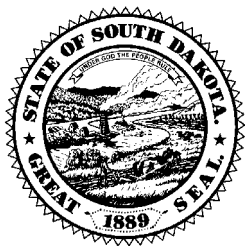


**South Dakota Nursing Facility Administrators**  
Regular Meeting Agenda  
Wednesday September 10, 2025 -- 1:00 pm Central  
Zoom/Teleconference

Please register for the Board meeting using the link below. After registering, you will receive a confirmation email containing a unique link that you can use to join the board meeting.

Register: <https://us02web.zoom.us/meeting/register/pKUmujE6QOG6NT6CuoVxNA>

- 1) Call to Order
- 2) Open Forum – *5 minutes for the public to address the Board.*
- 3) Approval of Minutes – *March 19, 2025*
- 4) Adoption of Agenda
- 5) Financial Report
- 6) Office Update
- 7) New Business
  - a. Department of Health Update
  - b. Department of Human Services Update
  - c. Health Professionals Assistance Program Update
  - d. NAB Exam Petition
  - e. Open Meetings Laws Training
  - f. Mission Statement
  - g. Meeting Dates
- 8) Executive Session -1-25-2 (3)
- 9) Compliance/Legal
- 10) License Applications
- 11) Announcements:
  - a. Next Board Meeting – March 11, 2026
- 12) Adjourn



South Dakota Board of Nursing Facility Administrators  
P.O. Box 340, 1351 N. Harrison Ave. Pierre, SD 57501-0340  
Ph.: 605-224-1721 Fax: 888-425-3032  
E-mail: [SDNFA@midwestsolutionssd.com](mailto:SDNFA@midwestsolutionssd.com) <http://nursingfacility.sd.gov>

South Dakota Board of Nursing Facility Administrators  
Teleconference Board Meeting  
March 19, 2025

President Yeaton called the meeting to order at 1:01 pm Central.

**Members of the Board present via teleconference:** Timothy Yeaton, Justin Hinker, Jason Hanssen, Daryl Reinicke and Marilyn Kinsman

**Board staff in attendance via teleconference:** Brittany Novotny and Lisa Harsma

**Legal Counsel in attendance via teleconference:** Megan Borchert

Yeaton called for public testimony during the open forum. There was no public testimony.

Motion to approve the minutes of the September 4, 2024 Board Meeting by Reinicke. Second by Hinker. Motion carried.

Motion to approve the agenda by Reinicke. Second by Kinsman. Motion carried.

Motion to approve the financial report by Hanssen. Second by Hinker. Motion carried.

Novotny provided an office update.

Motion to move into Executive Session per SDCL 1-25-2 (3) and (4) by Reinicke. Second by Kinsman. Motion carried. The Board went into Executive Session at 1:09 pm.

Motion to move out of Executive Session by Reinicke. Second by Hanssen. Motion carried. The Board came out of Executive Session at 1:22 pm.

Motion to approve the FY 2026 contracts, as presented, by Hanssen. Second by Hinker. Motion carried.

Motion to approve the Board Policies, as presented, by Reinicke. Second by Hanssen. Motion carried.

Motion to approve the Continuing Education Guidelines, as presented, by Hinker. Second by Kinsman. Motion carried

Kinsman nominated Timothy Yeaton for the position of President, Jason Hanssen for the position of Vice President and Daryl Reinicke for the position of Secretary/Treasurer. Motion to close nominations and elect Timothy Yeaton as President, Jason Hanssen as Vice President, and Daryl Reinicke as Secretary Treasurer by Reinicke. Second by Hinker. Motion carried.

Motion to approve Nursing Facility Administrator licenses for Shandel Anson, Madison Barta, Lisa Geis, Amber Mart, Travis Miles, Ada Mundt, Rebecca Pulse, Michelle Vernon, and Joy Voss and Emergency Permits for Melissa Cunningham, Ada Mundt, Margaret O'Sullivan, Aaron Pollard, Raigan Schmidt and Brittany Smith by Hanssen. Second by Reinicke. Motion carried.

The Board announced meeting dates of September 10, 2025 and March 11, 2026.

Motion to adjourn the meeting at 1:31 pm by Reinicke. Second by Hinker. Motion carried.

