jokes of a sexual nature, sexist put-downs, or sexual remarks about a person's body; sexual propositions, or persistent unwanted courting;
- Swearing, offensive gestures, or graphic language made because of a person's race, color, religion, national origin, sex, age or disability;
- Slurs, jokes, or derogatory remarks, email, or other communications relating to race, color, religion, national origin, sex, age, or disability; or
- Calendars, posters, pictures, drawings, displays, cartoons, images, lists, e-mails, or computer activity that reflects disparagingly upon race, color, religion, national origin, sex, age or disability.

The above cited examples are not intended to be all-inclusive.

A Board member who is in violation of this policy may be subject to removal from the Board.

Confidential Information

Except as otherwise required by law, Board members shall not disclose confidential information acquired during the course of their official duties. In addition, members are prohibited from the use of confidential information for personal gain.

Reporting of Violations

Any violation of this Code should be reported to the appointing authority for the Board member who is alleged to have violated the Code.



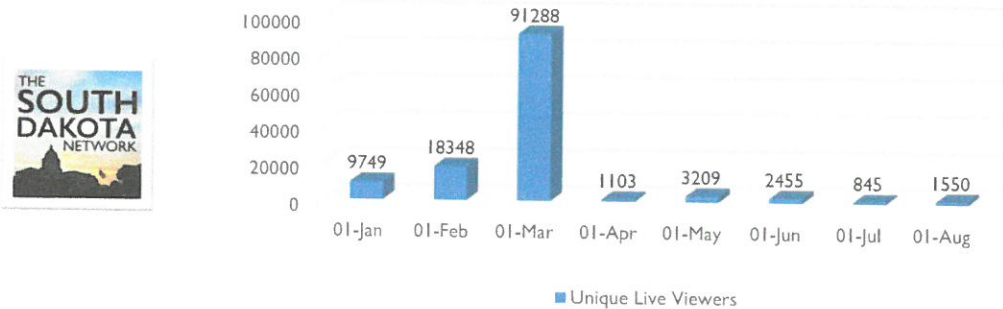
STATEHOUSE Online Summary

- Beginning in 2000 committee meetings & floor debates were webcast live via RealAudio
- Meetings and debates were made available on-demand
- In 2010 the transition from RealMedia to .mp3 improved citizens ability to listen live and on-demand
- In 2015 we webcast live and archived about 24 hours of audio every day – the need to go where the people are and provide the ability to listen anywhere, anytime.



10/18/2017

SD.net 2017 Live delivery

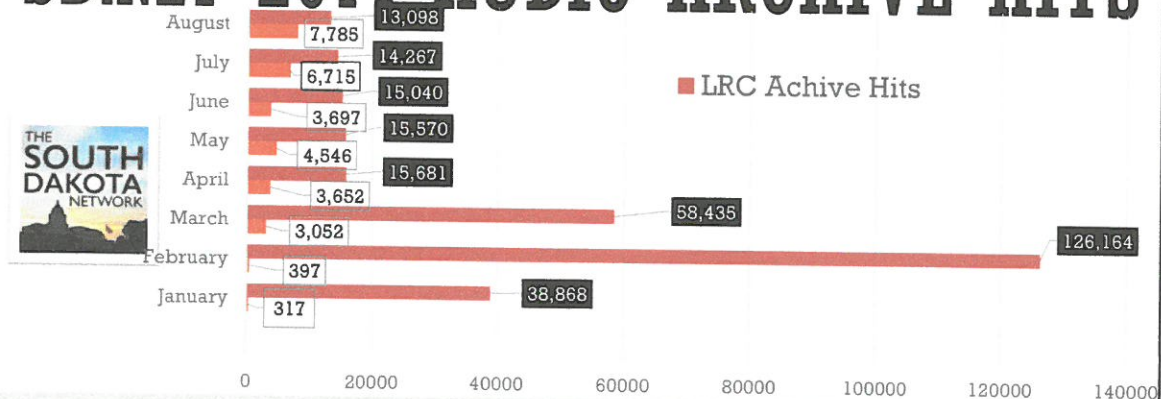


124,758 Unique viewers of 618 Hours of live content delivered and archived in 2017

Annual bandwidth contract is 180,000 GB. Calculated increased bandwidth of 60,000 GB to add video to the LRC, Boards & Commissions

Jan – August usage at 101,000 GB which is on track with initial bandwidth projections

