



Board of Examiners in Optometry
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Telephone: (605) 279-2244
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AGENDA

March 6, 2020
Tieszen Law Office Conference Room
306 East Capitol Ave, Ste 300
Pierre, SD 57501
8:00 a.m. (CST)

1. Approval of Agenda
2. Board Member Request for Conflict Waiver
3. Public Rules Hearing
4. Approve minutes from the regular meeting on August 16 2019, telephonic meeting on September 11, 2019, and telephonic meeting on October 16, 2019.
5. Treasurer's Report
6. Board review and approve CE courses
7. Old Business
 - a. National and State Issues Monitored
 - b. Pharmacy Board Database Integration
8. New Business
 - a. Licensing
 - b. Procedural Codes
 - c. Light Adjustable Lens
 - d. Department of Health: Legal Counsel
 - e. Board Policy Consideration: 20:50:02:07.01, 20:50:02:07.02, 20:50:02:07.03 and Executive Secretary Authority for License Approval
 - f. Contracts
9. Public Comment
10. Time and place of next meeting
11. 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.

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:

20:50:02:04.03. Endorsement certification An applicant for licensure by endorsement ~~must~~ shall submit the application form and fee of \$175 and meet all of the following conditions:

(1) Be licensed in good standing to practice optometry in a state or territory under U.S. jurisdiction that required passage of a written, entry-level examination at the time of initial licensure;

(2) Be licensed at ~~the highest~~ a level of prescriptive authority ~~possible in that jurisdiction~~ that, in the judgment of the board, is equal to or higher than the requirement in this state as provided in SDCL 36-7-15.3 for therapeutic drugs;

(3) Have been actively and routinely engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least five consecutive years immediately preceding making application under this section;

(4) Have submitted directly to the board all transcripts, reports, or other information the board requires; and

(5) ~~Pass~~ Have passed the written examination regarding the optometry laws and administrative rules governing optometrists in ~~the~~ this state.

The ~~candidate must~~ applicant shall request any optometry licensing agency of any U.S. jurisdiction in which the applicant is licensed or has ever been licensed to practice optometry to provide reports directly to the board describing the applicant's current standing and any past or pending actions taken with respect to the applicant's authority to practice optometry in those jurisdictions, including ~~such actions as~~ any investigations, ~~entering~~ entrances into consent agreements, suspensions, revocations, and refusals to issue or renew a license. Any application received from an optometrist who has been sanctioned by revocation of license by another optometric licensing jurisdiction ~~shall~~ must be reviewed on a case-by-case basis by the board.

The board retains the authority to require additional education, testing, or training prior to granting licensure under SDCL 36-7-13 ~~when~~ if the competency of any applicant is in question. Any applicant who has previously been denied a license by the board shall apply for and meet all initial licensure requirements.

Source: 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 35, effective August 30, 1994; 31 SDR 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 34 SDR 323, effective July 2, 2008.

General Authority: SDCL 36-7-13, 36-7-15(3), 36-7-15.1, 36-7-15.2, 36-7-15.3, ~~36-7-31~~.

Law Implemented: SDCL 36-7-13, 36-7-15.1, 36-7-15.2, 36-7-15.3, ~~36-7-31~~.

Cross-Reference: Passing grade, § 20:50:02:06.01.

CHAPTER 20:50:02

EXAMINATIONS OF ~~CANDIDATES~~ APPLICANTS

Section

- 20:50:02:01 Time of examinations.
- 20:50:02:02 Filing of applications for examination.
- 20:50:02:03 Repealed.
- 20:50:02:03.01 Examination fees.
- 20:50:02:04 Examination subjects -- Admission to practice.
- 20:50:02:04.01 Repealed.
- 20:50:02:04.02 Repealed.
- 20:50:02:04.03 Endorsement certification.
- 20:50:02:04.04 Minimum educational requirements -- Pharmaceutical agents.
- 20:50:02:04.05 Repealed.
- 20:50:02:04.06 Repealed.
- 20:50:02:05 Transferred.
- 20:50:02:06 National ~~Board of Examiners~~ board test examination required.
- 20:50:02:06.01 Passing grade.
- 20:50:02:07 Certificate of registration.
- 20:50:02:08 Annual renewal fees.

20:50:02:06. National ~~Board of Examiners~~ board test examination required. ~~Satisfactory passing of examinations as~~ An applicant is required to pass an examination certified by the National Board of Examiners in Optometry or other national board examination approved by the board in any of the subjects required by § 20:50:02:04 and ~~satisfactory passing of the national~~

~~pharmacology test is required~~ Part I (Applied Basic Science), Part II (Patient Assessment and Management), Part III (Clinical Skills), and the Treatment and Management of Ocular Disease (TMOD). The board may require ~~all candidates~~ an applicant to take additional tests on any subjects listed in § 20:50:02:04, including the National Board of Clinical Skills examination. ~~Candidates' applications~~ The application shall show indicate when ~~they~~ the applicant took the national board examinations and the subjects covered. The ~~examinations~~ applicant must have ~~been passed~~ the examinations within the five years before the date of ~~South Dakota~~ licensure in this state.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 199, effective June 30, 1991.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-12, 36-7-12.1.

20:50:02:08. Annual renewal fees. The annual renewal fee for licensed optometrists is \$300 if paid by the first day of October of each year. The additional fee for reinstatement after a default, pursuant to SDCL 36-7-20, is \$100 for each calendar month the fee is late, up to a maximum of twelve months, after which a license may be renewed only if, in the discretion of the board, good cause is shown for the delinquency.

An optometrist who has not actively and routinely practiced for a period of greater than one year, but not more than three years, may, at the discretion of the board, be reinstated upon a showing of good cause, payment of the annual renewal fee for each year of absence, payment of the late fee for each month of absence as provided in this section, and upon providing proof of being current on all continuing education requirements.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 41 SDR 109, effective January 12, 2015.