Respectfully Submitted,

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Daryl Reinicke  
Secretary

# Remaining Authority by Object/Subobject

Expenditures current through 08/02/2025 12:20:22 PM

HEALTH -- Summary

FY 2026 Version -- AS -- Budgeted and Informational

FY Remaining: 91.2%

09207	Board of Nursing Home Admin - Info						PCT
Subobject		Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
<b>EMPLOYEE SALARIES</b>							
5101030	Board & Comm Mbrs Fees	4,120	0	0	0	4,120	100.0
<b>Subtotal</b>		<b>4,120</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,120</b>	<b>100.0</b>
<b>EMPLOYEE BENEFITS</b>							
5102010	Oasi-employer's Share	408	0	0	0	408	100.0
<b>Subtotal</b>		<b>408</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>408</b>	<b>100.0</b>
<b>51 Personal Services</b>							
<b>Subtotal</b>		<b>4,528</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>4,528</b>	<b>100.0</b>
<b>TRAVEL</b>							
5203030	Auto-priv (in-st.) H/rte	1,418	0	0	0	1,418	100.0
5203100	Lodging/in-state	589	0	0	0	589	100.0
5203120	Incidentals-travel-in St.	88	0	0	0	88	100.0
5203130	Non-employ. Travel-in St.	500	0	0	0	500	100.0
5203140	Meals/taxable/in-state	176	0	0	0	176	100.0
5203150	Non-taxable Meals/in-st	50	0	0	0	50	100.0
5203260	Air-comm-out-of-state	185	0	0	0	185	100.0
5203280	Other-public-out-of-state	50	0	0	0	50	100.0
5203300	Lodging/out-state	200	0	0	0	200	100.0
5203320	Incidentals-out-of-state	50	0	0	0	50	100.0
5203350	Non-taxable Meals/out-st	100	0	0	0	100	100.0
<b>Subtotal</b>		<b>3,406</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>3,406</b>	<b>100.0</b>
<b>CONTRACTUAL SERVICES</b>							
5204020	Dues & Membership Fees	1,500	0	0	0	1,500	100.0
5204050	Computer Consultant	6,500	450	0	0	6,050	93.1
5204080	Legal Consultant	2,138	0	0	0	2,138	100.0
5204090	Management Consultant	43,634	2,897	39,444	0	1,293	3.0
5204160	Workshop Registration Fee	50	0	0	0	50	100.0
5204181	Computer Services-state	465	0	0	0	465	100.0
5204200	Central Services	875	201	0	0	674	77.0
5204204	Central Services	305	98	0	0	207	67.9
5204207	Central Services	610	0	0	0	610	100.0
5204360	Advertising-newspaper	100	0	0	0	100	100.0
5204510	Rents-other	300	0	0	0	300	100.0
5204530	Telecommunications Srves	1,500	0	0	0	1,500	100.0
5204590	Ins Premiums & Surety Bds	2,300	0	0	0	2,300	100.0

# Remaining Authority by Object/Subobject

Expenditures current through 08/02/2025 12:20:22 PM

HEALTH -- Summary

FY 2026 Version -- AS -- Budgeted and Informational

FY Remaining: 91.2%

09207	Board of Nursing Home Admin - Info						PCT
Subobject		Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
5204960	Other Contractual Service	1,500	16	0	0	1,484	98.9
<b>Subtotal</b>		<b>61,777</b>	<b>3,662</b>	<b>39,444</b>	<b>0</b>	<b>18,671</b>	<b>30.2</b>
<b>SUPPLIES &amp; MATERIALS</b>							
5205310	Printing-state	500	0	0	0	500	100.0
5205320	Printing-commercial	500	0	0	0	500	100.0
5205350	Postage	900	18	0	0	882	98.0
5205390	Food Stuffs	50	0	0	0	50	100.0
<b>Subtotal</b>		<b>1,950</b>	<b>18</b>	<b>0</b>	<b>0</b>	<b>1,932</b>	<b>99.1</b>
<b>52 Operating</b>							
<b>Subtotal</b>		<b>67,133</b>	<b>3,680</b>	<b>39,444</b>	<b>0</b>	<b>24,009</b>	<b>35.8</b>
<b>Total</b>							
<b>Total</b>		<b>71,661</b>	<b>3,680</b>	<b>39,444</b>	<b>0</b>	<b>28,537</b>	<b>39.8</b>

STATE OF SOUTH DAKOTA  
REVENUE SUMMARY BY BUDGET UNIT  
FOR PERIOD ENDING: 07/31/2025AGENCY 09 HEALTH  
BUDGET UNIT 09207 BOARD OF NURSING HOME ADMIN - INFO

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO 6503						
COMPANY NAME PROFESSIONAL & LICENSING BOARDS						
092070061816	6503	4293975	INITIAL APP'L - NHA	390.00	390.00	
092070061816	6503	4293977	EMERGENCY TEMP LIC-NHA	780.00	780.00	
092070061816	6503	4293978	EXAM FEE-HNA	100.00	100.00	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		1,270.00	1,270.00	*
ACCT:	42	LICENSES, PERMITS & FEES		1,270.00	1,270.00	**
CNTR:	092070061816			1,270.00	1,270.00	***
CNTR:	092070061			1,270.00	1,270.00	****
CNTR:	0920700			1,270.00	1,270.00	*****
COMP:	6503			1,270.00	1,270.00	*****
B UNIT:	09207			1,270.00	1,270.00	*****

BA1409R1

STATE OF SOUTH DAKOTA  
CASH CENTER BALANCES  
AS OF: 07/31/2025

PAGE

135

AGENCY: 09 HEALTH  
BUDGET UNIT: 09207 BOARD OF NURSING HOME ADMIN - INFO

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061816	1140000	64,371.95	DR	BOARD OF NURSING FACILITY ADMINISTRATORS
COMPANY/SOURCE TOTAL 6503 618			64,371.95	DR *	
COMP/BUDG UNIT TOTAL 6503 09207			64,371.95	DR **	
BUDGET UNIT TOTAL 09207			64,371.95	DR ***	

<b>Fiscal Year (July 1-June 30)</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>	<b>FY 2025</b>
Beginning Balance, July 1	\$ 56,575.37	\$ 29,980.07	\$ 59,789.24	\$ <b>26,978.48</b>
Total revenues in FY	\$ 11,907.92	\$ 72,201.06	\$ 11,060.90	\$ 87,299.84
Total expenditures in FY	\$ 38,503.22	\$ 42,391.89	\$ 43,871.66	\$ 47,496.34
<b>Ending balance on hand June 30</b>	<b>\$ 29,980.07</b>	<b>\$ 59,789.24</b>	<b>\$ 26,978.48</b>	<b>\$ 66,781.98</b>