SD.NET 2017 AUDIO ARCHIVE HITS



30,161 Boards and Commissions archive hits
297,123 Legislative archive hits

Leverage State Resources south dakota government information

Boards and Commission

- Governors Large conference room
- Matthews Training Center
- McKay – Library Commons
- Becker-Hansen Commission Room
- Medical examiners, Sioux Falls
- University Center UC113, Rapid City
- University Center FADM-145, Sioux Falls
- Portable system #1 Statewide Access
- Portable system #2 Statewide Access
- DDN

Legislative Research Council


- House
- Senate
- 412
- 413
- 414
- 423
- 464
- 362 (LRC1)
- LRC2

South Dakota Public Broadcasting

- Digital
- Television
- Radio



SD.net summary of services

- We schedule, start, and end your live stream
- Your meeting is listed on the SD.net website
-  @SDnet tweets your meeting, blogs & tweets the archive
- We provide a trimmed file
- We provide statistical data



SD.net – getting started

- Boards and Commissions – use your portal
- Other agencies – sd.net/info
 - ▣ Is webcasting a good choice for my meeting?
 - ▣ Webcast request form
- We will confirm the live webcast.
- We move the archive file to B & C streaming folder.



SD.net – other services

- Audio/Video flypacks available for remote locations
- Full HD video production services available
 - ▣ Live and post production
 - ▣ Preferred rate for state agencies and non-profits
- CD, DVD & BlueRay duplication



SD.net – other services

□ Audio/Video flypacks

- Each portable conference streaming system includes:
- 12 microphones that can be configured for delegate and or testimonial use, 1 wireless microphone for audience Q&A, and 1 Chairman Microphone that can mute all of microphones. Giving the Chairman control of the meeting audio when starting and stopping the meeting or if there is a need to go into an executive session.
- Full Phone Conferencing is available - designed to bring in a remote participant(s) via the phone line.
 - This is only available in locations where a phone line with access to dial out to a public number such as the State's phone bridge connection. (It is recommended that the agency has a calling card for long-distance charges)
 - Requesting agency is responsible for setting up the phone bridge through the state switchboard.
- Public Address System - Ideal for rooms of less than 75 people.
- Audio Casting System - Streaming appliance
- Audio Archive- A MP3 copy of the file will be delivered back to the agency's archive folder located on the state network.
- SDPB support - Assistance in working with agency contacts to coordinate venue specific tech ensure successful audio cast.



SD.net – other services

□ Audio/Video flypacks rental costs

- Equipment only fee \$ 400.00 (Average 2 day)
- Equipment only checkout is available to users that have staff with technical abilities and are providing frequent audio casting services to the public. (Technical training is available through SDPB.)
- Audio Casting Support Services will be billed back directly to the agency.
 - Engineering staff hour rate of \$40.00 (average 8 hours per meeting)
 - Staff per diem, lodging and, Mileage will be billed back to the agency at the published BFM travel rates.
 - Internet connection charges will be billed to the agency
 - Adequate Internet access must be verified before any Portable Audio Casting Services can be confirmed.



10/18/2017

THE SOUTH DAKOTA NETWORK



Kent Osborne
SDPB Director of Digital
Kent.Osborne@sdpb.org
@KentSDPB
(800)456-0766 or (605)677-6454

Questions?



The South Dakota Office of Risk Management and PEPL Fund

Overview of the PEPL Fund as applicable to Board Members

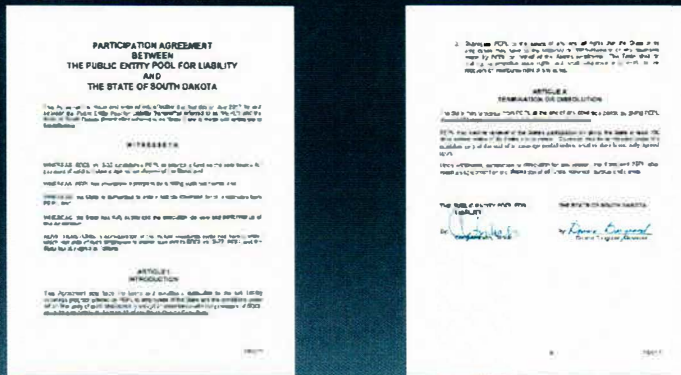


SD PEPL Fund

- Public Entity Pool for Liability
- Necessitated by expensive commercial insurance
- Activated in July 1988
- Liability coverage for all state employees

PEPL Coverage

- Based on Memorandum of Coverage Signed by Governor
- Covers most claims against state employees which arise within the scope of an *employee's* duties for the *State*



Who is Covered by PEPL?