General Authority: SDCL 36-7-20.

Law Implemented: SDCL 36-7-20.

20:50:04:06. Optometrist to write and release prescription -- Requests for medical

records. ~~If~~ Upon the request of a patient for whom an optometrist has prescribed spectacle lenses ~~so requests~~, the optometrist shall ~~write out~~ issue the prescription and deliver a copy of it to the patient. A spectacle lens prescription expires on the date specified by the prescriber, based upon the medical judgment of the prescriber with respect to the ocular health of the patient. If a prescription expires in less than one year, the reasons for the expiration date must be documented in the patient's medical record. No prescriber may specify a prescription expiration date that ~~occurs prior to the time recommended by the prescriber for a reexamination of the patient that is~~ earlier than the date on which reexamination of the patient is medically necessary. Requests for medical records are governed by SDCL 36-2-16.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15(3).

Law Implemented: SDCL 36-7-1.

20:50:08:02. Acceptable courses of study. The board shall ~~approve, at each annual meeting, a~~ list of acceptable out-of-state courses of study that may be taken in lieu of courses provided

~~within the state. In addition, other meetings and seminars either within or without the state may be approved in advance by the board. A request for approval must be made at least 15 days before the meeting or seminar. The board may approve out-of-state courses if they are substantially equivalent to those offered in the state~~ determine acceptable continuing education courses. The board may approve courses on the following subjects or similar suitable subjects as determined by the board;

- (1) Binocular vision and perception;
- (2) Pathology;
- (3) Contact lenses;
- (4) Pharmacology;
- (5) Low vision;
- (6) Vision training or vision therapy;
- (7) Pediatric vision care;
- (8) Geriatric vision care;
- (9) New instrumentation and techniques;
- (10) Public health and optometric care;
- (11) Optometric examinations, diagnosis, and treatment; and
- (12) Patient protection and compliance issues.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

20:50:08:02.01. Limits on self-directed learning. No more than nine hours of self-directed learning may be credited to a licensee in a three-year period to fulfill continuing education requirements. The number of credit hours is limited for each self-directed learning category as follows:

(1) Surgical/ophthalmologist observation -- one hour credit for every two hours of observation, up to four hours credit. If the location of the observation being submitted for credit is the optometrist's regular office, evidence must be provided to the board that the subject of the observation is other than the optometrist's regular practice expertise. The board must be provided with documentation signed by the ophthalmologist evidencing the observation, including a summary detailing the type of observation and the educational goal and outcome of the observation on a form provided by the board;

(2) Video, recorded webinars, and teleconferences -- up to two hours credit. The course must be proctored to receive credit;

(3) Correspondence courses from colleges or occupational journals -- up to four hours credit. The course must have self-testing to receive credit; and

(4) Live webinars -- up to four hours credit. A certificate of attendance stating it is a live webinar must be provided to the board in order to receive live webinar credit.

In the event of an emergency or situation not within the control of the licensee, and for good cause shown, a live stream presentation may receive credit as a live presentation.

Source: 24 SDR 91, effective January 6, 1998; 37 SDR 133, effective January 18, 2011; 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

20:50:08:04. Obtaining evidence of compliance. To show compliance with educational requirements, each ~~registered optometrist~~ licensee shall obtain evidence of attendance or completion from the sponsoring organization for each course. Documentation must show the name of the licensee, the title of the course, the COPE identification number, if applicable, the date of attendance or completion of the course, the speaker or instructor, the location of the course or the medium used for instruction, and the hours in attendance or required for completion. The evidence of compliance must accompany the ~~registrant's~~ licensee's application for renewal of license.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

20:50:10:03. Expiration of contact lens prescription. A contact lens prescription expires:

- (1) Not less than one year after the issue date of the prescription; or
- (2) On the date specified by the prescriber, based upon the medical judgment of the prescriber with respect to the ocular health of the patient.

If a prescription expires in less than one year, the prescriber shall document the reasons for that expiration date in the patient's medical record. No prescriber may specify a prescription expiration date that ~~occurs prior to the time recommended by the prescriber for a reexamination of the patient that~~ is earlier than the date on which a reexamination of the patient is medically necessary.

Source: 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15(3).

Law Implemented: SDCL 36-7-1.

20:50:11:02. Professional corporation -- Admitting shareholder. ~~At least~~ No later than 30 days ~~before admitting a new shareholder or member~~ after a change in membership or shareholders, the corporation shall notify the board in writing of ~~its intention~~ the change, indicating the identity, licensure status, and residence address of ~~the~~ any new shareholder or member.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 47-11B-23.

Law Implemented: SDCL 47-11B-3.

DEPARTMENT OF HEALTH

OPTOMETRY

PROCEDURAL CODES LIST

Chapter 20:50:04

APPENDIX A

SEE: § 20:50:04:12

Source: 32 SDR 225, effective July 5, 2006; 34 SDR 101, effective October 18, 2007; 36 SDR 44, effective September 30, 2009; 39 SDR 127, effective January 21, 2013; 41 SDR 109, effective January 12, 2015; 43 SDR 61, effective October 24, 2016.

APPENDIX A

Optometric Clinical Procedures Approved by South Dakota Board of Optometry

(Within this Appendix, the word "Physician(s)" refers to Optometrist(s))

CPT Code	Description of Clinical Procedure	Notes/Comments
11200	Removal of skin tags, multiple fibrocutaneous tags, any area; up to and including 15 lesions.	
11201	Each additional ten lesions (list separately in addition to code for primary procedure).	
17250	Chemical cauterization of granulation tissue (proud flesh, sinus or fistula).	
65205	Removal of foreign body, external eye; conjunctival superficial.	
65210	Removal of foreign body, external eye; conjunctival embedded (includes concretions), subconjunctival, or scleral nonperforating.	
65220	Removal of foreign body, external eye; corneal, without slit lamp.	
65222	Removal of foreign body, external eye; corneal, with slit lamp.	
65275	Repair of laceration; cornea, nonperforating, with or without removal foreign body.	
65430	Scraping of cornea, diagnostic, for smear and/or culture.	
65435	Removal of corneal epithelium; with or without chemocauterization (abrasion, curettage).	