## **SD Board of Nursing Facility Administrators**

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**From:** Jessica Wittrock [REDACTED]  
**Sent:** Thursday, August 14, 2025 3:13 PM  
**To:** SD Board of Nursing Facility Administrators  
**Subject:** NAB CORE Exam

Hello, my name is Jessica Wittrock, and I have been working at Tekakwitha Living Center for 2 years. I completed a bachelor's degree in biology in 2010 and my MBA degree in 2015. The reason I am writing to you is because I have taken the core exam four times, I have taken the NHA and passed. It did take me 2 times to pass the NHA exam. I have a history of test-taking anxiety. When I start to take a test, I have increased anxiety, I start to have fear and have difficulty concentrating. I know the fear stems from letting others down and including myself. I know I am capable of doing my job and succeeding but when preparing for the exam I have tried some coping strategies, studying with professionals and family members but ultimately, they have not helped, I have also reached out to my family doctor to see if there is anything that would help to ease anxiety. I can study for the exam and know all the material but when I get to taking the test my mind goes blank. Its like I have never seen the material in my life. I have anxiety issues when I have to take any form of testing. I know I am capable of passing this exam. I am asking you to please consider letting me take this test one more time. Also, if you would be willing to take this test in a private area with no distractions. I understand that I am asking you a lot to consider but I believe in my self, and I know that I can do this.

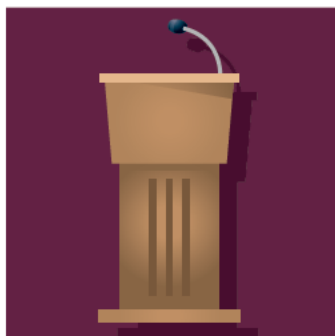
Since I have been working in this position for the past two years has taught me many new skills and techniques. I have gone through two state surveys and 2 complaint surveys. This has taught me enormous life experiences and coping mechanisms. The residents that I care for every day mean the world to me. I don't want to disappoint them or let them down. I am so thankful that they have let me be a part of their life and their home.

Sam VanVoorst has been my mentor and preceptor for two years and helped me complete AIT program. I have accomplished triple the number of hours that this program requires. Again, it is my test-taking anxiety.

Thank you for taking the time to read this letter. I hope you will consider letting me take this exam again.

Sincerely,  
Jessica Wittrock

**Jessica Wittrock, MBA**  
Administrator  
Tekakwitha Living Center  
6 E Chestnut Street  
Sisseton, SD 57262  
Ph: 605-698-6461



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# Conducting the Public's Business in Public

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A guide to South Dakota's  
Open Meetings Laws  
*(Revised 2025)*

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Prepared by:  
S.D. Attorney General's Office  
*in partnership with the*  
S.D. NewsMedia Association

Published by:  
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## **Q: WHAT ARE SOUTH DAKOTA'S OPEN MEETINGS LAWS?**

**A:** South Dakota's open meetings laws embody the principle that the public is entitled to the greatest possible information about public affairs and are intended to encourage public participation in government. SDCL Ch. 1-25 requires that official meetings of public bodies must be public and advance notice is to be given of such meetings. The statutes define an "official meeting" as one where a quorum of the public body is present and at which official business or public policy of the body is discussed or decided. Openness in government is encouraged.

## **Q: WHO DOES THE OPEN MEETINGS LAWS APPLY TO?**

**A:** The open meetings laws apply to all public bodies of the state and its political subdivisions. SDCL 1-25-1, 1-25-12(3). This includes cities, counties, school boards and other public bodies created by ordinance or resolution, such as appointed boards, task forces, and committees, so long as they have authority to exercise sovereign power. SDCL 1-25-12(2). Although no court decisions have been issued on the subject, this probably does not include bodies that serve only in an advisory capacity. The State Constitution allows the Legislature and the Unified Judicial System to create rules regarding their own separate functions.

## **Q: ARE TELECONFERENCES CONSIDERED PUBLIC MEETINGS?**

**A:** Yes. The open meetings laws allow meetings, including executive or closed meetings, to be conducted by teleconference – defined as an exchange of information by audio, video, or electronic means (including the internet) – if a place is provided for the public to participate. SDCL 1-25-1.5, 1-25-12(5). In addition, for teleconferences where

less than a quorum of the public body is present at the location open to the public, arrangements must also be made for the public to listen by telephone or internet (except for portions of meetings properly closed for executive sessions). SDCL 1-25-1.6. The media and public must be notified of teleconference meetings under the same notice requirements as any other meeting.