- Employee* - all current and former employees and elected and appointed officials of the *State* whether classified, unclassified, licensed or certified, permanent or temporary, whether compensated or not. The term includes employees of all branches of government including the judicial and legislative branches and employees of constitutional, statutory and executive order boards, commissions, and offices. The term does not include independent contractors.

- Current and former employees
- Permanent and part-time
- Elected Officials
- All branches of government – executive, judicial, and legislative
- The appointed officers and employees of all Boards and Commissions

What is Covered by PEPL?

- **Damages**

- PEPL will pay damages, not excluded in the Participation Agreement, on behalf of the *employee* that the *employee* becomes legally obligated to pay because of an *occurrence* that is not excluded in the Participation Agreement.
- \$1 Million per Occurrence Limit

- **Defense**

- PEPL has a right and duty to defend any claim or suit for damages not excluded in the Participation Agreement
- Cost of defense is not included in limit
- PEPL may, at its discretion, investigate any *occurrence* and settle any claim or suit that may result.

Not Unlimited

- Several exclusions, including, but not limited to:
 - Punitive damages or exemplary damages
 - For failure to perform, or breach of, a contractual obligation/Damages measured by contract
 - Arising out of the employee's willful and wanton misconduct
 - Federal Equal Opportunity claims (Title VII, ADA, ADEA, etc.)
- Also, the claim must arise within the scope of the employee's duties for the *State*



Risk Management Forms

- Completed by State Employees:
 - Incident, Accident, Unsafe Condition Form
 - State Vehicle Accident Form
- Completed only by Claimant:
 - Claimant's Form

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About CLEAR

The Council on Licensure, Enforcement and Regulation (CLEAR) is the premier international resource for professional regulation stakeholders.

CLEAR promotes regulatory excellence through conferences, educational programs, webinars, seminars and symposia. The organization provides networking opportunities, publications, and research services for those involved with, or affected by, professional and occupational regulation. As a neutral forum to encourage and provide for the sharing of best practices, CLEAR serves and supports the international regulatory community and its vital contribution to public protection. CLEAR has defined its own educator role as proactively identifying critical issues; providing a dynamic, interactive forum for exploration of these issues and collecting and disseminating relevant information on them. There are four core areas of substantive inquiry that CLEAR supports through its annual conference and other venues: compliance and discipline; testing and examination issues; entry to practice issues; and administration, legislation and policy.

In brief, CLEAR's hallmark is its inclusiveness. Since it does not lobby or adopt positions on debatable matters, CLEAR offers neutral ground to those holding diverse viewpoints. This holistic approach serves its members well and permits unusual responsiveness to a necessarily varied and changing constituency. At this time, CLEAR is particularly interested in closer ties with the regulatory community in Western Europe and Australasia.

[CLEAR on LinkedIn](#)[CLEAR on Twitter](#)[CLEAR on Facebook](#)

CLEAR's Mission

CLEAR is an association of individuals, agencies and organizations that comprise the international community of professional and occupational regulation.

CLEAR is a dynamic forum for improving the quality and understanding of regulation in order to enhance public protection.

Through conferences, services and publications, CLEAR provides the resources for ongoing and thorough communication of international licensure and regulation issues among all those interested in the field.

CLEAR's purpose is to bring together the professional regulatory community for:

- The exchange of information
- Education and training
- A central information clearinghouse
- The identification of best practices

CLEAR meets its mission through:

- Conferences and training
- Publications
- Answering inquiries
- Consulting
- Providing Networking Opportunities

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National Certified Investigator & Inspector Training—Basic - Denver - Program Full

Start 20 Aug 2018

8:00 AM

End 22 Aug 2018

5:30 PM

Location Denver, CO

Spaces left 0



Registration

CLEAR Member - \$365.00

If you are unable to select the member price and believe you or your organization is a member, please contact Nicole Harkness at nharkness@clearhq.org to be added to a membership bundle.

Non-Member/Other - \$455.00

At this time, this program is SOLD OUT

CLEAR is pleased to announce it will offer the National Certified Investigator & Inspector Training Basic program in Denver, CO - August 20-22, 2018

CLEAR's NCIT Basic program provides a three-day, hands-on training and certification program in investigation and inspection techniques and procedures.

Registration will open at 7:30am on the first day - Coffee, Tea, and Pastries will be available each morning.

Attendees are responsible for knowledge of membership status prior to registration. Please confirm your membership status by referencing our Member Listing located under the Membership tab on our website or email nharkness@clearhq.org

Registration is closed

Day One (8:00 a.m. - 5:30 p.m.)