CPT Code	Description of Clinical Procedure	Notes/Comments
	patient may be unstable or may have developed a significant new problem requiring immediate physician attention. Physicians typically spend 60 minutes face-to-face with the patient and/or family.	
99354	Prolonged physician service in the office or other outpatient setting requiring direct (face-to-face) patient contact beyond the usual service (e.g., prolonged care and treatment of an acute asthmatic patient in an outpatient setting); first hour. (List separately in addition to code for office or other outpatient Evaluation and Management service).	
99355	Each additional 30 minutes. (List separately in addition to code for prolonged physician service).	
99499	Other Unlisted Evaluation and Management Services.	
0207T	<u>Evacuation of Meibomian glands, automated, using heat and intermittent pressure, unilateral.</u>	
A4263	Permanent, long-term, non-dissolvable lacrimal duct implant, each.	
GO117	Glaucoma screening for high-risk patients furnished by an optometrist or ophthalmologist.	
GO118	Glaucoma screening for high-risk patients furnished under the direct supervision of an optometrist or ophthalmologist.	



South Dakota Board of Examiners in Optometry

Meeting Minutes

August 16, 2019

8:00 AM (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	
Jamie Farmen, Consumer Member	Present	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present	Ann Meyer, Assistant Attorney General	
Angela Hase, OD	Present	Guests	
Scott Schirber, OD	Present	Deb Mortenson, South Dakota Optometric Society	
		Del Bartels, Capitol Journal	

1. Attendance: President Dockter called the meeting to order at 8:00 AM on August 16, 2019.

2. Approval of Agenda:

Board Action: S Schirber moved to approve the agenda, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

3. Conflict of Interest: All board members reported no conflict with agenda items.

4. Approval Minutes:

Board Action: Jamie Farmen moved to approve the minutes from the regular meeting on March 25, 2019, and the telephonic meetings on May 8, 2019, and June 13, 2019, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

5. Financial Reports:

Deni Amundson presented the treasurer's report found on page 18 of the agenda packet. She also provided updates from the Association of Regulatory Board's annual meeting and the Department of Health board executive meeting. She also reported that she will begin including a cross reference of child support delinquencies as part of the license renewal process.

6. Board Review and Approve CE Courses:

Continuing education courses, submitted since the last regular meeting on March 25, 2019, were reviewed and approved by individual signature vote.

7. Old Business

A. National and State Issues Monitored: No new information or action taken.

B. Pharmacy Board Database Integration: Deni Amundson reported that progress that has been made with integrating the optometry board's database with the pharmacy board to create a more efficient process for the DEA applications. The process should be complete this fall.

C. Administrative Rule and Statute Review: No new information or action taken.

D. Law and Ethics Exam Applicant Protocol: Deni Amundson presented a draft protocol that can be found on page 31 of the agenda packet.

Board Action: A Hase moved to approve the protocol as drafted, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

8. New Business:

A. Licensing:

Board reviewed application 20-1.

Board Action: S Schirber moved to approved application 20-1, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

New Licensee:

- Jacob Deitrich

B. Procedural Codes:

Six procedure codes were presented to the board for consideration for inclusion as amendments to ARSD 20:50:04 Appendix A in the administrative rule amendment packet:

CPT Code 0207T: LipiFlow/ILux/MiboFlow

Board Action: S Schirber moved to approved CPT Code 0207T, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

CPT Code 67999: Maskin Probing

Board Action: J Farmen moved to approved CPT Code 67999, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

CPT Code 17999: Intense Pulsed Light

Board Action: S Schirber moved to approved CPT Code 17999, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

CPT Code 95004: Ocular Allergy Testing

Board Action: S Schirber moved to approved CPT Code 95004, motion failed to receive a second. The board requested more information regarding how many other states approve of ocular allergy testing. Tabled until next meeting.

CPT Code 67850: Ellman Treatment for Trichiasis

Board Action: Tabled until next meeting.

CPT Code 68330: Ellman Treatment for Conj Chalasis

Board Action: Tabled until next meeting.

C. Administrative Rule and Statute Review:

Several statutes were discussed, but no changes were recommended for the 2020 Legislative Session.

The following administrative rules were discussed and recommended for amendment:

20:50:02:03.01. Examination fees. The nonrefundable application fee for taking the initial examination, which includes the state law and ethics examination, is \$175. An additional amount of \$25 shall be paid upon the issuance of a certificate.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005; 39 SDR 127, effective January 21, 2013.

General Authority: SDCL 36-7-12.

Law Implemented: SDCL 36-7-12.

Board Action: A Hase moved to amend 20:50:02:03.01 as drafted above, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

20:50:02:04.03. Endorsement certification An applicant for licensure by endorsement must submit the application form and nonrefundable fee of \$175 and meet all of the following conditions:

(1) Be licensed in good standing to practice optometry in a state or territory under U.S. jurisdiction that required passage of a written, entry-level examination at the time of initial licensure;

(2) Be licensed at ~~the highest~~ a level of prescriptive authority that, in the judgment of the board, is equal to or higher than the requirement in this state as provided in SDCL 36-7-15.3 for therapeutic drugs possible level in that jurisdiction;

(3) Have been actively and routinely engaged in the practice of optometry, including the use of therapeutic pharmaceutical agents, for at least five consecutive years immediately preceding making application under this section;

(4) Have submitted directly to the board all transcripts, reports, or other information the board requires; and

(5) Pass the written examination regarding the optometry laws and administrative rules governing optometrists in the state.