## **Q: HOW ARE THE PUBLIC AND MEDIA NOTIFIED WHEN PUBLIC BUSINESS IS BEING DISCUSSED?**

**A:** SDCL 1-25-1.1 requires that all political subdivisions (except the state and its boards, commissions, or departments as provided in § 1-25-1.3) prominently post a notice and copy of the proposed agenda at the political subdivision's principal office. At a minimum, the proposed agenda must include the date, time, and location of the meeting and must be visible, readable, and accessible to the public for 24 continuous hours immediately preceding the meeting. Also, if the political subdivision has its own website, the notice must be posted on the website upon dissemination of the notice. For special or rescheduled meetings, political subdivisions must comply with the regular meeting notice requirements as much as circumstances permit. The notice must be delivered in person, by mail, by email, or by telephone to all local news media who have asked to be notified. It is good practice for local media to renew requests for notification of special or rescheduled meetings at least annually.

SDCL 1-25-1.3 varies slightly from SDCL 1-25-1.1 and requires the State and its agencies, boards, commissions, or departments to give notice by posting a proposed agenda at least 72 continuous hours before a meeting is scheduled to start (this does not include any weekend or legal holiday). The State is also required to give notice of a public meeting by posting its proposed agenda on <http://boardsandcommissions.sd.gov>.

**Q: WHO ARE LOCAL NEWS MEDIA?**

**A:** There is no definition of “local news media” in SDCL ch. 1-25. “News media” is defined in SDCL 13-1-57 generally as those personnel of a newspaper, periodical, news service, radio station, or television station regardless of the medium through which their content is delivered. The Attorney General is of the opinion that “local news media” is all news media – broadcast and print – that regularly carry news to the community.

**Q: IS A PUBLIC COMMENT PERIOD REQUIRED AT PUBLIC MEETINGS?**

**A:** Yes. Public bodies are required to provide at every official meeting a period of time on their agenda for public comment. SDCL 1-25-1. Each public body has the discretion to limit public comment as to the time allowed for each topic commented on, and as to the total time allowed for public comment. Public comment is not required at meetings held solely for an executive session, inauguration, presentation of an annual report, or swearing in of elected officials.

**Q: CAN PUBLIC MEETINGS BE RECORDED?**

**A:** Yes, SDCL 1-25-11 requires public bodies to allow recording (audio or video) of their meetings if the recording is reasonable, obvious, and not disruptive. This requirement does not apply to those portions of a meeting confidential or closed to the public.

**Q: WHEN CAN A MEETING BE CLOSED TO THE PUBLIC AND MEDIA?**

**A:** SDCL 1-25-2 allows a public body to close a meeting for the following purposes: 1) to discuss personnel issues pertaining to officers or employees; 2) consideration of the performance or discipline of a student, or the student’s participation in interscholastic activities; 3) consulting with legal counsel, or reviewing communications from legal counsel about proposed or pending litigation or

contractual matters; 4) employee contract negotiations; 5) to discuss marketing or pricing strategies of a publicly-owned competitive business; or 6) to discuss information related to the protection of public or private property such as emergency management response plans or other public safety information. The statute also recognizes that executive session may be appropriate to comport with other laws that require confidentiality or permit executive or closed meetings. Federal law pertaining to students and medical records will also cause school districts and other entities to conduct executive sessions or conduct meetings to refrain from releasing confidential information. Meetings may also be closed by cities and counties for certain economic development matters. SDCL 9-34-19.

Note that SDCL 1-25-2 and SDCL 9-34-19 do not require meetings be closed in any of these circumstances.

Any official action based on discussions in executive session must, however, be made at an open meeting.

**Q: WHAT IS THE PROPER PROCEDURE FOR EXECUTIVE SESSIONS?**

**A:** Motions for executive sessions must refer to the specific state or federal law allowing for the executive session i.e. “pursuant to SDCL 1-25-2(3).” Also, best practice to avoid public confusion would be that public bodies explain the reason for going into executive session. For example, the motion might state “motion to go into executive session pursuant to SDCL 1-25-2(1) for the purposes of discussing a personnel matter,” or “motion to go into executive session pursuant to SDCL 1-25-2(3) for the purposes of consulting with legal counsel.”

Discussion in the executive session must be strictly limited to the announced subject. No official votes may be taken on any matter during an executive session. The public body must return to open session before any official action can be taken.

**Q: WHAT HAPPENS IF THE MEDIA OR PUBLIC IS IMPROPERLY EXCLUDED FROM A MEETING OR OTHER VIOLATIONS OF THE OPEN MEETING LAWS OCCUR?**

**A:** Excluding the media or public from a meeting that has not been properly closed subjects the public body or the members involved to: (a) prosecution as a Class 2 misdemeanor punishable by a maximum sentence of 30 days in jail, a \$500 fine or both; or (b) a reprimand by the Open Meeting Commission ("OMC"). The same penalties apply if the agenda for the meeting is not properly posted, or other open meeting violations occur.

Also, action taken during any meeting that is not open or has not been properly noticed could, if challenged, be declared null and void.

**Q: HOW ARE ISSUES REFERRED TO THE OPEN MEETINGS COMMISSION ("OMC")?**

**A:** Persons alleging violations of the open meetings laws must make their complaints with law enforcement officials in the county where the offense occurred. After a signed and notarized complaint is made under oath, and any necessary investigation is conducted, the State's Attorney may: (a) prosecute the case as a misdemeanor; (b) find that the matter has no merits and file a report with the Attorney General for statistical purposes; or (c) forward the complaint to the OMC for a determination. The OMC is comprised of five State's Attorneys or Deputy State's Attorneys appointed by the Attorney General. The OMC examines whether a violation has occurred and makes written public findings explaining its reasons. If you have questions on the procedures or status of a pending case, you may contact the Attorney General's Office at 605-773-3215 to talk to an assistant for the OMC. Procedures for the OMC are posted on the website for the Office of Attorney General. <http://atg.sd.gov/>.

