



Board of Examiners in Optometry
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AGENDA

Wednesday, June 28, 2023
Virtual (Zoom) Meeting
Call In: 1.253.215.8782
Meeting ID: 673 963 1412
6:00PM (CST)

1. Attendance
2. Approval of Agenda
3. Conflict of Interest
4. New Business
 - Administrative Rule Review
5. Public Comment
6. Time and place of next meetings:

ADMINISTRATIVE RULES PUBLIC HEARING:

Date: TBD

Time:

Location:

IN-PERSON MEETING:

Date: Monday, August 28, 2023

Time: 8:00AM (CST)

Location: AmericInn- Conference Room, 312 Island Drive, Fort Pierre, SD 57532

7. Adjournment

The public may listen to and participate in the teleconference by calling 1-253-215-8782 (Meeting ID: 673 963 1412) or at the Barnett Vision Center, 508 Moccasin Drive, Aberdeen, SD, 57401.

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.

20:50:04:01. Confidential communications. ~~All information received from the patient in the course of treatment must be treated as a privileged communication and held inviolate~~ An optometrist and their staff shall hold in confidence all protected health and personal information. An optometrist shall not reveal such information without the written consent of the patient or when the release is required pursuant to state or federal law.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 49 SDR 12, August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

20:50:04:02. Advising Referrals~~-patient.~~ An optometrist shall ~~advise~~ refer a patient if, during the course of an examination, the optometrist discovers a health condition that is outside the optometrist's scope of practice. An optometrist shall not offer nor accept payment for referring a patient.

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; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

20:50:04:13 Informed consent. An optometrist has a duty to inform patients about the patient's health care status, health care options, and the risks and benefits of procedures.

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; 21 SDR 35, effective August 30, 1994; 32 SDR 129, effective January 31, 2006; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

20:50:04:14 Patient records. An optometrist is responsible for maintaining accurate records on every patient encounter. Upon written request and in accordance with federal and state laws, patients have a right to obtain copies of the medical records prepared by an optometrist.

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; 21 SDR 35, effective August 30, 1994; 32 SDR 129, effective January 31, 2006; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

20:50:04:15 Fees. Fees for optometric services should be reasonable and accurately reflect the care delivered to the patient.

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; 21 SDR 35, effective August 30, 1994; 32 SDR 129, effective January 31, 2006; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

20:50:04:16 Telepractice. A licensee providing telehealth services in compliance with SDCL chapter 34-52 shall abide by the American Optometric Association Position Statement Regarding Telemedicine in Optometry, 2022.

Source:

General Authority: SDCL 36-7-15(2)

Law Implemented: SDCL 36-7-15(2)

Reference: American Optometric Association (2022). *Position Statement Regarding Telemedicine in Optometry*. Copies may be obtained, at no cost, from https://www.aoa.org/AOA/Documents/Advocacy/position%20statements/AOA_Policy_Telehealth.pdf.

20:50:04:17 Delegation of tasks. An optometrist may employ optometric assistants and delegate tasks to properly trained optometric assistants if the tasks fall within the optometrist's scope of practice, are performed under direct supervision of a licensed optometrist, and do not require professional interpretation or judgment.

A licensee who delegates to unlicensed personnel remains responsible for the outcome and quality of care provided. A licensee must ensure the optometric assistant has received the appropriate level of training necessary to satisfactorily complete the delegated tasks.

For purposes of this section, the term, direct supervision, means the physical presence and immediate availability of a licensed optometrist.

Source:

General Authority: SDCL 36-7-15(2)

Law Implemented: SDCL 36-7-15(2)

20:50:06:01. Minimum office equipment. A licensed optometrist's office must include the following equipment, which must be kept in good condition:

- (1) Ophthalmic chair and instrument unit;
- (2) Retinoscope;
- (3) ~~Ophthalmoscope~~ Direct ophthalmoscope and binocular indirect 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.

For a licensed optometrist providing telehealth services, the office must include the following additional equipment, which must be kept in good condition:

- (1) Anterior segment camera; and
- (2) Full field imaging system or fundus camera.

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; 34 SDR 101, effective October 18, 2007; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

[20:50:06:02](#). Inspection of office. A licensee shall inform the board within 60 days following the establishment of a new practice of optometry in this state. The board may conduct an inspection of the office facility and procedures.

The board shall conduct an inspection for an applicant, prior to issuance of a license, unless the applicant has arranged a bona fide association with a licensed optometrist in the state who has already been inspected and meets the requirements of 20:50:06:01, or the applicant is entering the military or other governmental service. The board may conduct another inspection if the previous inspection was completed more than two years prior to the date of application.

A licensee or applicant shall appear in person for a board inspection.

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; 21 SDR 35, effective August 30, 1994; 34 SDR 101, effective October 18, 2007; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL [36-7-15](#)(2).

Law Implemented: SDCL [36-7-15](#)(2).

Cross-Reference: Issuance of license, § [20:50:02:07](#).

[20:50:07:01](#). Minimum comprehensive optometric examination. When a comprehensive examination is warranted, the minimum comprehensive optometric examination shall consist of the following:

- (1) Patient case history and visual acuity;
- (2) Internal and external physical ocular examination;

- (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) Pupil evaluation, extraocular movement testing, and visual field testing (confrontation or electronic);
- (7) Assessment and plan; and
- (8) Where indicated by case history and findings produced by the current examination, any additional tests that should be performed to enable the optometrist to advise the patient and prescribe for or refer, as indicated.

No prescription for ophthalmic lenses or contact lenses may be written based solely upon the diagnosis of a refractive error of the human eye as generated using automated equipment or internet-based devices.

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

An in-person comprehensive examination must be conducted at least every three years.

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; 13 SDR 44, effective October 20, 1986; 39 SDR 127, effective January 21, 2013; 44 SDR 99, effective December 11, 2017.

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

Law Implemented: SDCL [36-7-1](#), [36-7-15](#).