The candidate must request any optometry licensing agency of any U.S. jurisdiction in which the applicant is licensed or has ever been licensed to practice optometry to provide reports directly to the board describing current standing and any past or pending actions taken with respect to the applicant's authority to practice optometry in those jurisdictions, including such actions as investigations, entering into consent agreements, suspensions, revocations, and refusals to issue or renew a license. Any application received from an optometrist who has been sanctioned by revocation of license by another optometric licensing jurisdiction shall be reviewed on a case by case basis by the board.

The board retains the authority to require additional education, testing, or training prior to granting licensure under SDCL 36-7-13 when the competency of any applicant is in question. Any applicant who has previously been denied a license by the board shall apply for and meet all initial licensure requirements.

Source: 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 35, effective August 30, 1994; 31 SDR 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 34 SDR 323, effective July 2, 2008.

General Authority: SDCL 36-7-13, 36-7-15(3), 36-7-15.1, 36-7-15.2, 36-7-15.3, 36-7-31.

Law Implemented: SDCL 36-7-13, 36-7-15.1, 36-7-15.2, 36-7-15.3, 36-7-31.

Cross-Reference: Passing grade, § 20:50:02:06.01.

Board Action: S Schirber moved to amend 20:50:02:04.03 as drafted above, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

20:50:02:06. National Board of Examiners board test required. Satisfactory passing of examinations as certified by the National Board of Examiners in Optometry or other national board exam approved by the board in any of the subjects required by § 20:50:02:04 and satisfactory passing of ~~the national pharmacology test~~ Part I (Applied Basic Science), Part II (Patient Assessment and Management), Part III (Clinical Skills), and the Treatment and Management of Ocular Disease (TMOD) is required. The board may require all candidates to take additional tests on any subjects listed in § 20:50:02:04, including the National Board of Clinical Skills examination. Candidates' applications shall show when they took the national board examinations and the subjects covered. The examinations must have been passed within the five years before the date of South Dakota licensure.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 17 SDR 199, effective June 30, 1991.

General Authority: SDCL [36-7-15](#).

Law Implemented: SDCL [36-7-12](#), [36-7-12.1](#).

Board Action: J Farmen moved to amend 20:50:02:06 as drafted above, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haier	YES	5 YES, MOTION CARRIED	

20:50:02:07.01. Initial review. Upon receipt of an application for an initial certificate of registration or for endorsement, the executive secretary shall review to determine if the applicant has submitted all required documents, information, non-refundable fees, and other materials. The executive secretary shall notify the applicant of any materials missing from the application. The applicant has 180 days from the date of notice to provide the information intended to complete the application. If an applicant fails to submit required materials within 180 days of notice that materials are missing from the application, the application will be deemed withdrawn. The executive secretary shall notify the applicant if an application is designated as withdrawn. The applicant is not precluded from reapplying at the expiration of the 180 day period, but all required documents, information, non-refundable fees, and other materials must be resubmitted with such reapplication.

Source:

General Authority: SDCL 36-7-15(1),(3).

Law Implemented: SDCL 36-7-11, 36-7-12, 36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

Board Action: A Haier moved to add 20:50:02:07.01 as drafted above, seconded by S Schirber. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haier	YES	5 YES, MOTION CARRIED	

20:50:02:07.02. Processing applications. The executive secretary shall initiate processing of complete applications after receiving documentation from primary sources to verify that the applicant has met the requirements of applicable statutes and regulations.

Source:

General Authority: SDCL 36-7-15(1), (3).

Law Implemented: SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

Board Action: A Hase moved to add 20:50:02:07.02 as drafted above, seconded by S Schirber. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haier	YES	5 YES, MOTION CARRIED	

20:50:02:07.03. Investigation of application. The executive secretary may determine that the information disclosed in an application or primary source documentation requires inquiry to determine whether the applicant meets the qualifications or standards for issuance of a license. The executive secretary may conduct that inquiry, or may provide the matter to the board investigator for investigation.

Source:

General Authority: SDCL 36-7-15(1), (3).

Law Implemented: SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

Board Action: A Hase moved to add 20:50:02:07.03 as drafted above, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haier	YES	5 YES, MOTION CARRIED	

20:50:02:08. Annual renewal fees. The annual renewal fee for licensed optometrists is \$300 if paid by the first day of October of each year. The additional fee for reinstatement after a default, pursuant to SDCL 36-7-20, is \$100 for each calendar month the fee is late, up to a maximum of twelve months, after which a licensee may be renewed only where, in the discretion of the board, good cause is shown for the delinquency.

An optometrist who has not actively and routinely practiced for a period of greater than one year, but no more than three years, may at the discretion of the board be reinstated upon a showing of good cause, payment of the annual renewal fee for each year of absence, and

payment of the late fee for each month of absence, late fees not to exceed \$1200, and upon providing proof of being current on all continuing education requirements.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 41 SDR 109, effective January 12, 2015.

General Authority: SDCL 36-7-20.

Law Implemented: SDCL 1-26-6.9, 36-7-20.

Board Action: S Schirber moved to amend 20:50:02:08 as drafted above, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

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. A spectacle lens prescription expires on the date specified by the prescriber, based upon the medical judgment of the prescriber with respect to the ocular health of the patient. If a prescription expires in less than one year, the reasons for the expiration date must be documented in the patient's medical record. No prescriber may specify a prescription expiration date that is earlier than the date a reexamination of the patient that occurs prior to the time recommended by the prescriber for a reexamination of the patient that is medically necessary. Requests for medical records are governed by SDCL 36-2-16.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-1, 36-7-15(3).