**Q: WHAT DOES THE TERM "SOVEREIGN POWER" MEAN?**

**A:** The open meetings laws do not define this term, but it generally means the power to levy taxes, impose penalties, make special assessments, create ordinances, abate nuisances, regulate the conduct of others, or perform other traditional government functions. The term may include the exercise of many other governmental functions. If an entity is unclear whether it is exercising "sovereign power" it should consult with legal counsel.

**Q: MAY AGENDA ITEMS BE CONSIDERED IF THEY ARE ADDED LESS THAN 24 HOURS BEFORE A MEETING?**

**A:** Proposed agendas for public meetings must be posted at least 24 hours in advance of the meeting. The purpose of providing advance notice of the topics to be discussed at a meeting is to provide information to interested members of the public concerning the governing body's anticipated business. Typically, the public body adopts the final agenda upon convening the meeting. At the time the final agenda is adopted, the governing body may add or delete agenda items and may also change the order of business. See *In re Yankton County Commission, Open Meetings Commission Decision # 20-03*, December 31, 2020. New items cannot be added after the agenda has been adopted by the governing body.

Public bodies are strongly encouraged to provide at least 24 hours' notice of all agenda items so as to be fair to the public and to avoid dispute.

For special or rescheduled meetings, public bodies are to comply to the extent circumstances permit. In other words, posting less than 24 hours in advance may be permissible in emergencies.

**Q: ARE EMAIL DISCUSSIONS "MEETINGS" FOR PURPOSES OF THE OPEN MEETINGS LAWS?**

**A:** The definition of an "official meeting" in SDCL 1-25-12(1) specifically includes meetings conducted by "electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform[.]" A quorum of a public body that discusses official business of that body via electronic means is conducting an official meeting for purposes of the open meetings laws. Electronic communications made solely for scheduling purposes do not fall within the definition of an official meeting.

**Q: WHAT RECORDS MUST BE AVAILABLE TO THE PUBLIC IN CONJUNCTION WITH PUBLIC MEETINGS?**

**A:** SDCL 1-25-1.4 requires state boards, commissions, or departments to make public meeting materials available on <http://boardsandcommissions.sd.gov>. SDCL 1-27-1.16 requires that any other public body must post meeting materials on the public body's website or make those materials available to the public at least twenty-four hours prior to the hearing or when made available to the members of the public body, whichever is later. Finally, SDCL 1-27-1.17 requires that draft minutes of public meetings must be made available to the public at the principal place of business for the public body within 10 business days after the meeting (or made available on the website for the public body within five business days).

These laws are in addition to any specific requirements for public bodies (i.e., publication requirements in state laws pertaining to cities, counties, or school districts). Enforcement of public records laws contained in SDCL Ch. 1-27 are handled by separate procedures found in SDCL 1-27-35, et. seq. rather than the open meeting procedures described above. Violations of SDCL 1-27-1.16 and 1-27-1.17 are also Class 2 misdemeanors.

**Q: WHAT REQUIREMENTS APPLY TO TASK FORCES, COMMITTEES AND WORKING GROUPS?**

**A:** Task forces and committees that exercise "sovereign power," and are created by statute, ordinance, or proclamation are required to comply with the open meetings laws. SDCL 1-25-12(1). Task forces, committees, and working groups that are not created by statute, ordinance, or proclamation, or are advisory only, may not be subject to the open meetings laws, but are encouraged to comply to the extent possible when public matters are discussed. Ultimately, if such advisory task forces, committees and working groups present any reports or recommendations to public bodies, the public bodies must wait until the next meeting (or later) before taking final action on the recommendations. SDCL 1-27-1.18.

**Q: ARE PUBLIC BODIES REQUIRED TO REVIEW THE OPEN MEETINGS LAWS?**

**A:** Public bodies must annually review an explanation of the open meetings laws provided by the Attorney General, along with any other material pertaining to the open meetings laws made available by the Attorney General. SDCL 1-25-13. Each public body must report in its minutes that the annual review of the open meetings laws was completed.

## **PERTINENT S.D. OPEN MEETINGS STATUTES**

**(other specific provisions may apply depending on the public body involved)**



**1-25-1. OPEN MEETINGS.** An official meeting of a public body is open to the public unless a specific law is cited by the public body to close the official meeting to the public.

It is not an official meeting of one public body if its members provide information or attend the official meeting of another public body for which the notice requirements of § 1-25-1.1 or 1-25-1.3 have been met. It is not an official meeting of a public body if its members attend a press conference called by a representative of the public body.

For any event hosted by a nongovernmental entity to which a quorum of the public body is invited and public policy may be discussed, but the public body does not control the agenda, the public body may post a public notice of a quorum, in lieu of an agenda. The notice of a quorum must meet the posting requirements of § 1-25-1.1 or 1-25-1.3 and must contain, at a minimum, the date, time, and location of the event.

The public body shall reserve at every official meeting a period for public comment, limited at the public body's discretion as to the time allowed for each topic and the total time allowed for public comment, but not so limited as to provide for no public comment.

