



**Board of Examiners in Optometry**  
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#### AGENDA

August 21, 2020  
Zoom Meeting  
Call In: 1-253-215-8782  
Meeting ID: 673 963 1412  
8:00 a.m. (CST)

1. Approval of Agenda
2. Board Member Request for Conflict Waiver
3. Approve minutes from the regular meeting on March 6, 2020, and telephonic meetings on April 3, 2020, May 5, 2020, and June 18, 2020.
4. Treasurer's Report
  - a. Computer Purchase
5. Board review and approve CE courses
  - a. ARSD 20:50:08:02
  - b. Extending Online/Correspondence Course Exception
6. Old Business
  - a. National and State Issues Monitored
  - b. Pharmacy Board Database Integration
7. New Business
  - a. Licensing
    - 20-8
    - 20-9
  - b. Procedural Codes
  - c. Department of Health: Legal Counsel Update
8. Public Comment
9. Time and place of next meeting
10. Adjournment

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



# South Dakota Board of Examiners in Optometry

## Meeting Minutes

March 6, 2020  
 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 Naomi Cromwell, Board Attorney Ann Meyer, Assistant Attorney General
Jamie Farnen, Consumer Member	Present	
Allen Haiar, OD, Vice President	Present	
Angela Hase, OD	Present	
Scott Schirber, OD	Present	
		Guests
		Deb Mortenson, South Dakota Optometric Society-telephonically

**Attendance:** President Dockter called the meeting to order at 8:00 AM on March 6, 2020.

### 1. Approval of Agenda:

Board Action: S Schirber moved to approve the agenda, seconded by J Farnen. Vote:

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

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

**3. Public Rules Hearing:** 8:02 AM to 8:10 AM. See attached "Minutes of Public Hearing"

### 4. Approval Minutes:

Board Action: S Schirber moved to approve the minutes from the regular meeting on August 16, 2019, and the telephonic meetings on September 11, 2019, and October 16, 2019, seconded by J Farnen. Vote:

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

### 5. Financial Reports:

Deni Amundson presented the treasurer's report found on pages 30-34 of the agenda packet. J Farnen moved to accept treasurer's report, seconded by A Hase. Vote:

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

### 6. Board Review and Approve CE Courses:

Continuing education courses, submitted since the last regular meeting on August 16, 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. She is waiting for further instructions from the pharmacy board.

## 8. New Business:

**A. Licensing:** No new information or action taken.

**B. Procedural Codes:** No new information or action taken.

### C. Light Adjustable Lens:

Board Action: A Haiar moved to consider the use of light adjustable lenses as being within the scope of practice for South Dakota optometrists and falling under code XXXXX-55 of the approved procedural code list as defined in 20:50:04:12 Appendix A, seconded by S Schirber. Vote:

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

### D. Legal counsel:

Deni Amundson reported on the South Dakota Department Health's (DOH) decision to restructure legal counsel for their boards. They are seeking legislative approval to hire a full time attorney to represent the DOH boards. Pending this approval, a new person will begin July 1, 2020. They recommended this board enter into a contract for one year with current legal counsel, Naomi Cromwell, of Tieszen Law Office, to maintain consistency during this transition. Deni will provide updates to the board members. No action taken.

### E. Board Policy Consideration:

S Schirber moved to add the following as policies and to post to the board's website:

**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.

**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.

**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.

Seconded by J Farmen. Vote:

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

**F. Contracts:**

Board Action: A Hase moved to approve the FY21 contract for Tieszen Law Office using the same terms as FY20, seconded by A Haiair. Vote:

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

Board Action: J Farmen moved to approve the FY21 contract for the South Dakota Optometric Society using the same terms as FY20, seconded by S Schirber. Vote:

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

Board Action: A Hase moved to approve the FY21 contract for BPro using the same terms as FY20, seconded by S Schirber. Vote:

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

Board Action: A Haiair moved to approve the FY21 contract for Lisa Kollis-Young and Scott Kennedy using the same terms as FY20, seconded by A Hase. Vote:

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

Board Action: At 9:32 AM, S Schirber moved to go into executive session pursuant to SDCL 1-25-2 (1) to review the executive secretary contract.

At 9:58 AM, President Dockter declared the board out of executive session.