Board Action: J Farmen moved to amend 20:50:02:08 as drafted above, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

20:50:08:02. Acceptable courses of study. The board shall determine acceptable continuing education courses ~~approve, at each annual meeting, a list of acceptable out-of-state courses of study that may be taken in lieu of courses provided within the state. In addition, other meetings and seminars either within or without the state may be approved in advance by the board. A request for approval must be made at least 15 days before the meeting or seminar. The board may approve out-of-state courses if they are substantially~~

~~equivalent to those offered in the state.~~ The board may approve courses on the following subjects or similar suitable subjects as determined by the board;

- (1) Binocular vision and perception;
- (2) Pathology;
- (3) Contact lenses;
- (4) Pharmacology;
- (5) Low vision;
- (6) Vision training or vision therapy;
- (7) Pediatric vision care;
- (8) Geriatric vision care;
- (9) New instrumentation and techniques;
- (10) Public health and optometric care;
- (11) Optometric examinations, diagnosis, and treatment; and
- (12) Patient protection and compliance issues.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

Board Action: A Hase moved to amend 20:50:08:02 as drafted above, seconded by S Schirber. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

20:50:08:02.01. Limits on self-directed learning. No more than nine hours of self-directed learning may be credited to a licensee in a three-year period to fulfill continuing education requirements. The number of credit hours is limited for each self-directed learning category as follows:

(1) Surgical/ophthalmologist observation -- one hour credit for every two hours of observation, up to four hours credit. If the location of the observation being submitted for credit is the optometrist's regular office, evidence must be provided to the board that the subject of the observation is other than the optometrist's regular area of expertise. The board must be provided documentation signed by the ophthalmologist evidencing the observation which must include a summary detailing the type of observation and the educational goal and outcome of such observation on a form provided by the board;

(2) Video, recorded webinars, and teleconferences -- up to two hours credit. The course must be proctored to receive credit;

(3) Correspondence courses from colleges or occupational journals -- up to four hours credit. The course must have self-testing to receive credit;

(4) Live webinars -- up to four hours credit. A certificate of attendance stating it is a live webinar must be provided to the board in order to receive live webinar credit.

In the event of an emergency or situation not within the control of the licensee, and for good cause shown, a live stream presentation may receive credit as a live presentation.

Source: 24 SDR 91, effective January 6, 1998; 37 SDR 133, effective January 18, 2011; 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

Board Action: S Schirber moved to amend 20:50:08:02.01 as drafted above, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

*Deni Amundson will also draft the form to be used for observation and bring to the next meeting for approval.

20:50:08:04. Obtaining evidence of compliance. To show compliance with educational requirements each registered optometrist shall obtain evidence of attendance or completion from the sponsoring organization for each course. Documentation must show the date of attendance or completion of the course; the ~~speaker or instructor~~, name of licensee; title of the course; the COPE identification number, if applicable; the location of the course or the medium used for instruction; and the hours in attendance or required for completion. The evidence of compliance must accompany the registrant's application for renewal of license.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016.

General Authority: SDCL 36-7-15(4).

Law Implemented: SDCL 36-7-20.1, 36-7-20.2.

Board Action: A Haiar moved to amend 20:50:08:04 as drafted above, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

20:50:10:03. Expiration of contact lens prescription. A contact lens prescription expires:

- (1) Not less than one year after the issue date of the prescription; or
- (2) On the date specified by the prescriber, based upon the medical judgment of the prescriber with respect to the ocular health of the patient.

If a prescription expires in less than one year, the prescriber shall document the reasons for that expiration date in the patient's medical record. No prescriber may specify a prescription expiration date that is earlier than the date a reexamination of the patient occurs prior to the time recommended by the prescriber for a reexamination of the patient that is medically necessary.

Source: 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15(3).

Law Implemented: SDCL 36-7-1.

Board Action: S Schirber moved to amend 20:50:10:03 as drafted above, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

20:50:11:02. Professional corporation -- Admitting shareholder. At least No later than 30 days before admitting a new shareholder or member after a change in membership or shareholders, the corporation shall notify the board in writing of its intention the change, indicating the identity, licensure status, and residence address of the any new shareholder or member.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986.

General Authority: SDCL 47-11B-23.

Law Implemented: SDCL 47-11B-3.

Board Action: S Schirber moved to amend 20:50:11:02 as drafted above, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

D. B-Pro Contract:

Board Action: A Haiair moved to approve the FY20 B-Pro contract with an rate of \$85/hour and a not to exceed amount of \$4000, seconded by J Farmen. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

9. Public Comment: Deb Mortenson, Executive Director, South Dakota Optometric Society reported that they have committees looking at the scope of practice for optometrists in South Dakota. She will have further updates for this board at the April 2020 meeting.

10. Time and Place of Next Regular Meeting:

Next Meeting: Friday, April 24, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

7. Adjournment:

Board Action: At 11:35, S Schirber moved to adjourn meeting, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	



South Dakota Board of Examiners in Optometry

Telephonic Meeting Minutes

September 11, 2019

6:00 PM (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 Naomi Cromwell, Board Attorney
Allen Haiar, OD, Vice President	Present	
Angela Hase, OD	Present	Guests
Scott Schirber, OD	Present	
Jamie Farnen, Consumer Member	Present	
		None

*Naomi Cromwell was in person at the Tieszen Law Office, Pierre, SD. A call-in number was noticed as available for public access to listen to and participate in the meeting.

1. Attendance: President Dockter called the meeting to order at 6:00 PM on September 11, 2019.

2. Approval of Agenda

Board Action: A Haiar moved to approve the agenda, seconded by J Farnen. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farnen	YES
Haiar	YES	5 YES, MOTION CARRIED	

3. Conflict of Interest: All board members reported no conflict with agenda items.

4. New Business

A. Licensing:

Board reviewed application 20-2.

