



Board of Examiners in Optometry
PO Box 6
Langford, SD 57454
sdoptboard@venturecomm.net
Telephone: (605) 493-6504
Fax: (605) 493-6579
Website: <http://optometry.sd.gov>

AGENDA

August 11, 2017
Tieszen Law Office
Conference Room
Pierre, South Dakota
8:30 a.m. (CST)

1. Attendance
2. Approval of Agenda
3. Approve minutes from the regular meeting on April 4, 2017, and telephonic meeting on July 20, 2017.
4. Treasurer's Report
5. ARBO Annual Meeting Report
6. Board review and approve CE courses
 - SDOS Clarification: If they brought in a Skype speaker, would it be considered live-webinar or an in-person course?
7. Old Business
 - a. Board Certification
 - b. Injections
 - c. Tele-Medicine
 - d. Board Member Terms and Board Positions
8. New Business
 - a. Licensing
 - b. Procedural Codes
 - c. Board Member Requests for Conflict Waiver
 - d. Administrative Rule/Legislative Updates
 - e. Background Checks
 - f. Record Retention Manual
 - g. Office Inspection Form: Add 36-7-18?
 - h. Lasers
 - i. Drug-Eluding Contact Lenses
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 (605-493-6504) or sdoptboard@venturecomm.net at least 24 hours advance of the meeting to make any necessary arrangements.

South Dakota Board of Examiners in Optometry

Meeting Minutes
April 4, 2017
Tieszen Law Office Conference Room
Pierre, South Dakota
9:00 AM (CST)

**DRAFT MINUTES
HAVE NOT BEEN
APPROVED BY
THE BOARD**

1. Attendance

Meeting called to order at 9:00 a.m. Board members present were Dr. Dockter, Dr. Schirber, Dr. Eismach, and Nancy Van Camp. Also present were Naomi Cromwell, Tieszen Law Office; Ann Meyer, Attorney General's Office; Deni Amundson, Board Executive Secretary; and Deb Mortenson, SDOS Executive Director.

2. Approval of Agenda

Nancy Van Camp moved to approve the agenda as presented, seconded by Dr. Eismach. All in favor. Motion passed.

3. Approve Minutes from August 26, 2016, and November 17, 2016.

Nancy Van Camp moved to approve the minutes from the regular meeting, with edits to item 7d, and public hearing on August 26, 2016, and the telephonic meeting on November 17, 2016, seconded by Dr. Eismach. All in favor. Motion passed.

4. Treasurer's Report

Discussion was had regarding the Department of Health's expectations and hypothetical plan if the Optometry Board's cash balance would become negative. Deni Amundson will inquire with representatives from the Department of Health and report back at the next meeting. Dr. Eismach moved to accept the treasurer's report, seconded by Nancy Van Camp. All in favor. Motion passed.

5. Board Review and Approve CE Courses

Board reviewed and approved continuing education courses by individual signature vote.

6. Old Business

a. Board Certification: Will continue to closely monitor. Tabled until next meeting.

b. Injections: Will continue to closely monitor. Tabled until next meeting.

c. Tele-Medicine: Deb Mortenson reported that the South Dakota Optometric Society would like to work together with the South Dakota Board of Examiners in Optometry to possibly propose legislation to edit 20:50:07:01. Discussion was had regarding reviewing 20:50:04:04, 20:50:06:01 and the section of laws that applies to optometric corporations if the board was looking at legislative changes in the next year. Deni Amundson will also inquire with representatives at the Department of Health and other health boards regarding any current or pending legislation they may have regarding tele-medicine or emerging technology in their respective fields. Tabled until next meeting.

7. New Business

- a. Licensing: No action taken.
- b. Procedural Codes: No action taken.
- c. Board Member Requests for Conflict Waiver: No action taken.
- d. Administrative Rule/Legislative Updates: No action taken.
- e. National Healthcare Practitioner Assistance Program: A brochure was presented as an informational item regarding the availability of the program for the licensees of this board. No action taken.
- f. National Healthcare Practitioner Databank: Deni Amundson reported that this board has the option of performing a national query through the National Healthcare Practitioner Databank on applicants and current licensees to determine if there have been any disciplinary actions that have not been self-reported by the applicant or licensee. Dr. Schirber moved to perform a National Healthcare Practitioner Databank query on every new application prior to issuing the license and on every renewal licensee every third year after initial licensure which would correlate with their three-year continuing education period, seconded by Dr. Eisnach. All in favor, motion passed.
- g. Board Member Training: Deni Amundson reported that she coordinated with legal counsel to draft a board member training PowerPoint. No action taken.
- h. Board Member Terms and Board Positions: Discussion was had regarding the existing seats on the South Dakota Board of Examiners in Optometry Board. Dr. Hartford's term expired on September 9, 2016. He had served three terms and was not eligible for reappointment. Dr. Schirber was appointed to fill that vacant seat on the board. Dr. Hart voluntarily resigned from her seat on the board effective November 14, 2016. Dr. Eisnach was appointed to fill this position. Discussion was had regarding the president and vice-president positions on the board and the length of time a board member would hold those positions. Since Dr. Haiar was absent from this meeting, it was suggested that these decisions should be determined at the next meeting. Tabled until next meeting.
- i. Contracts:
 - Tieszen Law Office (Legal Services): Dr. Eisnach moved to approve the FY18 contract with the same terms as the current FY17 contract, seconded by Nancy Van Camp. All in favor, motion passed.
 - South Dakota Optometric Society (Education Services): Dr. Eisnach moved to approve the FY18 contract with the same terms as the current FY17 contract, seconded by Dr. Schirber. All in favor, motion passed.
 - BPro (Database Services): Nancy Van Camp moved to approve the FY18 contract with the same terms as the current FY17 contract, seconded by Dr. Eisnach. All in favor, motion passed.