Board Action: Executive Secretary salary increase usually follows the same increase as state employees, but, as of the date of this meeting, that amount has not yet been set. S Schirber moved to approve the contract for Deni Amundson for FY21 with the same percentage increase as the state employees receive and also to increase the office rent to \$525 per month, seconded by A Hase. Vote:

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

**9. Public Comment:** No public comment

**10. Time and Place of Next Regular Meeting:**

Next Meeting: Friday, August 21, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

**11. Adjournment:**

Board Action: J Farmen moved to adjourn meeting, seconded by A Haiar. 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**

**April 3, 2020  
11:00 AM (CST)**

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	<p style="text-align: center;"><b>Guests</b></p> Deb Mortenson, South Dakota Optometric Society Bob Mercer, Keloland News
Scott Schirber, OD	Present	
Jamie Farmen, Consumer Member	Present	

\* 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 11:00 AM on April 3, 2020.

**2. Approval of Agenda**

Board Action: J Farmen 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. New Business**

**A. COVID-19:**

**Telemedicine:**

Board Action: A Haiar moved that the use of telemedicine by a South Dakota licensed optometrist for a patient within the State will not in and of itself be considered unauthorized practice of optometry during the period of the COVID-19 State Emergency. All rules and standards of practice remain in place and must still be met, seconded by S Schirber. Roll call vote:

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

**Continuing Education:**

Board Action: A Hase moved that any continuing education attended from March 1, 2020-September 30, 2020, that would originally fall under categories 2, 3, or 4 of ARSD 20:50:08:02.01 would automatically be classified as "live" CE to meet the continuing education requirements as outlined in 20:50:08:01, 20:50:08:02, and 20:50:08:02.02. CE

must be COPE approved and the 9-hour maximum of self-directed learning shall be waived for this time period, seconded by S Schirber. Roll call vote:

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

**Center for Disease Control (CDC) Recommendations:**

The board reviewed current CDC recommendations. Deni Amundson will share any new South Dakota Department of Health recommendations with the board. No action taken.

**5. Public Comment:**

Deb Mortenson indicated she may be receiving more information regarding COVID-19 and the American Optometric Association’s guidelines for complying with CDC recommendations. She will share this information with Deni Amundson and Naomi Cromwell.

**6. Time and Place of Next Meeting:**

Next Meeting: Friday, August 21, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

**7. Adjournment:**

Board Action: S Schirber moved to adjourn meeting, seconded by J Farmen. 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**

**May 5, 2020  
6:00 PM (CST)**

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	<b>Public Attendance</b>
Scott Schirber, OD	Present	
Jamie Farmen, Consumer Member	Present	
		Deb Mortenson, South Dakota Optometric Society

\* 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 6:01 PM on May 5, 2020.

**2. Approval of Agenda**

Board Action: J Farmen 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. New Business**

**A. Licensing:**

Board reviewed application 20-3.

Board Action: S Schirber moved to approved application 20-3, provisionally, provided licensee completes background check prior to September 30, 2021, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	Recuse	4 YES, MOTION CARRIED	

New Licensee:

- Shelby Anderson

Board reviewed application 20-4.

Board Action: A Haiar moved to approved application 20-4, provisionally, provided licensee completes the South Dakota Law and Ethics exam prior to September 30, 2021, seconded by J Farmen. Roll call vote:



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

New Licensee:

- Cesar Bartell

Board reviewed application 20-5.

Board Action: S Schirber moved to approved application 20-5, seconded by A Hase. Roll call vote:

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

New Licensee:

- Tyler Heuer

**B. Continuing Education Request:**

Board reviewed non-COPE approved online continuing education submitted in agenda packet. S Schirber moved to deny the request, seconded by A Haiar. Roll Call voted:

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

**C. COVID-19 Update:**

No action taken.

**5. Public Comment:**

Deb Mortenson indicated the South Dakota Optometric Society has been offering options for online continuing education.

**6. Time and Place of Next Meeting:**

Next Meeting: Friday, August 21, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

**7. Adjournment:**

Board Action: At 6:23 PM, A Hase moved to adjourn meeting, seconded by J Farmen. 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**

**June 18, 2020  
6:30 PM (CST)**

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	Absent		
		Public Attendance	
		None	

\* 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 6:36 PM on June 18, 2020.

**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	ABSENT	Schirber	YES
Haiar	YES	4 YES, MOTION CARRIED	

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

**4. New Business**

**A. Licensing:**

Board reviewed application 20-6.

Board Action: A Haiar moved to approved application 20-6, seconded by A Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	ABSENT	Schirber	YES
Haiar	YES	4 YES, MOTION CARRIED	

New Licensee:

- Jordan Langel

Board reviewed application 20-7.