Board Action: S Schirber moved to approved application 20-2, seconded by A Haiar. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farnen	YES
Haiar	YES	5 YES, MOTION CARRIED	

New Licensee:

- Jonathan Nebelsick

B. Form for Ophthalmologist Observation for CE Credit:

Board Action: A Hase moved to approved form with the understanding that the proposed revision to administrative rule 20:50:08:02.01 may change as it proceeds through the promulgation process, seconded by J Farnen. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farmen	YES
Haia	YES	5 YES, MOTION CARRIED	

5. Public Comment: There was no public comment.

6. Time and Place of Next Meeting:

Public Rules Hearing: Thursday, October 17, 2019, 6:00PM (CST): Telephonic Meeting, public may call in or participate in person at Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

Next Meeting: Friday, April 24, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

7. Adjournment:

Board Action: At 6:09 PM, A Hase moved to adjourn meeting, seconded by S Schirber. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farmen	YES
Haia	YES	5 YES, MOTION CARRIED	



South Dakota Board of Examiners in Optometry

Telephonic Meeting Minutes

October 16, 2019

6:00 PM (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
Allen Haiar, OD, Vice President	Present	Naomi Cromwell, Board Attorney
Angela Hase, OD	Present	
Scott Schirber, OD	Present	
Jamie Farmen, Consumer Member	Present	
		Guests
		Deb Mortenson, South Dakota Optometric Society

*Naomi Cromwell was in person at the Tieszen Law Office, Pierre, SD. A call-in number was noticed as available for public access to listen to and participate in the meeting.

1. Attendance: President Dockter called the meeting to order at 6:00 PM on October 16, 2019.

2. Approval of Agenda

Board Action: S Schirber moved to approve the agenda, seconded by A Haiar. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farmen	YES
Haiar	YES	5 YES, MOTION CARRIED	

3. Conflict of Interest: All board members reported no conflict with agenda items.

4. New Business

A. Administrative Rules Package:

Board discussed current administrative rules package scheduled for the Interim Rules Review Committee on November 4, 2019.

Board Action: A Hase moved to remove the three CPT codes, 0207T, 67999 and 17999 from ARSD 20:50:04 of the existing administrative rule package, seconded by S Schirber. Roll call vote:

Dockter	NO	Hase	NO
Farmen	NO	Schirber	NO
Haiar	NO	5 NO, MOTION LOST	

Board discussed that no public opposition has been received for 0207T.

Board Action: S Schirber moved to remove the two CPT codes 67999 and 17999 from ARSD 20:50:04 of the existing administrative rule package, but keep 0207T, seconded by A Haiar. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

5. Public Comment: There was no public comment.

6. Time and Place of Next Meeting:

Public Rules Hearing: Thursday, October 17, 2019, 6:00PM (CST): Telephonic Meeting, public may call in or participate in person at Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

Next Meeting: Friday, April 24, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

7. Adjournment:

Board Action: At 6:11 PM, J Farmen moved to adjourn meeting, seconded by A Hase. Roll call vote:

Dockter	YES	Schirber	YES
Eisnach	YES	Farmen	YES
Haier	YES	5 YES, MOTION CARRIED	

Remaining Authority by Object/Subobject

Expenditures current through 02/01/2020 12:20:43 PM

HEALTH -- Summary

FY 2020 Version -- AS -- Budgeted and Informational

FY Remaining: 41.4 %

09208	Board of Optometry - Info					PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	1,065	660	0	0	405	38.0
Subtotal	1,065	660	0	0	405	38.0
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	102	53	0	0	49	48.0
Subtotal	102	53	0	0	49	48.0
51 Personal Services						
Subtotal	1,167	713	0	0	454	38.9
TRAVEL						
5203020 Auto Priv (in-st.) L/rte	200	0	0	0	200	100.0
5203030 Auto-priv (in-st.) H/rte	1,000	660	0	0	340	34.0
5203100 Lodging/in-state	380	251	0	0	129	33.9
5203140 Meals/taxable/in-state	258	34	0	0	224	86.8
5203150 Non-taxable Meals/in-st	200	102	0	0	98	49.0
Subtotal	2,038	1,047	0	0	991	48.6
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	750	850	0	0	-100	0.0
5204050 Computer Consultant	1,000	0	4,000	0	-3,000	0.0
5204060 Ed & Training Consultant	4,000	4,000	0	0	0	0.0
5204080 Legal Consultant	23,300	12,429	12,646	0	-1,775	0.0
5204090 Management Consultant	34,500	23,040	13,899	0	-2,439	0.0
5204100 Medical Consultant	2,000	0	10,000	0	-8,000	0.0
5204180 Computer Services-state	233	0	0	0	233	100.0
5204200 Central Services	1,341	637	0	0	704	52.5
5204204 Central Services	305	213	0	0	92	30.2
5204207 Central Services	306	200	0	0	106	34.6
5204590 Ins Premiums & Surety Bds	600	0	0	0	600	100.0
Subtotal	68,335	41,369	40,545	0	-13,579	0.0
SUPPLIES & MATERIALS						
5205310 Printing-state	800	0	0	0	800	100.0
5205390 Food Stuffs	0	24	0	0	-24	0.0
Subtotal	800	24	0	0	776	97.0

Remaining Authority by Object/Subobject

Expenditures current through 02/01/2020 12:20:43 PM

HEALTH -- Summary

FY 2020 Version -- AS -- Budgeted and Informational

FY Remaining: 41.4 %

52 Operating						
Subtotal	71,173	42,440	40,545	0	-11,812	0.0
Total	72,340	43,153	40,545	0	-11,358	0.0

BA1409R1

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 01/31/2020

PAGE

111

AGENCY: 09 HEALTH
BUDGET UNIT: 09208 BOARD OF OPTOMETRY

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061817	1140000	96,515.62	DR	BOARD OF OPTOMETRY
COMPANY/SOURCE TOTAL 6503 618			96,515.62	DR *	
COMP/BUDG UNIT TOTAL 6503 09208			96,515.62	DR **	
BUDGET UNIT TOTAL 09208			96,515.62	DR ***	