- Scott Kennedy (Investigative Services): Dr. Schirber moved to approve the FY18 contract with the same terms as the current FY17 contract, seconded by Dr. Eisnach. All in favor, motion passed.
- Lisa Kollis-Young (Investigative Services): Nancy Van Camp moved to approve the FY18 contract with the same terms as the current FY17 contract, seconded by Dr. Eisnach. All in favor, motion passed.
- Deni Amundson (Administrative Services): Dr. Eisnach moved to approve the FY18 contract with a \$1500 increase in the allowable reimbursable amount for the professional commercial, liability and worker's compensation insurance required by the state as indicated on the contract, seconded by Dr. Schirber. All in favor, motion passed.

8. Time and Place of Next Meeting

Friday, August 11, 2017
Tieszen Law Office Conference Room
Pierre, South Dakota
8:30 AM (CST)

9. Adjournment

Dr. Eisnach moved for adjournment, seconded by Dr. Schirber. All in favor, motion passed. Meeting was adjourned at 11:59 a.m.

Respectfully submitted,
Deni Amundson, Executive Secretary
South Dakota Board of Examiners in Optometry

South Dakota Board of Examiners in Optometry

Teleconference Meeting Minutes
July 20, 2017
6:30 p.m. (CST)

**DRAFT MINUTES
HAVE NOT BEEN
APPROVED BY THE
BOARD**

The meeting was called to order at 6:30 p.m.

1. Attendance:

Board members present via telephone were Dr. Dockter, Dr. Schirber, Dr. Haiar, Dr. Eisnach and Nancy Van Camp. A roll call was conducted to determine a quorum. Also present were Deni Amundson, Board Executive Secretary, via telephone and Naomi Cromwell, in person, at the Tieszen Law Office, Pierre, SD. Tieszen Law Office was noticed as available for public access to listen to the meeting.

2. Approval of Agenda:

Nancy Van Camp moved to approve the agenda, seconded by Dr. Haiar. Motion passed by roll call vote.

3. New Business:

- a. Complaint and Investigation Process: Dr. Schirber moved to authorize the board president, Dr. Dockter, to act on behalf of the board on consent agreement matters until June 30, 2018, seconded by Dr. Haiar. Motion passed by roll call vote.

4. Time and Place of Next Meeting:

Friday, August 11, 2017
Tieszen Law Office Conference Room
Pierre, SD
8:30a.m. (CST)- Regular Meeting

5. Adjournment:

At 6:37, Dr. Haiar moved to adjourn, seconded by Nancy Van Camp. Motion passed by roll call vote.

Respectfully submitted,

Deni Amundson, Executive Secretary
SD Board of Examiners in Optometry

2016/2017 Detailed Expenses

1-Jul-17

Description	Expenditure	Notes
Board Member Fees	900.00	
OASI- Employer's Share	69.00	
Travel-Auto- In State	593.00	
Travel- Lodging- In State	281.00	
Travel- Meals- In State	128.00	
Travel- Airfare		
Travel- Meals, Lodging- Out of State		
ARBO Dues	750.00	
Education and Training Consultant	4,000.00	Contract with SDOS
Computer Consultant	175.00	Bpro- Database
Legal Consultant	30,665.00	Tieszen Law Office Fees
Management Consultant	33,924.00	Reimbursements to Deni Amundson (details below)
		Salary- \$1754/12 months= \$21,048
		Rent- \$400/12 months= \$4,800
		Postage and PO Box Rent-\$558.38
		Printing & Office Supplies-\$1,633.68
		Travel Expenses-\$2,305.08
		Errors and Omissions Insurance- \$1,562
		Telephone and Internet-\$1,835.51
		Computer Service- \$181.57
Investigator	2,140.00	
Computer Services- State	213.00	
Central Services- 5204200	1,125.00	DOH Charges relating to payroll and audit.
Central Services- 5204204	192.00	DOH Charges relating to records management.
Central Services- 5204207	293.00	DOH Charges relating to personnel services.
Insurance Premiums	335.00	
Printing- State	0.00	Law Booklets
Computer Hardware	0.00	

Total expenses through 7/1/2017 **\$75,783**

Total revenue for 2016/2017 **\$72,734.74**

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**

235 Total Licensees	
16/17 New Licenses	
Albers, Katelin-	Huron
Johnson, Eva-	Sioux Falls
Karpuk, Kayla-	Sioux Falls
Kramlich, Kristen-	Sioux Falls
O'Neal, Michael-	Dakota Dunes
Robinson, Timothy-	Rapid City
Stamm, Robert-	Sioux Falls
Swanson, Kassy-	Rapid City
16/17 Non-Renewed Licenses	
Flaitz, Loretta-	Rapid City
Lee, Todd-	Eagle Butte
Seelye, Erica-	Knoxville, IA

Subobject	Description	FY09 Actual	FY10 Actual	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual
	Salaries									
5101030	Board & Comm Members	1,020	1,140	480	960	720	720	660	780	900
5102010	OASI-Employer's	82	92	41	76	56	55	51	61	69
5203010	Auto-State									
	Board Member Travel	1,744	1,824	826	1,004	1,268	996	855	1,229	1,002
	*Includes: Auto, Meals, Lodging									
5204020	Dues & Memberships	600	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
5204100	Medical Consultant (investigator)					2,375	-	-	360	2,140
5204080	Legal Consultant	11,669	10,849	9,573	7,218	25,953	25,482	16,949	12,623	30,665
5204090	Management Consultant	19,266	20,516	21,573	24,390	28,974	25,960	28,588	31,703	33,924
5204180	Computer Services- State									213
5204200	Central Services	651	653	598	636	681	778	802	828	1,125
5204203	Central Services			8						
5204204	Central Services	118	139	113	128	199	261	233	192	192
5204207	Central Services	288	262	201	220	111	319	208	242	293
5204960	Other Contractual				88					
5205310	Printing-State	-	331	96			483		1048	0
5204590	Ins Premiums & Surety Bds	975	900	-	975	470	750	740	380	335
5205350	Postage				9				36	0
5207905	Computer		2593	-				1868	0	0
5207451	Office Furniture and Fixtures				850				0	0
	Total Expenses	40,413.00	44,049.00	38,259.00	41,304.00	69,356.00	63,367.00	56,110.00	55,827.00	75,783.00
	TOTAL REVENUE	50,166.18	49,661.00	50,824.22	53,104.77	52,660.58	54,109.40	54,491.16	71,403.85	72,734.74
		9,753.00	5,612.00	12,565.00	11,801.00	-16,695.00	-9,258.00	-1,618.84	15,576.85	-3,048.26

