



Board of Examiners in Optometry
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AGENDA

Monday, January 27, 2025

Zoom Meeting

6:00 p.m. (CST)

1. Approval of Agenda
2. Board Member Request for Conflict Waiver
3. Public Comment
4. Approve minutes from the in-person meeting on August 19, 2024.
5. CE Pre-Approval Request
6. Old Business
 - a. Administrative Rule Review
7. Time and place of next meeting
8. Adjournment

Individuals needing assistance, pursuant to the Americans with Disabilities Act, should contact the in Board of Examiners in Optometry (605-279-2244) or sdoptboard@outlook.com at least 24 hours advance of the meeting to make any necessary arrangements.

The public may physically attend at the Barnett Vision Center, 508 Moccasin Drive, Aberdeen, SD 57401 or listen to and participate in the meeting by calling 1-253-205-0468 (Meeting ID: 673 963 1412). Zoom link:

<https://us02web.zoom.us/j/6739631412?omn=87168359950>

Revised: 1/13/2025



South Dakota Board of Examiners in Optometry
Meeting Minutes
August 19, 2024
8:00AM (CST)
In-Person Meeting
Americinn Conference Room
312 Island Drive, Fort Pierre, SD 57532

DRAFT MINUTES
 HAVE NOT BEEN
 APPROVED BY THE
 BOARD

Board Members	Board Staff Present
Ashley Crouch, OD Absent Jamie Farmen, Consumer Member Present Brian Gill, OD Present Angela Hase, OD, President Present Scott Schirber, OD, Vice President Present	Deni Martin, Executive Secretary Megan Borchert, Board General Counsel
	Guests
	Deb Mortenson, SD Optometric Society Shane Hartman, OD

Attendance: President Hase called the meeting to order at 8:02am on August 19, 2024.

1. Approval of Agenda:

Board Action: B Gill moved to approve the agenda, seconded by J Farmen. Vote:

Crouch	ABSENT	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	4 YES, MOTION CARRIED	

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

3. Public Comment: No public comment; however, Shane Hartman, OD has been identified by the Governor’s office as the new board member who will be taking over Ashley Crouch’s seat on the board. He has completed the paperwork; however, we haven’t received official notification from the state. He was invited to participate in any discussion, but would not be able to officially vote yet.

4. Approval Minutes:

Board Action: S Schirber moved to approve the minutes from the virtual meeting on May 20, 2024, seconded by J Farmen. Vote:

Crouch	ABSENT	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	4 YES, MOTION CARRIED	

5. Financial Reports:

Board Action: D Martin presented the treasurer’s report found on pages 5-7 of the agenda packet. J Farmen moved to accept treasurer’s report, seconded by B Gill. Vote:

Crouch	ABSENT	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	4 YES, MOTION CARRIED	

6. Board Review and Approve Non-COPE CE Courses:

Board Action: Non-Cope CE was reviewed and approved via signature vote with the documents.

7. New Business

A. National and State Issues Monitored: D Mortenson reported that the American Optometric Association (AOA) was seeking input on their telehealth position statement. She will continue to monitor that and send any relevant information to this board. The AOA has also been encouraging states to take action on reimbursement and coverage with insurance plans. The SDOS is also monitoring “not a doctor” bills in other states.

D Mortenson also indicated that they are going to check in with their membership at the beginning of 2025 to see if there was enough interest to provide the advanced procedures course again in 2025.

B. Statute & Administrative Rule Review: As a result of South Dakota optometry’s expanded scope and ARBO telehealth model language presented on pages 8-10 of the agenda packet, M Borchert presented potential amendments to the South Dakota optometric administrative rules. Based on board member recommendations, she will revise the rules package. Once those revisions are complete, M Borchert and D Martin will share the draft with interested parties for feedback. Any comments or concerns will be shared at the next meeting. Tabled until next meeting.

*9:20am- Break- End part 1 of audio.

*9:28am- Meeting called back into session- Start part 2 of audio

8. Old Business

A. Updates from ARBO Annual Meeting: A Hase attended the Association of Regulatory Boards of Optometry (ARBO) meeting June 16-18, 2024, in Nashville, TN. She reported on her experience. No action taken.