STATE OF SOUTH DAKOTA
REVENUE SUMMARY BY BUDGET UNIT
FOR PERIOD ENDING: 01/31/2020

AGENCY 09 HEALTH
BUDGET UNIT 09208 BOARD OF OPTOMETRY

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO 6503						
COMPANY NAME PROFESSIONAL & LICENSING BOARDS						
092080061817	6503	4293957	RENEWAL - OPTOMETRISTS	255.00	71,634.83	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		255.00	71,634.83	*
ACCT:	42	LICENSES, PERMITS & FEES		255.00	71,634.83	**
092080061817	6503	4595002	MISC INCOME COPIES LISTS	.00	500.00	
ACCT:	4595			.00	500.00	*
ACCT:	45	CHARGES FOR SALES & SERVICES		.00	500.00	**
092080061817	6503	4920045	NONOPERATING REVENUES	.00	1,608.87	
ACCT:	4920	NONOPERATING REVENUE		.00	1,608.87	*
ACCT:	49	OTHER REVENUE		.00	1,608.87	**
CNTR:	092080061817			255.00	73,743.70	***
CNTR:	092080061			255.00	73,743.70	****
CNTR:	0920800			255.00	73,743.70	*****
COMP:	6503			255.00	73,743.70	*****
B UNIT:	09208			255.00	73,743.70	*****

Description	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual	FY20 Actual
Salaries										
Board & Comm Members	480	960	720	720	660	780	900	660	600	660
OASI-Employer's	41	76	56	55	51	61	69	50	46	53
Auto-State										
Board Member Travel	826	1,004	1,268	996	855	1,229	1,002	1,467	1,482	1,047
*Includes: Auto, Meals, Lodging										
Dues & Memberships	750	750	750	750	750	750	750	750	750	850
Ed & Training	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
Computer Consultant (database)			3,799	2,813	406	1,595	175	350	315	-
Medical Consultant (investigator)			2,375	-	-	360	2,140	-	753	-
Legal Consultant	9,573	7,218	25,953	25,482	16,949	12,623	30,665	26,376	15,388	12,429
Management Consultant	21,573	24,390	28,974	25,960	28,588	31,703	33,924	34,541	35,214	23,040
Computer Services- State							213	158	62	
Central Services	598	636	681	778	802	828	1,125	1,115	1,195	637
Central Services	8									
Central Services	113	128	199	261	233	192	192	199	245	213
Central Services	201	220	111	319	208	242	293	230	205	200
Other Contractual		88							75	
Printing-State	96			483		1048	0	0	385	
Ins Premiums & Surety Bds	-	975	470	750	740	380	335	815	900	
Postage		9				36	0	0	9	
Computer	-				1868	0	0	0	0	
Office Furniture and Fixtures		850				0	0	0	0	
Food Stuffs										24
TOTAL EXPENSES	38,259.00	41,304.00	69,356.00	63,367.00	56,110.00	55,827.00	75,783.00	70,711.00	61,624.00	43,153.00
TOTAL REVENUE	50,824.22	53,104.77	52,660.58	54,109.40	54,491.16	71,403.85	72,734.74	73,801.78	75,524.55	73,743.70
REVENUE - EXPENSES	12,565.00	11,801.00	-16,695.00	-9,258.00	-1,618.84	15,576.85	-3,048.26	3,090.78	13,900.55	30,590.70
CASH CENTER BALANCE	52,176.16	63,977.43	47,283.03	38,025.23	36,406.28	51,986.12	48,935.18	52,025.36	65,925.77	96,515.62

Vance Thompson, MD

Director of Refractive Surgery,
Corneal, Cataract
& Refractive Cataract Surgery

John Berdahl, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Michael Greenwood, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Russell Swan, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Brandon Baartman, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Deborah Ristvedt, DO

Refractive Cataract, Glaucoma
& Oculoplastic Surgery

Doug Wallin, OD

Cataract & Refractive
Surgery Specialist

Keith Rasmussen, OD

Cataract & Refractive
Surgery Specialist

Justin Schweitzer, OD

Corneal, Glaucoma, Cataract
& Refractive Surgery Specialist

Jason Schmit, OD

Corneal, Oculoplastic, Cataract
& Refractive Surgery Specialist

Mitch Ibach, OD

Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

Mathew Walker, OD

Refractive Cataract, Glaucoma
& Oculoplastic Specialist

Nick Risbrudt, OD

Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

Deni Amundson, M.S.Ed.

Executive Secretary

South Dakota Board of Examiners in Optometry

PO Box 513

Wall, SD 57790

Dear Mrs. Amundson

As a duly licensed optometrist in the state of South Dakota, I would like to confirm that I may lawfully furnish a service for cataract patients I co-manage post-operatively with the cataract surgeon.

Specifically, patients undergoing cataract surgery now have the option of having an adjustable intraocular lens implanted at the time of cataract removal surgery. This lens (manufactured by RxSight™), is referred to as the Light Adjustable Lens™ (LAL), since it can be modified post-operatively in the office using a light delivery device (LDD), also manufactured by RxSight and approved by the FDA as part of the regulatory review of the LAL. Based on the refractive correction needed to achieve the patient's desired vision after cataract surgery, the patterned light from the LDD reshapes the curvature (and thus refractive power) of the intraocular lens.

The LAL is implanted as part of a standard cataract procedure. Approximately 2-3 weeks following surgery, the patient is refracted and the LAL is adjusted using the LDD in the office to meet the patient's refractive goals. One to three light adjustments may be performed, followed by a "lock-in" light treatment to make the change permanent. Each light treatment involves the following steps:

- The patient is positioned in front of the LDD following dilation of the eye (using standard drops) and entry of patient data into the LDD.
- A standard topical anesthetic drop is applied to the eye and the patient's chin is placed in the chin-rest with the forehead against the support bar.
- A treatment contact lens is positioned on the cornea and the patient is asked to concentrate on the green fixation light presented in front of them.
- Using the microscope, the doctor aligns the reticle onto the light adjustable lens and initiates the light exposure using the trigger.
- The doctor monitors the position of the reticle and use the joystick to keep the LAL centered in the alignment reticle for the full treatment of 30-90 seconds.
- Following treatment, the contact lens is removed.
- No post treatment medications are required.