Public comment is not required at an official meeting held solely for the purpose of meeting in executive session, an inauguration, presentation of an annual report to the public body, or swearing in of a newly elected official, regardless of whether the activity takes place at the time and place usually reserved for an official meeting.

If a quorum of township supervisors, road district trustees, or trustees for a municipality of the third class meets solely for purposes of implementing previously publicly adopted policy; carrying out ministerial functions of that township, district, or municipality; or undertaking a factual investigation of conditions related to public safety; the meeting is not subject to the provisions of this chapter.

A violation of this section is a Class 2 misdemeanor.

**1-25-1.1. PUBLIC NOTICE OF POLITICAL SUBDIVISIONS.** Each political subdivision shall provide public notice, with proposed agenda, that is visible, readable, and accessible for at least an entire, continuous twenty-four hours immediately preceding any official meeting, by posting a copy of the notice, visible to the public, at the principal office of the political subdivision holding the meeting. The proposed agenda shall include the date, time, and location of the meeting. The notice shall also be posted on the political subdivision's website upon dissemination of the notice, if a website exists. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by

telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, each political subdivision shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.3. PUBLIC NOTICE OF STATE.** The state shall provide public notice of a meeting by posting a copy of the proposed agenda at the principal office of the board, commission, or department holding the meeting. The proposed agenda shall include the date, time, and location of the meeting, and be visible, readable, and accessible to the public. The agenda shall be posted at least seventy-two hours before the meeting is scheduled to start according to the agenda. The seventy-two hours does not include Saturday, Sunday, or legal holidays. The notice shall also be posted on a state website, designated by the commissioner of the Bureau of Finance and Management. For any special or rescheduled meeting, the information in the notice shall be delivered in person, by mail, by email, or by telephone, to members of the local news media who have requested notice. For any special or rescheduled meeting, the state shall also comply with the public notice provisions of this section for a regular meeting to the extent that circumstances permit. A violation of this section is a Class 2 misdemeanor.

**1-25-1.5. TELECONFERENCE MEETING.** Any official meeting may be conducted by teleconference. A teleconference may be used to conduct a hearing or take final disposition regarding an administrative rule pursuant to § 1-26-4. A member is deemed present if the member answers present to the roll call conducted by teleconference for the purpose of determining a quorum. Each vote at an official meeting held by teleconference may be taken by voice vote. If any member votes in the negative, the vote shall proceed to a roll call vote.

**1-25-1.6. TELECONFERENCE PARTICIPATION.** At any official meeting conducted by teleconference, there shall be provided one or more places at which the public may listen to and participate in the teleconference meeting. For any official meeting held by teleconference, that has less than a quorum of the members of the public body participating in the meeting who are present at the location open to the public, arrangements shall be provided for the public to listen to the meeting via telephone or internet. The requirement to provide one or more places for the public to listen to the teleconference does not apply to official meetings closed to the public pursuant to specific law.



**1-25-2. EXECUTIVE SESSION.** Executive or closed meetings may be held for the sole purposes of:

(1) Discussing the qualifications, competence, performance, character or fitness of any public officer or employee or prospective public officer or employee. The term, employee, does not include any independent contractor;

(2) Discussing the expulsion, suspension, discipline, assignment of or the educational program of a student or the eligibility of a student to participate in interscholastic activities provided by the South Dakota High School Activities Association;

(3) Consulting with legal counsel or reviewing communications from legal counsel about proposed or pending litigation or contractual matters;

(4) Preparing for contract negotiations or negotiating with employees or employee representatives;

(5) Discussing marketing or pricing strategies by a board or commission of a business owned by the state or any of its political subdivisions, when public discussion may be harmful to the competitive position of the business; or

(6) Discussing information pertaining to the protection of public or private property and any person on or within public or private property specific to:

(a) Any vulnerability assessment or response plan intended to prevent or mitigate criminal acts;

(b) Emergency management or response;

(c) Public safety information that would create a substantial likelihood of endangering public safety or property, if disclosed;

(d) Cyber security plans, computer, communications network schema, passwords, or user identification names;

(e) Guard schedules;

(f) Lock combinations;

(g) Any blueprint, building plan, or infrastructure record regarding any building or facility that would expose or create vulnerability through disclosure of the location, configuration, or security of critical systems of the building or facility; and

(h) Any emergency or disaster response plans or protocols, safety or security audits or reviews, or lists of emergency or disaster response personnel or material; any location or listing of weapons or ammunition; nuclear, chemical, or biological agents; or other military or law enforcement equipment or personnel.

However, any official action concerning the matters pursuant to this section shall be made at an open official meeting. An executive or closed meeting must be held only upon a majority vote of the members of the public body present and voting, and discussion during the closed meeting

is restricted to the purpose specified in the closure motion. Nothing in § 1-25-1 or this section prevents an executive or closed meeting if the federal or state Constitution or the federal or state statutes require or permit it. A violation of this section is a class 2 misdemeanor.

**1-25-6. DUTY OF STATE'S ATTORNEY.** If a complaint alleging a violation of chapter 1-25 is made pursuant to § 23A-2-1, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. Upon doing so, the state's attorney shall send a copy of the complaint and any investigation file to the attorney general. The attorney general shall use the information for statistical purposes and may publish abstracts of such information, including the name of the government body involved for purposes of public education; or

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action.