<u>NAME</u>	<u>APPOINTMENT</u>	<u>EFFECTIVE</u>	<u>EXPIRATION</u>
Nancy Van Camp 117 Shimrose Street Ft. Pierre, SD 57532 223-9378- Home	8-13-2008 7-1-2009 (reappt) 8-7-2012 (reappt) 7/16/2015		6-30-2012 6/30/2015 6/30/2018
Dr. Craig Dockter 1702 3 rd Avenue West Mobridge, SD 57601	8-6-2012 7-15-2015		6-30-2015 6-30-2018
Dr. Allen Haiar 2416 South Grinnell Avenue Sioux Falls, SD 57106 271-2227- Home 201-5980- Mobile	12/1/2015		6/30/2018
Dr. Scott Schirber 2800 Third Street Rapid City, SD 57701 341-2000- Office 787-3420- Home	9/19/2016		6/30/2019
Dr. Denette Eisnach 640 East Sioux Ave. #3 Pierre, SD 57501 224-6128- Office 224-2639- Home	11/14/2016		6/30/2019

SD Board of Examiners in Optometry
August 11, 2017
Statutes/Rules for Discussion

47-11B: Optometric Corporations

- What defines a corporation? PC, PLLC, LLC, “S” Corp, (In 2013, I was told that LLP does not register.) We may want to clarify this information somewhere.
- What defines an “open” corporation? If it is open and registered with the state, it should also be registered with the board.
- Consequence for non-compliance?
- 47-11B-13- it would be nice to raise the \$10 fee.
- Late fee for not paying the renewal fee on time?

36-7-14. Recording of certificate of registration. Before any certificate of registration is issued it shall be numbered and [a record maintained](#) in the office of the board and its number shall be noted upon the certificate.

36-7-20.4. Certificate of compliance with continuing education requirements--Exemptions. Each licensed optometrist residing in or in active practice within the State of South Dakota shall, on or before September first in the third year after his initial licensure, and every third year thereafter, certify on forms provided by the Board of Examiners in Optometry that he has complied with §§ 36-7-20.1 and 36-7-20.2. This provision shall not apply to any licensee serving in the armed forces during any part of the thirty-six months preceding the certification nor to any licensee submitting proof that he was suffering from a serious or disabling illness or physical disability which prevented his attendance at any qualified educational program within the State of South Dakota during the thirty-six months immediately preceding the certification.

36-7-21. Remission of annual fee while in military service. The Board of Examiners shall have power to remit the license fee of all registrants while on active duty in the armed forces of the United States.

20:50:02:07. Certificate of registration. After a candidate has successfully passed the examination, the certificate of registration for admission to practice shall not be issued until the candidate has secured and equipped an office within the state of South Dakota meeting the minimum requirements of § 20:50:06:01 or has arranged a bona fide association with a registered optometrist licensed under the laws of the state of South Dakota who has an office meeting those requirements. The certificate of registration shall not be issued as a result of the examination unless the requirements of all sections of this article are met within one year from the date the candidate was notified of passing the examination. This section does not apply when the candidate is in or entering the military or other governmental service.

20:50:04:04. Maintenance of office. An office maintained for practice of optometry must be clean and sanitary. The office must be exclusive of any other business and must be physically disconnected from any commercial business or influence in the same building by use of floor-to-ceiling wall separations and a separate front entrance to the outside or to common hallways.

20:50:06:01. Minimum office equipment. The minimum equipment with which licensed optometrists shall operate their offices and engage in the practice of optometry consists of the following items, all of which shall be kept in good condition:

- (1) Ophthalmic chair and instrument unit;
 - (2) Retinoscope;
 - (3) Ophthalmoscope;
 - (4) Phoropter;
 - (5) Keratometer;
 - (6) Trial lens set;
 - (7) Trial frame;
 - (8) Transilluminator;
 - (9) Projector chart or other luminous acuity chart;
 - (10) Biomicroscope;
 - (11) Instrument to evaluate intraocular pressure;
 - (12) Permanent patient record system;
 - (13) Visual fields instrument;
 - (14) Color vision test equipment; and
 - (15) Sanitary lavatory basin.
-

20:50:06:02. Inspection of office. Within 60 days following the establishment of a practice of optometry in this state, a new licensee shall inform the secretary of the board. At least one member of the board shall conduct an inspection of the office facility and procedures. This section and § 20:50:06:01 also apply to an optometrist admitted under endorsement provisions or a licensed optometrist who changes location or opens an additional office. The inspection of the office of an optometrist previously licensed in this state is at the option of the board.

20:50:07:01. Minimum comprehensive optometric examination. The minimum comprehensive optometric examination shall be an assessment performed by an optometrist licensed pursuant to chapter 36 and consist of the following:

(1) Patient case history and visual acuity;

(2) Pupil evaluation, extraocular movement testing, and visual field testing (confrontation or electronic);

(3) Objective and subjective analysis of refractive error by an optometrist that does not consist solely of information generated by an automated or internet-based testing device;

(4) Analysis of accommodation, convergence, and fusional ability when clinically necessary;

(5) Tonometry;

~~(6) Internal and external physical ocular examination;~~

~~(3) Objective and subjective analysis of refractive error;~~

~~(4) Analysis of accommodation, convergence, and fusional ability;~~

~~(5) Tonometry; and~~

~~(7) Assessment and plan; and-~~

(8) Where indicated by case history and findings produced by the current examination, any additional ~~tests testing~~ that should be performed to enable the optometrist to advise the patient and prescribe for or refer, as indicated.

