

SOUTH  DAKOTA  
STATE MEDICAL ASSOCIATION  
*Values. Ethics. Advocacy.*

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June 10, 2022

Deni Amundson  
Executive Secretary  
South Dakota Board of Examiners in Optometry  
P.O. Box 513  
Wall, South Dakota 57790

Dear Ms. Amundson and Members of the Board:

I am writing today on behalf of the South Dakota State Medical Association (“SDSMA”), the professional association of physicians in South Dakota. I am writing to comment on behalf of SDSMA with respect to the proposed revisions to ARSD Art. 20:50.

SDSMA shares and joins in the concerns of the South Dakota Academy of Ophthalmology as expressed in the letter transmitted herewith.

Thank you for the opportunity to comment on the proposed rules.

Sincerely,



Chief Executive Officer  
South Dakota State Medical Association

South Dakota Academy of Ophthalmology  
2600 W. 49<sup>th</sup> Street, Suite 100  
Sioux Falls, SD 57105-6569

June 10, 2022

Deni Amundson  
Executive Secretary  
South Dakota Board of Examiners in Optometry  
P.O. Box 513  
Wall, South Dakota 57790

Dear Ms. Amundson and Members of the Board:

I am writing today on behalf of the South Dakota Academy of Ophthalmology (the “Academy”), the professional association of Ophthalmologists in South Dakota. I am writing to comment on behalf of the Academy with respect to the proposed revisions to ARSD Art. 20:50.

The Academy’s concerns with the proposed rules relate to the repeal of the CPT Codes, and more specifically, with the potential for confusion or misinterpretation of the scope of practice of optometrists as it relates to injections and surgery as a result of such a repeal.

As you know, the scope of practice of optometrists, as set out in SDCL Ch. 36-7, specifically excludes “surgery” from an optometrist’s scope of practice except for the removal of superficial foreign bodies from the eye. However, there is no definition of “surgery” in SDCL Ch. 36-7.

While the Academy firmly believes SDCL Ch. 36-7 excludes all forms of surgery from an optometrist’s scope of practice, the Academy is particularly concerned about injection related diagnostics and therapeutics and the performance of laser and surgical procedures by optometrists. Concerns were also expressed previously about Intense Pulsed Light Therapy and Maskin probin, both of which also constitute surgery.

In order to avoid confusion about the ability of an optometrist to perform the foregoing procedures or any other procedure that would constitute “surgery,” the Academy requests the Board to amend, rather than repeal, ARSD 20:50:04:12. That section, as amended, should read as follows:

ARSD 20:50:04:12. Scope of Practice. An optometrist who is not also a physician licensed under SDCL Ch. 36-4 may not perform surgery. The term, surgery, means a procedure performed for the purpose of structurally altering the human body by the incision or destruction of tissues. Surgery also includes the diagnostic or therapeutic treatment of conditions or disease processes by any instruments causing localized alteration or transposition of live human tissue which include lasers, ultrasound, ionizing radiation, scalpels, probes, and needles.

Thank you again for providing the opportunity to comment on the proposed rules.

Sincerely,



President, South Dakota Academy of Ophthalmology