**1-25-6.1. DUTY OF STATE'S ATTORNEY (COUNTY COMMISSION ISSUES).** If a complaint alleges a violation of this chapter by a board of county commissioners, the state's attorney shall take one of the following actions:

(1) Prosecute the case pursuant to Title 23A;

(2) Determine that there is no merit to prosecuting the case. The attorney general shall use the information for statistical purposes and may publish abstracts of the information as provided by § 1-25-6;

(3) Send the complaint and any investigation file to the South Dakota Open Meetings Commission for further action; or

(4) Refer the complaint to another state's attorney or to the attorney general for action pursuant to § 1-25-6.

**1-25-7. REFERRAL TO OMC.** Upon receiving a referral from a state's attorney or the attorney general, the South Dakota Open Meetings Commission shall examine the complaint and investigatory file submitted by the state's attorney or the attorney general and shall also consider signed written submissions by the persons or entities that are directly involved. Based on the investigatory file submitted by the state's attorney or the attorney general and any written responses, the commission shall issue a written determination on whether the conduct violates this chapter, including a statement of the reasons therefor and findings of fact on each issue and conclusions of law necessary for the proposed decision. The final decision shall be made by a majority of the commission members, with each member's vote set forth in the written decision. The final decision shall be filed with the attorney general and shall be provided to the public entity and or public officer involved, the state's attorney,



and any person that has made a written request for such determinations. If the commission finds a violation of this chapter, the commission shall issue a public reprimand to the offending official or governmental entity. However, no violation found by the commission may be subsequently prosecuted by the state's attorney or the attorney general. All findings and public censures of the commission shall be public records pursuant to § 1-27-1. Sections 1-25-6 to 1-25-9, inclusive, are not subject to the provisions of chapter 1-26.

**1-25-8. OMC Members.** The South Dakota Open Meeting Commission is comprised of five state's attorneys or deputy state's attorneys appointed by the attorney general. Each commissioner serves at the pleasure of the attorney general. The members of the commission shall choose a chair of the commission annually by majority vote.

**1-25-12. DEFINITIONS.** Terms used in the open meetings laws mean:

(1) "Official meeting," any meeting of a quorum of a public body at which official business or public policy of that public body is discussed or decided by the public body, whether in person or by means of teleconference or electronic means, including electronic mail, instant messaging, social media, text message, or virtual meeting platform, provided the term does not include communications solely to schedule a meeting or confirm attendance availability for a future meeting;

(2) "Political subdivision," any association, authority, board, municipality, commission, committee, council, county, school district, task force, town, township, or other local governmental entity, which is created by statute, ordinance, or resolution, and is vested with the authority to exercise any sovereign power derived from state law;

(3) "Public body," any political subdivision or the state;

(4) "State," each agency, board, commission, or department of the State of South Dakota, not including the Legislature; and

(5) "Teleconference," an exchange of information by any audio, video, or electronic medium, including the internet.

**1-25-13. ANNUAL REVIEW OF OPEN MEETING LAWS.** Any agency, as defined in § 1-26-1, or political subdivision of this state, that is required to provide public notice of its meetings pursuant to § 1-25-1.1 or 1-25-1.3 must annually review the following, during an official meeting of the agency or subdivision:

(1) The explanation of the open meeting laws of this state published by the attorney general, pursuant to § 1-11-1; and

(2) Any other material pertaining to the open meeting laws of this state provided by the attorney general.

The agency or subdivision must include in the minutes of the official meeting an acknowledgement that the review was completed.

**1-27-1.16. MEETING PACKETS AND MATERIALS.**

If a meeting is required to be open to the public pursuant to § 1-25-1 and if any printed material relating to an agenda item of the meeting is prepared or distributed by or at the direction of the governing body or any of its employees and the printed material is distributed before the meeting to all members of the governing body, the material shall either be posted on the governing body's website or made available at the official business office of the governing body at least twenty-four hours prior to the meeting or at the time the material is distributed to the governing body, whichever is later. If the material is not posted to the governing body's website, at least one copy of the printed material shall be available in the meeting room for inspection by any person while the governing body is considering the printed material. However, the provisions of this section do not apply to any printed material or record that is specifically exempt from disclosure under the provisions of this chapter or to any printed material or record regarding the agenda item of an executive or closed meeting held in accordance with § 1-25-2. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to printed material, records, or exhibits involving contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.17. DRAFT MINUTES.** The unapproved, draft minutes of any public meeting held pursuant to § 1-25-1 that are required to be kept by law shall be available for inspection by any person within ten business days after the meeting. However, this section does not apply if an audio or video recording of the meeting is available to the public on the governing body's website within five business days after the meeting. A violation of this section is a Class 2 misdemeanor. However, the provisions of this section do not apply to draft minutes of contested case proceedings held in accordance with the provisions of chapter 1-26.

**1-27-1.18. WORKING GROUP REPORTS.** Any final recommendations, findings, or reports that result from a meeting of a committee, subcommittee, task force, or other working group which does not meet the definition of a political subdivision or public body pursuant to § 1-25-1, but was appointed by the governing body, shall be reported in open meeting to the governing body which appointed the committee, subcommittee, task force, or other working group. The governing body shall delay taking any official action on the recommendations, findings, or reports until the next meeting of the governing body.