(9) A prescription for ophthalmic lenses or contact lenses may not be made based solely on the diagnosis of a refractive error of the human eye as generated solely using automated equipment or internet-based devices.

(10) Examination or treatment of patient requires physical presence of both the patient and practitioner in the same room. All treatment decisions are based off that encounter.

Failure to make or supervise the minimum examination in all cases and to keep a permanent record of it is unprofessional conduct unless there are professional reasons to the contrary. *Need to differentiate the fact that not every exam is a comprehensive exam. Do we add a new administrative rule to specifically address focused exams (non-comprehensive)?

20:50:04:06. Optometrist to write and release prescription -- Requests for medical records. If a patient for whom an optometrist has prescribed spectacle lenses so requests, the optometrist shall write out the prescription and deliver a copy of it to the patient. Requests for medical records are governed by SDCL [36-2-16](#).

20:50:10:02. Provision of contact lens prescription. A person licensed under SDCL chapter [36-7](#) may not issue a validated contact lens prescription until a licensed optometrist has completed follow-up evaluation of the contact lens design on the patient's eye to assure the compatibility of the lens to the eye and the patient's ocular health.

After the completion of the follow-up evaluation by the licensed optometrist, if the patient requests, in writing, a copy of the contact lens specifications pursuant to SDCL [36-2-16](#), the prescribing optometrist shall provide a copy of the validated prescription. The optometrist shall clearly state the expiration date on the prescription.

If a patient refuses to permit the prescribing optometrist to complete a follow-up evaluation, the prescribing optometrist shall deliver a nonvalidated prescription to the patient that includes a statement that the prescription cannot be validated without follow-up evaluation.

36-7-18. Display of certificate in office--Exhibition to state board--Violation as misdemeanor. Every person practicing optometry shall:

(1) Display the certificate of registration or exemption in a conspicuous place in the principal office wherein he practices; and

(2) Exhibit the certificate to the State Board of Examiners or its authorized representative upon request.

A violation of this section is a Class 2 misdemeanor.

Background Check Policy and Procedures

1. Fingerprint cards and instructions are mailed to the applicant upon receipt of the application. The name and date is documented in background check log. The fingerprint cards are provided by the South Dakota DCI.
2. When completed cards are received from applicant, cards are mailed to the DCI using envelopes provided by the DCI. The board executive secretary is the only person who handles the mail or has access to the key for the mailbox.
3. The DCI mails the Optometry Board a paper copy of the results of state and federal background check.
4. If there are no issues with the background check, it is checked as completed on the applicant form and the paper copy is placed in a file separate file from the applicant file. This file is kept in a lockbox. The executive secretary is the only person with access to the key for this lockbox. It is destroyed after 1 year provided all litigation, claims and audit findings involving the record have been resolved and final action has been taken. These documents are never stored or shared digitally.
5. A copy of the background check will not be shared with the applicant. Legal counsel and board members may be verbally notified about the results of a background check history; however, those individuals will all be in compliance with the CJIS security training.
6. If an applicant has been identified as having a criminal history, a copy of the report is provided to the Board of Examiners in Optometry's legal counsel for determination if a disqualifier for licensure exists.
7. Basis for denial of license based on the results of a background check are the same as for an action to revoke (or other penalty). Those include conviction of a felony per SDCL 36-7-24(1) or SCL 36-7-25(12). A conviction of a crime other than a felony revealing habitual drunkenness or habitual addiction to the use of morphine, cocaine, or other habit-forming drugs under SDCL 36-7-24(7), or conviction of a crime revealing conduct of a character likely to deceive or defraud the public under SDCL 36-7-25(1) (unprofessional conduct) may be a basis for denial of licensure or for issuance of a license under specific restrictions.
8. If a basis for denial exists, the applicant would be notified and given instructions to contact the South Dakota Division of Criminal Investigation for details regarding the content of the background check or to appeal this content.

9. An applicant may contest the contents of the background check by contacting the Division of Criminal Investigation at:

1302 E Hwy 15 Ste 5
Pierre, SD 57501
(605) 773-3331

Pursuant to SDCL 36-7-26, an applicant may appeal the denial of licensure by the Board by submitting a request for a contested case hearing under SDCL Ch. 1-26. The licensee will be afforded an opportunity for hearing after reasonable notice pursuant to SDCL 1-26-16.

An appeal from the final decision may be taken to Circuit Court pursuant to SDCL 1-26-30.2, and a final judgment of the circuit court may be appealed to the South Dakota Supreme Court pursuant to SDCL 1-26-37.

10. If an applicant appeals contents of the background check to seek corrections, a decision on licensure will not take place until the appeal or issue has been resolved.



BOARD OF EXAMINERS IN
OPTOMETRY

RECORDS RETENTION AND
DESTRUCTION SCHEDULE

State of South Dakota

Bureau of Administration

Records Management Program

(605) 773-3589



DEPARTMENT OF
EXECUTIVE MANAGEMENT

**BUREAU OF
ADMINISTRATION**

PMB 01234

RECORDS MANAGEMENT PROGRAM
104 S Garfield Avenue
c/o 500 East Capitol Avenue
Pierre, SD 57501-5070
Phone: (605) 773-3589
Fax: (605) 773-5955

MEMORANDUM

TO: State Agencies

FROM: Dana Hoffer
State Records Manager

SUBJECT: **Records Retention and Destruction Schedule Manual**

DATE: January 8, 2010

In 1967, the South Dakota Legislature established the Records Management Program and the Records Destruction Board. In the same act, the Legislature required every State agency to develop a records retention and destruction schedule and declared that “No record shall be destroyed or otherwise disposed of by any agency of the State unless it is determined by majority vote of such board (Records Destruction Board) that the record has no further administrative, legal, fiscal, research or historical value.”