- **Introduction and Welcome:** A member of CLEAR's staff and an instructor review the NCIT curriculum and answer any questions about the training program.
- **Professional Conduct:** Learn how to develop professional attitudes, conducts and relationships with other regulatory and law enforcement agencies.
- **Principles of Administrative Law & the Regulatory Process:** Provides the basic guidelines to understanding administrative law and procedure and the regulatory process.
- **Investigative Process:** Teaches a basic understanding of the investigative process including the intake of complaints, investigative planning and the execution of an investigative plan.
- **Investigator Safety:** Provides students with an over view of safety concerns for investigators, and high level strategies to mitigating danger.

Day Two (8 a.m.-5:15 p.m.)

- **Principles of Evidence:** Reviews sources of evidence law, types and forms of evidence and the rules and use of evidence in administrative proceedings.

- **Evidence Collection, Tagging & Storage:** Furnishes the student with basic guidelines for gathering evidence, including proper techniques of custody and storage of evidence.
- **Interviewing Techniques:** Explains the proper interviewing method, how to establish rapport, and proper and improper questioning techniques.

Day Three (8 a.m.–5:30 p.m.)

- **Overview of Inspections & Inspection Procedures:** Reviews the inspector's role and the specific steps of an inspection; from planning and conducting the inspection to writing the formal report.
- **Report Writing:** Teaches students ways to improve factual, investigative reports. Learn how to write a report that is accurate, logical, clear, concise and complete.
- **Testifying in Administrative & Criminal Proceedings:** Provides attendees with an understanding of the role of the prosecutor, as well as mental and physical preparation for testifying on the witness stand.
- **Question and Answer Session:** Attendees are invited to ask any questions that have not been answered during the course of the training.
- **Examination:** A multiple choice exam that tests students' learning.

Training Location:

Hotel Indigo
1801 Wewatta | Denver, CO
720-544-6111

At this time, our hotel room block is full. If you are interested in possible hotel options, please email Glenn Blind at gblind@clearhq.org

CLEAR Cancellation Policy Registrant substitutions are welcome. Cancellations must be received in writing by **July 6, 2018 to receive a full refund**. After that date, a \$95 US service charge will be subtracted from refunds. Cancellations received after **August 3, 2018** are subject to the full registration fee. No refunds will be given after **August 3, 2018**.

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National Certified Investigator & Inspector Training—Specialized (Denver, CO)

Start 20 Aug 2018

9:00 AM

End 22 Aug 2018

4:30 PM

Location Denver, CO



Registration

CLEAR Member – \$435.00

If you are unable to select the member price and believe you or your organization is a member, please contact Nicolle Harkness at nharkness@clearhq.org to be added to a membership bundle.

Others – \$545.00

Attendees are responsible for knowledge of membership status prior to registration. Please confirm your membership status by referencing our Member Listing located under the Membership tab on our website or email nharkness@clearhq.org

[Register](#)

CLEAR is pleased to announce it will offer the National Certified Investigator & Inspector Training Specialized program in Denver, CO - August 20-22, 2018.

CLEAR's Specialized Program offers in-depth training in three subjects. Completion of the NCIT— Basic program is a prerequisite.

Registration will open at 8:45am on the first day - Coffee, Tea, and Pastries will be available each morning.

Day One: Advanced Interviewing (9:15 am–5:00pm)

- Cognitive Memory Recall Interview Technique
- Lunch (on your own)
- Behavioral Analysis Interview Technique
- Question and Answer/Review
- Examination

Day Two: Advanced Investigative Analysis (9am–5 pm)

- Scene/Location Analysis
- Lunch (on your own)
- Written Statement Analysis
- Question and Answer/Review
- Examination

Day Three: Investigative Report Development (9am–5pm)

- Collecting, Organizing and Reporting
- Developing Report Formats
- Lunch (on your own)
- Obtaining Written Statements
- Question and Answer/Review
- Examination

Schedule is subject to change.

Course Prerequisite

Please note, that in order to take the NCIT—Specialized, you must have successfully completed the NCIT—Basic by passing the exam with a score of 70% or better.

Training Location:

The Oxford
1600 17th Street | Denver, CO

At this time, our hotel room block is full. If you are interested in possible hotel options, please email Glenn Blind at gblind@clearhq.org

CLEAR Cancellation Policy Registrant substitutions are welcome. Cancellations must be received in writing by **July 6, 2018 to receive a full refund**. After that date, a \$95 US service charge will be subtracted from refunds. Cancellations received after **August 3, 2018** are subject to the full registration fee. No refunds will be given after **August 3, 2018**.