Board Action: S Schirber moved to approved application 20-7, provisionally, provided licensee completes the background check prior to September 30, 2021, seconded by Angela Hase. Roll call vote:

Dockter	YES	Hase	YES
Farmen	ABSENT	Schirber	YES
Haiar	YES	4 YES, MOTION CARRIED	

New Licensee:

- Kristen Walton

Board reviewed application 20-8.

Board Action: At 6:41pm, A Haiar moved to go into executive session pursuant to SDCL 1-25-2 (3) to consult with legal counsel.

At 6:52pm, President Dockter declared the board out of executive session.

Board Action: A Haiar moved to table application 20-8 until further information is available, seconded by S Schirber. Roll call vote:

Dockter	YES	Hase	YES
Farmen	ABSENT	Schirber	YES
Haiar	YES	4 YES, MOTION CARRIED	

**C. COVID-19 Update:**

D Amundson provided an update on personal protective equipment distribution to licensees. No action taken.

**5. Public Comment:**

None

**6. Time and Place of Next Meeting:**

Next Meeting: Friday, August 21, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

**7. Adjournment:**

Board Action: At 6:57pm, A Hase moved to adjourn meeting, seconded by S Schirber. Roll call vote:

Dockter	YES	Hase	YES
Farmen	ABSENT	Schirber	YES
Haiar	YES	4 YES, MOTION CARRIED	

Subsubject	Description	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual	FY20 Actual	FY21 Actual
	Salaries										
5101030	Board & Comm Members	960	720	720	660	780	900	660	600	1,020	60
5102010	OASI-Employer's	76	56	55	51	61	69	50	46	81	5
5203010	Auto-State										
	Board Member Travel	1,004	1,268	996	855	1,229	1,002	1,467	1,482	2,131	-
	*Includes: Auto, Meals, Lodging										
5204020	Dues & Memberships	750	750	750	750	750	750	750	750	850	-
5204060	Ed & Training	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	-
5204050	Computer Consultant (database)		3,799	2,813	406	1,595	175	350	315	128	
5204100	Medical Consultant (investigator)		2,375	-	-	360	2,140	-	753	-	
5204080	Legal Consultant	7,218	25,953	25,482	16,949	12,623	30,665	26,376	15,388	21,202	
5204090	Management Consultant	24,390	28,974	25,960	28,588	31,703	33,924	34,541	35,214	35,251	2,736
5204180	Computer Services- State						213	158	62	76	
5204200	Central Services	636	681	778	802	828	1,125	1,115	1,195	1,262	296
5204203	Central Services										
5204204	Central Services	128	199	261	233	192	192	199	245	286	74
5204207	Central Services	220	111	319	208	242	293	230	205	360	
5204960	Other Contractual	88							75		
5205310	Printing-State			483		1048	0	0	385	626	482
5204590	Ins Premiums & Surety Bds	975	470	750	740	380	335	815	900	880	
5205350	Postage	9				36	0	0	9		13
5207905	Computer				1868	0	0	0	0		
5207451	Office Furniture and Fixtures	850				0	0	0	0		
52053901	Food Stuffs									24	
	<b>TOTAL EXPENSES</b>	<b>41,304.00</b>	<b>69,356.00</b>	<b>63,367.00</b>	<b>56,110.00</b>	<b>55,827.00</b>	<b>75,783.00</b>	<b>70,711.00</b>	<b>61,624.00</b>	<b>68,177.00</b>	<b>3,666.00</b>
	<b>TOTAL REVENUE</b>	<b>53,104.77</b>	<b>52,660.58</b>	<b>54,109.40</b>	<b>54,491.16</b>	<b>71,403.85</b>	<b>72,734.74</b>	<b>73,801.78</b>	<b>75,524.55</b>	<b>75,454.24</b>	<b>22,100.00</b>
	<b>REVENUE - EXPENSES</b>	<b>11,801.00</b>	<b>-16,695.00</b>	<b>-9,258.00</b>	<b>-1,618.84</b>	<b>15,576.85</b>	<b>-3,048.26</b>	<b>3,090.78</b>	<b>13,900.55</b>	<b>7,277.24</b>	<b>18,434.00</b>
	<b>CASH CENTER BALANCE</b>	<b>63,977.43</b>	<b>47,283.03</b>	<b>38,025.23</b>	<b>36,406.28</b>	<b>51,986.12</b>	<b>48,935.18</b>	<b>52,025.36</b>	<b>65,925.77</b>	<b>73,202.49</b>	<b>91,638.13</b>