According to Administrative Rule 24:52:11:01, any State government agency planning to destroy agency records shall notify the State Archivist 30 days before the date of the proposed destruction. The request shall include the name or title of the records, inclusive dates, information content of the records, and quantity. This rule applies to all records, including those granted exclusive or continuous disposal authorization by the Records Destruction Board, with the following exceptions: vouchers, original and copies, and supporting documents; warrants, original and copies, multiple copies of State- publications stored in bulk; obsolete blank forms; photocopies of computer printouts; and original copies of records that have been legally reproduced under the provisions of SDCL 1-27-4.

The State Archivist has 30 days to certify that the records have no permanent value and may be destroyed, or to make arrangements to transfer the records to the archives. If the Archivist fails to make a recommendation within this time, the records may be destroyed, provided that the agency has received authorization from the Records Destruction Board.

Finally, if you have any questions about implementing this manual or about your records in general, please contact Records Management at 773-3589. We will welcome an opportunity to discuss the proper implementation of sound records management- practices.

TABLE OF CONTENTS

Board of Examiners in Optometry:

BEO-1. ADMINISTRATIVE REFERENCE FILES:	1
BEO-2. ADMINISTRATIVE RULE PROMULGATION FILES:	2
BEO-3. ASSOCIATION FILES:	3
BEO-4. AUDIT REPORTS:	3
BEO-5. BOARD MEMBER FILES:	4
BEO-6. BUDGETARY ACCOUNTING/MSA REPORTS:	5
BEO-7. CASH RECEIPT TRANSMITTALS:	6
BEO-8. COMPLAINT FILES:	7
BEO-9. CONTINUING EDUCATION CERTIFICATIONS:	8
BEO-10. CONTRACT AND AGREEMENT FILES:	8
BEO-11. EXAMINATION FILES, (MASTERS AND ANSWER KEYS):	9
BEO-12. EXAMINATION RECORDS:	9
BEO-13. FINANCIAL STATEMENTS:	10
BEO-14. LEGAL FILES:	10
BEO-15. LICENSE FILES, OPTOMETRISTS:	11
BEO-16. MINUTES, OPTOMETRY EXAMINERS BOARD:	12
BEO-17. PAYROLL FILES:	12
BEO-18. PERSONNEL FILES:	13
BEO-18.1. SURPLUS PROPERTY FILES:	14
BEO-19. VOUCHERS:	15
<u>BEO- 20. APPLICATION (PENDING) FILES.....</u>	<u>15</u>
<u>BEO-20. BOARD OF OPTOMETRY DATABASE RECORDS</u>	

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
PROGRAM: _____
RECORDS OFFICER: Kari Weisbeck
RM CUSTOMER #: 1195

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-1. ADMINISTRATIVE REFERENCE FILES:

07-047

This series may be arranged by subject matter and contains information used in the daily administration of the program or office. Information may include, but is not limited to: budget, equipment, inventory, legislation, organization/association, general—correspondence and property management information; monthly reports; research materials; policies and procedures; reference manuals; logs; rules and regulations; mailing lists; and other related information. This record series is maintained for reference purposes.

RETENTION: Retain current in office or in an electronic document management system. Destroy superseded or obsolete.

(Note: Newsletters are subject to archival screening prior to disposal.)

(Note: Cull files on a yearly basis to avoid build-up of superseded or obsolete materials.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
 DIVISION: Boards
 OFFICE: Examiners in Optometry
 PROGRAM: _____
 RECORDS OFFICER: Kari Weisbeck
 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-2. ADMINISTRATIVE RULE PROMULGATION FILES:

07-047

This series contains notices of public hearings, affidavits of publication of notices, written comments from the public, and transcripts from the hearing. Files have little reference activity once their hearing has been held unless someone requests a copy of the transcript. Information serves to document the proper ~~promulgation~~ of promulgation of administrative rules pursuant to SDCL 1-26.

RETENTION: Retain in office for as long as rules are in effect, then destroy.

(Note: SDCL 1-26-7 states in part, that "Each agency shall keep the original records, documents, and instruments required by this chapter". There is no time frame included for these records. Since SDCL 1-26-6.8 provided that "No rule is enforceable in the Courts unless properly adopted", the records must be maintained at least until a curative statute has been adopted by the Legislature similar to SDCL 1-26A-2, which cures all defects in adoption of rules appearing in the 1974 ARSD. Consider maintaining on microfilm instead of paper.)

(Note: Previous record series number was OP-1.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

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 OFFICE: Examiners in Optometry
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RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-3. ASSOCIATION FILES:

07-047

This series is arranged chronologically and contains current correspondence and newsletters from professional associations to which the Board of Examiners in Optometry belongs. Information may include: minutes of association meetings, conference agendas, expense reports, participants names and other states' optometry legislation. This record series is used for reference purposes concerning ideas and policies suggested and used by these associations.

RETENTION: Retain 2 years in office, then destroy.

(Note: Previous record series number was OP-2.)

BEO-4. AUDIT REPORTS:

07-047

This series is arranged chronologically and contains Legislative Audit reports concerning the expenditure and administration of funds. Information may include: cover letters, statement of assets, revenues and expenditures, change of fund cash balances, and observations and recommendations. The reports are reviewed to identify problem areas and discrepancies so that corrective measures may be implemented.

RETENTION: Retain 3 years in office, then destroy provided all litigation, claims, and involving the records have been resolved and final action has been taken.

(Note: Legislative Audit maintains reports permanent in office on microfilm.)

(Note: Previous record series number was OP-4.)