## **SD Board of Nursing Facility Administrators – Proposed Changes:**

The mission of the South Dakota Board of Nursing Facility Administrators is to ~~enforce updated statutes and rules promulgated to regulate the mandatory licensing for~~ protect the health and safety of the consumer public through the licensure of Nursing Facility Administrators, and to ~~monitor the mandatory continuing education for licensure renewal~~ the enforcement of statutes, rules, and regulations that fall under the jurisdiction of the Board.

## **Mission Statements from other Boards:**

- SDBON - The mission of the South Dakota Board of Nursing is to safeguard life, health, and the public welfare, and to protect citizens from unauthorized, unqualified, and improper application of nursing education programs and nursing practices, in accordance with SDCL 36-9, SDCL 36-9A, ARSD 20:48, and ARSD 20:62.
- SDBMOE - The mission of the South Dakota Board of Medical and Osteopathic Examiners is to protect the health and welfare of the state's citizens by assuring that only qualified allopathic and osteopathic physicians, athletic trainers, dietitians, emergency medical services personnel, genetic counselors, licensed nutritionists, occupational therapists, occupational therapy assistants, physician assistants, and respiratory care practitioners are licensed to practice in South Dakota.
- Chiropractors -- The mission of the South Dakota Board of Chiropractic Examiners is threefold: to protect the continuing health, welfare, and safety of consumers of chiropractic services by ensuring that qualified chiropractors are licensed and their practice is regulated by enforcement of updated statutes, rules, regulations, and board policies, including continuing education and consumer complaint processing.
- Funeral Service -- The mission of the South Dakota Board of Funeral Service is to receive consumer inquiries and complaints; to license funeral practitioners and establishments in the State of South Dakota which ensure the consumer that he is dealing with qualified practitioners and establishments; to register all trainees in funeral service and administer an apprenticeship program for the trainees; to improve inspection procedures of funeral homes and crematories; to enforce the updated statutes and rules and regulations governing the practice of funeral service in South Dakota, including complaint processing from the consumer and licensees; and, to make investigations and hold hearings as needed.
- Hearing Aid/Audiologists -- The mission of the South Dakota Board of Hearing Aid Dispensers and Audiologists is to protect the health and safety of the consumer public by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of hearing aid dispensing and audiology, including the appropriate resolution of complaints.

- **Massage Therapy** – The mission of the South Dakota Board of Massage Therapy is to protect the health and safety of the public by mandatory licensure of qualified persons and enforcement of the statutes, rules, and regulations governing the practice of massage therapy, including processing and investigating properly filed complaints and holding hearings as warranted.
- **Optometry** -- The mission of the South Dakota Board of Examiners in Optometry is to protect the public by ensuring competent visual care, licensure of qualified applicants, inspection of optometric offices, and enforcing updated statutes, rules, and regulations, including consumer complaint review and processing.
- **Pharmacy** -- The Mission of the South Dakota Board of Pharmacy is to protect and promote the health and safety of the public by supporting pharmacists and pursuing the highest quality pharmaceutical care through education, communication, licensing, legislation, regulation, and enforcement.
- **Podiatry** -- The mission of the South Dakota Board of Podiatry Examiners is to ensure the health, welfare, and safety of South Dakota consumers via licensure, continuing education, and inspection of the practice of podiatry; to establish policy related to the practice of podiatry through the enforcement of updated statutes, rules, and regulations; and, by expeditious and fair processing of complaints registered by patient-consumer against licensees.
- **SLP** - The mission of the South Dakota Board of Examiners for Speech-Language Pathology is to protect the health and safety of the public by licensure of qualified persons and enforcement of the statutes, rules and regulations governing the practice of speech language pathology, including the appropriate processing and resolution of complaints.
- **CPM** -- The mission of the South Dakota Board of Certified Professional Midwives is to secure safe, out-of-hospital childbirth attended by licensed and competent midwives, to protect the consumer of midwifery services by holding these midwives accountable to the statutes and rules pertaining to their profession, to update rules as needed to meet current, evidence-based standards of midwifery practice, to license qualified midwives, and to process complaints in a fair and expeditious manner.
- **Physical Therapy** - To protect the health and safety of the public by licensure of physical therapists and physical therapist assistants and enforcement of the statutes, rules, and regulations governing the practice of physical therapy, including the appropriate processing and resolution of complaints.
- **Dentistry** – The mission of the South Dakota State Board of Dentistry is to protect the health and safety of the consumer public from the services of unqualified dentists, hygienists, and dental assistants by licensure of qualified persons, enforcement of the statutes, rules and regulations governing the practice of dentistry, including the inspection of facilities and appropriate resolution of complaints.

**SDNFA Board Meeting- Public List**

**Licenses that have been issued between 3/4/2025  
and 08/20/2025 (Initial Licensure)**

<b>First Name</b>	<b>Last Name</b>
Patrick	Berry
Rena	Robbennolt
Chloe	Robinson
Nicholas	Thompson
Danny	Tiger
Lindsay	Weber

**Emergency Permits that have been issued between  
03/04/2025 and 8/20/2025**

<b>First Name</b>	<b>Last Name</b>
Aisha	Abbink
Anne	Baumgarn
Patrick	Berry
Gerald	Bosen
Tamara	Derschan
Keisha	Dorscher
Annmarie	Kutzke
Brittany	Smith
Gene	Wockenfuss