Vance Thompson, MD
Director of Refractive Surgery,
Corneal, Cataract
& Refractive Cataract Surgery

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Corneal, Glaucoma, Cataract
& Refractive Surgery

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Surgery Specialist

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Corneal, Glaucoma, Cataract
& Refractive Surgery Specialist

Jason Schmit, OD
Corneal, Oculoplastic, Cataract
& Refractive Surgery Specialist

Mitch Ibach, OD
Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

Mathew Walker, OD
Refractive Cataract, Glaucoma
& Oculoplastic Specialist

Nick Risbrudt, OD
Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

I have reviewed the scope of practice for optometrists in our state and believe that it permits me to perform the LDD treatment as described above. Specifically, section 36-7-1 of the South Dakota Codified Laws defines the practice of optometry as including, among other things, “the prescribing or administration, except by injection of pharmaceutical agents rational to the diagnosis and treatment of the human eye and its appendages, and any other means or method for the correction, remedy, or relief of any insufficiencies or abnormal conditions of the visual processes of the human eye and its appendages except surgery.” Given that LDD is not surgery, nor is it a laser procedure, but an office treatment that corrects, remedies, and relieves abnormal refractive conditions through the application of light via the LDD, it appears to be within an optometrist’s scope of practice.

The clinical trials supporting FDA approval of the LAL and subsequent LDD treatment showed the LDD to be safe, with the relative rare occurrence of adverse events and complications. Patients can experience temporary scratchiness, irritation, or dryness secondary to the contact lens. They may also experience a pink or red tinge to vision, or color vision abnormality immediately after light treatment.

We are excited to offer residents of South Dakota the chance to experience this new technology. Thank you in advance for your guidance. Please feel free to contact me with any questions.

Sincerely,



Justin Schweitzer, OD, FAAO

Vance Thompson, MD

Director of Refractive Surgery,
Corneal, Cataract
& Refractive Cataract Surgery

John Berdahl, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Michael Greenwood, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Russell Swan, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Brandon Baartman, MD

Corneal, Glaucoma, Cataract
& Refractive Surgery

Deborah Ristvedt, DO

Refractive Cataract, Glaucoma
& Oculoplastic Surgery

Doug Wallin, OD

Cataract & Refractive
Surgery Specialist

Keith Rasmussen, OD

Cataract & Refractive
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Justin Schweitzer, OD

Corneal, Glaucoma, Cataract
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Jason Schmit, OD

Corneal, Oculoplastic, Cataract
& Refractive Surgery Specialist

Mitch Ibach, OD

Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

Mathew Walker, OD

Refractive Cataract, Glaucoma
& Oculoplastic Specialist

Nick Risbrudt, OD

Corneal, Cataract, Refractive
& Glaucoma Surgery Specialist

October 28, 2019

Deni Amundson, M.S.Ed.

Executive Secretary

South Dakota Board of Examiners in Optometry

PO Box 513

Wall, SD 57790

Dear Mrs. Amundson,

Thank you for the helpful feedback. I write to follow-up with some additional information to clear up what seems to be some confusion regarding the post-operative adjustment of the Light Adjustable Lens (LAL).

The light adjustment of the LAL is not a separate procedure that is or will be described by a CPT code. It is not a standalone procedure, rather it is simply additional post-operative work that is targeted at optimizing the refractive correction a patient achieves with the LAL. Patients opting for the LAL likely will require several more post-operative office visits than a patient receiving a standard monofocal intraocular lens in order to evaluate the patient's satisfaction with the refractive correction he/she is experiencing. To the extent, a patient seeks refinement of the lens refraction, the light is used to fine tune the shape of the lens.

In rereading our earlier correspondence, I can see that in our effort to explain the details of making the adjustments, we gave the impression that the light delivery was conceived as a distinct procedure warranting a formal descriptor. It is not. Moreover, optometrists already routinely perform all the tasks involved in the light adjustment, except for directing the light to the proper location on the LAL and assuring that the light remains aligned for 60-90 seconds. There is no question that the other tasks: dilating patients' eyes, positioning patients in alignment with various landmarks, instilling topical anesthetic drops, applying a contact lens and using a microscope are within an optometrist's scope of practice. Thus, the question really is whether optometrists in the state can direct light into a patient's eye, not for the purpose of impacting any structure of the eye, but to change the shape of an intraocular lens. Optometrists certainly have the training and experience to do so, but out of an abundance of caution to assure compliance with regulation our team thought we would confirm this point.

We hope this additional information is useful and allows you to provide us with feedback before April.

Best regards,



Justin Schweitzer, OD, FAAO



Board of Examiners in Optometry
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Website: <http://optometry.sd.gov>

FY20 CONTRACT SUMMARY

(Current Contracts)

- **Tieszen Law Office- Legal Services**
 - \$150.00/hour
 - Not to exceed \$25,000.00
- **South Dakota Optometric Society- Education Services**
 - \$4,000.00 per year
- **BPro- Database Services**
 - \$85.00/hour
 - Not to exceed \$4000.00
- **Scott Kennedy- Investigative Services**
 - \$90.00/hour
 - Not to exceed \$5,000.00
- **Lisa Kollis-Young- Investigative Services**
 - \$90.00/hour
 - Not to exceed \$5,000.00
- **Deni Amundson- Administrative Services**
 - Salary- \$1819.41/month
 - Rent- \$425.00/month
 - Office and travel expenses reimbursed, not to exceed \$7,000.00
 - \$3,062.00 for professional liability insurance
 - Not to exceed \$36,995.00.