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
PROGRAM: _____
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RM CUSTOMER #: 1195

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-5. BOARD MEMBER FILES:

07-047

This series is arranged alphabetically and contains information regarding individual Board members. Information may include: letters of appointment, terms, expiration dates, and correspondence. This record series is maintained to document member appointments- to the Board of Examiners in Optometry and any related information pertaining to each.

RETENTION: Retain current in office. Transfer terminated to storage for 3 years. Destroy 3 years after termination provided sufficient data on hours worked and compensation received is maintained by the Department of Labor, Division of Retirement and Insurance; and provided 1 year has passed since a new independent post audit report has been received.

(Note: Subject to archival screening prior to disposal.)

(Note: Previous record series number was OP-5.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
 DIVISION: Boards
 OFFICE: Examiners in Optometry
 PROGRAM: _____
 RECORDS OFFICER: Kari Weisbeck
 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-6. BUDGETARY ACCOUNTING/MSA REPORTS:

07-047

These daily, weekly, monthly, and year-end computer printout reports are used to monitor and reconcile fiscal year receipts and expenditures. Reports may include, but are not limited to: Daily Revenue and Journal Voucher Detail Reports, Daily Transaction Registers, Status Registers, Activity Budget Status, Weekly Sub-Fund Reports, Advance Travel-Accounts Receivables, Transaction— Progress Reports, Monthly Revenue and Journal Voucher Detail Reports, Revenue Analysis Reports, General Ledger Trial Balances, and Monthly Expenditure Reports. This record series is maintained for audit purposes.

RETENTION: Retain electronically4 years in office, ~~then transfer to storage for 3 years~~. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

~~(Note: Consider receiving data on computer output microfiche (COM) instead of paper, and maintaining fiche in office the entire 4 years prior to disposal.)~~

~~(Note: Previous record series number was OP-6.)~~

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
PROGRAM: _____
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RM CUSTOMER #: 1195

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-7. CASH RECEIPT TRANSMITTALS:

07-047

Cash Receipt Transmittals document payment received and deposited with the State Treasury. Information may include: agency name and code, agency receipt number, date, fund, sub-fund, revenue source, description, and amount. ~~The original and two copies~~ Database reports are forwarded to the State Treasurer along with receipts for deposit. A copy is kept for reference and audit purposes.

RETENTION: Retain electronically +4 years in office, ~~then transfer to storage for 3 years~~. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was OP-7.)

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
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DEPARTMENT: Health
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<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-8. COMPLAINT FILES:

07-047

This series contains all related correspondence received from either the general public or initiated by the Board of Examiners in Optometry concerning problems which have occurred with optometrists. Information may include: nature of the complaint, related correspondence, investigation of the allegation, conclusion of the investigation, and related materials. This record series is used by the Board to determine if a complaint is substantiated and if so, to take corrective action. If the complaints are substantiated, this information is then placed in each respective "License Files, Optometrists". Records may also be transfer into the license database record.

RETENTION: UNSUBSTANTIATED: ~~Retain 1 year in office, then transfer to storage for 2 years. Destroy after 3 years provided no litigation is pending.~~ Retain 5 years in office after final determination.

SUBSTANTIATED: Retain until case closed, then transfer to the respective "License Files, Optometrists", and maintain ~~for 4 years after last license expiration~~ in correlation with "License Files, Optometrists" regulation. ~~Destroy 4 years after last license expiration provided no litigation is pending.~~

(Note: Previous record series number was OP-8.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
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 OFFICE: Examiners in Optometry
 PROGRAM: _____
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 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-9. CONTINUING EDUCATION CERTIFICATIONS:

07-047

This series is arranged alphabetically by name of applicant and contains information documenting requisite education required to apply for and maintain an optometrist license. Information may include: applicant names, course attended, date of courses, name and address of schools, certifications, school affidavits, authorizing signatures, and notary seals. This record series is ~~maintained~~ maintained to ensure proper continuing education is received by all licensed optometrists.

RETENTION: Retain 14 years in office ~~after expired~~, then ~~transfer to storage for 3 years. Destroy 4 years after expired.~~ destroy.

(Note: Previous record series number was OP-9.)

BEO-10. CONTRACT AND AGREEMENT FILES:

07-047

This series contains contracts and agreements between the Board of Examiners in Optometry and other parties. Information may include: terms and conditions of the contracts and agreements, effective dates, costs, and funding sources. This record series is maintained for reference and documentation purposes.

RETENTION: Retain current in office. Destroy 6 years after terminated provided no litigation is pending.

(Note: SDCL 1-24A-1 requires consulting contracts be filed with the State Auditor.)

(Note: Previous record series number was OP-10.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
 DIVISION: Boards
 OFFICE: Examiners in Optometry
 PROGRAM: _____
 RECORDS OFFICER: Kari Weisbeck
 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-11. EXAMINATION FILES, (MASTERS AND ANSWERKEYS):

07-047

This series is arranged chronologically and contains copies of old examinations and old examination answer keys. This record series is used for reference when drafting new examinations.

RETENTION: Retain 10 years in office, then destroy.

(Note: Previous record series number was OP-12.)

BEO-12. EXAMINATION RECORDS:

07-047

This series is arranged alphabetically by licensee and summarizes examinations passed or failed, and when applicants are eligible for reexamination. Information may include: date, applicants' name and address, date applicant is eligible for reexamination, copies of passed/failed examinations, and examination scores. This record series is used to document examination results during the licensing process, and to notify eligible applicants of upcoming examination dates, and for annual reporting purposes. Results are added to the "License Files, Optometrists".

RETENTION: ~~Retain 2 years in office, then~~
~~destroy.~~ Transfer to respective application or license file.

(Note: Previous record series number was OP-13.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
 DIVISION: Boards
 OFFICE: Examiners in Optometry
 PROGRAM: _____
 RECORDS OFFICER: Kari Weisbeck
 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-13. FINANCIAL STATEMENTS:

07-047

This series is arranged chronologically and contains financial statements which provide an overview of the Board's financial condition for a given fiscal year. Information may include: Balance Sheet, Statement of Revenues, Expenditures and Changes in Fund Balances--Budget and Actual, Statement of Assets and Fund Cash Balances, Statement of General Fixed Assets, summary of significant accounting procedures, supplemental information, and working papers. This record series is maintained for reference and audit purposes.

RETENTION: Retain electronically 24 years in office, then ~~transfer to storage for 2 years~~destroy. ~~Destroy after 4 years~~ provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was OP-14.)

BEO-14. LEGAL FILES:

07-047

This series is arranged alphabetically by case name and contains information concerning precedence setting Board action. Information may include: current case under suspension, complaint, investigation, testimony, results, action taken. This record series is maintained for future reference and is shared with other States upon request.

RETENTION: Retain 1 year in office after closed, then transfer to storage for 4 years. Destroy 5 years after closed provided that no appeal is pending.

(Note: Previous record series number was OP-15.)

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
PROGRAM: _____
RECORDS OFFICER: Kari Weisbeck
RM CUSTOMER #: 1195

<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-15. LICENSE FILES, OPTOMETRISTS:

07-047

This series is arranged numerically and documents personal data for licensed optometrists. Information may include: original applications, college grade transcripts, renewal applications, verification of most current continuing education units, verification of experience, the actual examination passed prior to license being issued, examination score, license number issued, license and renewal fee receipts, substantiated complaints, court action records, and investigation reports. This record series documents the licensing and renewal process, and is used for basic reference when answering questions concerning licensed optometrists in South Dakota.

RETENTION: Retain ~~1 year in office after expired, then transfer to storage for 3 years. Destroy 4 years after last license expiration.~~ active and inactive in office. Destroy 25 years after expiration of last valid license provided all litigation and claims involving the records have been resolved.

(Note: Consider microfilming when volume warrants.)

(Note: Previous record series number was OP-17.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
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 OFFICE: Examiners in Optometry
 PROGRAM: _____
 RECORDS OFFICER: Kari Weisbeck
 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-16. MINUTES, OPTOMETRY EXAMINERS BOARD:

07-047

This series is arranged chronologically and contains the official minutes of the Board of Examiners in Optometry meetings. Information may include: copies of agendas, dates of meetings, members present, topics discussed, actions taken,—approving signatures, copies of the budget reports, application records, and inspection reports. This record series is used for reference and documentation purposes concerning actions taken by the Board.

RETENTION: Retain ~~5 years, then microfilm and maintain film in office permanently.~~ 5 years in office, then scan and maintain permanently through electronic record keeping system.

(Note: Previous record series number was OP-18.)

BEO-17. PAYROLL FILES:

07-047

This series is arranged chronologically and is used to document the transfer of money in the payroll process for retirement and insurance contributions, income tax withholding, and other deductions. Information may include: date, employee name, amount, itemized listing of deductions, copies of forms used to transfer funds, and rules and regulations. This record series is maintained for reference and audit purposes.

RETENTION: Retain ~~1 year in office, then transfer to storage for 3 years electronically~~ 4 years, then destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was OP-20.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
 AUTHORIZATION FORM
 (Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
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 OFFICE: Examiners in Optometry
 PROGRAM: _____
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 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-18. PERSONNEL FILES:

07-047

This series contains a folder for each employee of the Board of Examiners in Optometry. Information may include, but is not limited to: application for employment, personal data sheet, personnel action notices, position description questionnaires, authorizations for payroll deductions, letters of reprimand and commendation, resumes, service records, notices of resignation, W-4 forms, and supervisors reports of employee separation. The files serve as a history of the employee's service.

RETENTION: Retain current employee files electronically in office for 6 years. ~~Transfer terminated employee files to storage for 3 years.~~ Destroy 63 years after termination provided sufficient data on hours worked and compensation received is maintained by the Department of Labor, Division of Retirement and Insurance; and provided that 1 year has passed since a new independent post audit report has been received.

(Note: Previous record series number was OP-21.)

STATE OF SOUTH DAKOTA
 RECORDS RETENTION &
 DESTRUCTION SCHEDULE
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 OFFICE: Examiners in Optometry
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 RM CUSTOMER #: 1195

RECORD		R.D.B.
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BEO-18.1. SURPLUS PROPERTY FILES:

09-012

This series contains the form submitted to the director of South Dakota Property Management for approval to dispose of State-owned personal property and the written notification received from Property Management designating the manner of disposal. Information may include: agency name; date; address or location of property; phone number; name of individual requesting; Property Management Officer's name; description of item(s); quantity; serial number; equipment number; desired method of disposal as authorized; reason for declaring property as surplus; estimate of current value; suggested selling price; minimum acceptable price; statement of content; fixed asset number, if applicable; and any other information deemed necessary. This record series is maintained pursuant to SDCL 5-24A.

RETENTION: Retain 1 year in office, then transfer to storage for 3 years. Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
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<u>RECORD</u> <u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>R.D.B.</u> <u>AUTHORITY</u> <u>NUMBER</u>
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BEO-19. VOUCHERS:

This series is arranged chronologically and may contain copies of travel, non-cash, direct, receiving, and journal vouchers. ~~Each voucher~~Each voucher may include: nature of expense, amount, fund expended from, date, who the funds went to or to what account they were transferred to, and the authorized signatures. This record ~~series is~~series is used for reference to determine quantities and descriptions of supplies and services ordered, for vendor information, and audit purposes.

RETENTION: Retain ~~41~~ 4 years electronically in office, then ~~transfer to storage for 3 years.~~ Destroy after 4 years provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

(Note: Previous record series number was OP-23.)

BEO-20. APPLICATION (PENDING) FILES:

This series is arranged alphabetically and contains applications which are pending Board of Examiner in Optometry action. This series may include applications and related materials for occupations regulated by the Board of Examiners in Optometry. Information may include: name, address, fee, birth date and place, sex, citizenship, method of licensure, experience, training, other state or national licenses held, personal data, affidavit of truth of answers, other state or national certifications, national board scores, letters of recommendation, personal physical description, and photographs. This record series is maintained to document application work in progress pending Board action, and for audit purposes. Once the license process has been completed these applications are transferred to their respective "License Files" files.

RETENTION: Retain active in office. Destroy inactive two years after last activity.

STATE OF SOUTH DAKOTA
RECORDS RETENTION &
DESTRUCTION SCHEDULE
AUTHORIZATION FORM
(Std Form RM-1 Rev 1/03)

DEPARTMENT: Health
DIVISION: Boards
OFFICE: Examiners in Optometry
PROGRAM: _____
RECORDS OFFICER: Kari Weisbeck
RM CUSTOMER #: 1195

<u>RECORD</u>		<u>R.D.B.</u>
<u>SERIES NO.</u>	<u>TITLE---DESCRIPTION---RETENTION AND DESTRUCTION SCHEDULE</u>	<u>AUTHORITY</u>
		<u>NUMBER</u>

BOE-21. BOARD OF OPTOMETRY DATABASE RECORDS:

This computer database series is arranged numerically by license number, registration number, or permit number and contains information for each licensee, registrant, or permit holder under the jurisdiction of the Board of Optometry information may include: name, address, date of birth, social security number, license number, license number, licensure status, education, and exam information. This record series is maintained for verification and administrative purposes.

RETENTION: Retain 50 years after suspension, revocation, expiration, or inactivation, then delete.

BOE-22. BACKGROUND CHECK FILES:

Paper copies shall be kept in a locked cabinet separate from licensee file.

RETENTION: Destroy after 1 year provided all litigation, claims, and audit findings involving the records have been resolved and final action has been taken.

07-047



OFFICE INSPECTION FORM

Name of Practice: _____

Physical Address: _____

Telephone Number: _____

Optometrist(s) at Location: [Empty box for listing optometrists]

20:50:06:02. Inspection of office. Within 60 days following the establishment of a practice of optometry in this state, a new licensee shall inform the secretary of the board. At least one member of the board shall conduct an inspection of the office facility and procedures. This section and § 20:50:06:01 also apply to an optometrist admitted under endorsement provisions or a licensed optometrist who changes location or opens an additional office. The inspection of the office of an optometrist previously licensed in this state is at the option of the board.

Inspecting Board Member: _____

Date of Inspection: _____

20:50:04:04. Maintenance of office. An office maintained for practice of optometry must be clean and sanitary. The office must be exclusive of any other business and must be physically disconnected from any commercial business or influence in the same building by use of floor-to-ceiling wall separations and a separate front entrance to the outside or to common hallways.

Table with 2 columns: IS THIS OFFICE: and COMMENTS. Rows include: Clean and Sanitary, Exclusive of Other Business, Physically Disconnected, Separate Front Entrance.

20:50:06:01. Minimum office equipment. The minimum equipment with which licensed optometrists shall operate their offices and engage in the practice of optometry consists of the following items, all of which shall be kept in good condition:

REQUIREMENT:	ACCEPTABLE:	COMMENTS:
(1) Ophthalmic Chair and Instrument Unit.....	<input type="checkbox"/>	_____
(2) Retinoscope.....	<input type="checkbox"/>	_____
(3) Ophthalmoscope.....	<input type="checkbox"/>	_____
(4) Phoropter.....	<input type="checkbox"/>	_____
(5) Keratometer.....	<input type="checkbox"/>	_____
(6) Trial Lens Set.....	<input type="checkbox"/>	_____
(7) Trial Frame.....	<input type="checkbox"/>	_____
(8) Transilluminator.....	<input type="checkbox"/>	_____
(9) Projector Chart or Other Luminous Acuity Chart	<input type="checkbox"/>	_____
(10) Biomicroscope.....	<input type="checkbox"/>	_____
(11) Instrument to Evaluate Intraocular Pressure...	<input type="checkbox"/>	_____
(12) Permanent Patient Record System.....	<input type="checkbox"/>	_____
(13) Visual Field Instrument.....	<input type="checkbox"/>	_____
(14) Color Vision Test Equipment.....	<input type="checkbox"/>	_____
(15) Sanitary Lavatory Basin.....	<input type="checkbox"/>	_____

20:50:07:01. Minimum optometric examination. The minimum optometric examination shall consist of the following:

(1) Patient case history and visual acuity.....	<input type="checkbox"/>	_____
(2) Internal and external ocular examination.	<input type="checkbox"/>	_____
(3) Objective and subjective analysis of refractive error.	<input type="checkbox"/>	_____
(4) Analysis of accommodation, convergence, and fusional ability.....	<input type="checkbox"/>	_____
(5) Tonometry.....	<input type="checkbox"/>	_____
(6) Where indicated by case history and findings produced by the current examination, any additional tests that should be performed to enable the OD to advise the patient and prescribe for or refer, as indicated.....	<input type="checkbox"/>	_____

Failure to make or supervise the minimum examination in all cases and to keep a permanent record of it is unprofessional conduct unless there are professional reasons to the contrary specifically set forth in the patient's record.

The requirements set forth in the Administrative Rules of South Dakota concerning inspection of any certification notices, office equipment, and optometric examination forms and practices, represent only the minimum requirements imposed on practitioners of optometry in South Dakota. Additional notices, equipment, and examination procedures and documentation may be necessary in order to competently and professionally practice within the highest applicable level of licensure and to satisfy any standard of care that may apply.

Additional comments and observations by board member:

Additional comments and observations by optometrist:

OWNER/OPTOMETRIST SIGNATURE

DATE

BOARD MEMBER SIGNATURE

DATE