B. Licensing: Fourteen applications were reviewed and ratified by signature vote.

- 24-7 Desaray Varland
- 24-8 Clarence Vanderlei
- 24-9 Deborah Bessler
- 24-10 Matthew Moe
- 24-11 Hannah Nohrenberg
- 24-12 Jackson Pond
- 24-13 Samantha Rivet
- 24-14 Micah Hoellein
- 25-1 Lucas Rockne
- 25-2 Rachel Osmundson
- 25-3 Claire Purser
- 25-4 Tomas Sundet
- 25-5 McKenzee Hamlin
- 25-6 David Bane

9. Time and Place of Next Meetings:

- **Monday, April 7, 2025- In-Person Meeting**
AmericInn- Conference Room
312 Island Drive, Fort Pierre, SD 57532
8:00am (CST)

11. Adjournment:

Board Action: J Farnen moved to adjourn meeting at 9:55am, seconded by B Gill

Vote:

Crouch	ABSENT	Hase	YES
Farnen	YES	Schirber	YES
Gill	YES	4 YES, MOTION CARRIED	

DRAFT

20:50:02:04.03. Licensure by endorsement. An applicant for licensure by endorsement shall submit the application and fingerprints required by § 20:50:02:02 and pay the application fee for initial licensure pursuant to § 20:50:02:03.01. The application must be supported by written evidence satisfactory to the board that the applicant:

(1) Is 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 certified by the National Board of Examiners in Optometry at the time of initial licensure;

(2) Has either passed the Treatment and Management of Ocular Disease (TMOD) portion of the national examinations or has therapeutic pharmaceutical privileges; and

(3) Has 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 application under this section.

The 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 any investigations, entrances into consent agreements, suspensions, revocations, or refusals to issue or renew a license. The board shall review, on a case-by-case basis, any application received from an optometrist who has had a license revoked by another optometric licensing jurisdiction.

The board may require additional education, testing, or training before granting licensure under SDCL 36-7-13 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; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-13(1), 36-7-15(2).

Law Implemented: SDCL 36-7-12.2, 36-7-13.

20:50:02:06. National board examinations required. ~~An~~ To obtain licensure, an applicant must pass the following examinations certified by the National Board of Examiners in Optometry:

- (1) Part I (~~Applied Basic Science~~);
- (2) Part II (~~Patient Assessment and Management~~);
- (3) Part III (~~Clinical Skills, Patient Encounters and Performance Skills~~); and
- (4) Treatment and Management of Ocular Disease (~~TMOD~~).

The application must indicate when the applicant took the ~~national board~~ examinations and the subjects covered. The applicant must have passed the examinations ~~within the~~ no more than five years before the date of application for licensure in this state unless licensed pursuant to § 20:50:02:04.03.

The board may require additional education, testing, or training before granting ~~a new~~ an initial application for licensure if the competency of any applicant is in question by the board.

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; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-11(6), 36-7-12.1, 36-7-15(5).

CHAPTER 20:50:04

CODE OF ETHICS

Section

- 20:50:04:01 Confidential communications.
- 20:50:04:02 Advising patient.
- 20:50:04:03 Serving as optician prohibited.
- 20:50:04:04 Maintenance of office.
- 20:50:04:05 Use of word "doctor."
- 20:50:04:05.01 Repealed.
- 20:50:04:06 Optometrist to write and release prescription -- Requests for medical records.
- 20:50:04:07 Claims of superiority.
- 20:50:04:08 Repealed.
- 20:50:04:09 Division of fees -- Payments to employees.
- 20:50:04:10 Repealed.
- 20:50:04:11 Improper business relationships.
- 20:50:04:12 Scope of practice -- Procedural codes, Repealed.
- 20:50:04:13 Delegation to unlicensed personnel.
- 20:50:04:14 Telehealth.

Appendix A Procedural Code List, Repealed.

20:50:04:13. Delegation to unlicensed personnel. An optometrist may employ unlicensed personnel and delegate tasks to properly trained personnel under the supervision of an optometrist. The unlicensed personnel may not perform any task that requires the exercise of professional clinical judgment or interpretation.

An optometrist who delegates tasks to unlicensed personnel remains responsible for the outcomes and quality of care provided. An optometrist has the continuing responsibility to ensure the unlicensed personnel has been appropriately trained to perform diagnostic procedures, maintain necessary equipment and supplies, and has demonstrated sufficient proficiency for and is competent to perform tasks to be completed. The optometrist must remain immediately available to respond promptly to any question or issue that may arise during the provision of delegated tasks by the unlicensed personnel.

A failure to comply with this section is unprofessional conduct.

Source:

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

Law Implemented: 36-7-25(8).

20:50:04:14. Telehealth. The same standard of care applies to the practice of optometry, whether provided in-person or via telehealth. An optometrist may not provide telehealth services unless the optometrist has established a provider-patient relationship with the patient in compliance with SDCL 34-52-3 and this section.

_____ ing An optometrist may treat a patient through telehealth in the absence of a provider-patient relationship when, in the professional judgment of the optometrist, emergency care is required.

_____ Before providing telehealth services, the optometrist must disclose to the patient the methods of telehealth delivery and treatment, and any limitations, and then obtain written consent from the patient to receive telehealth services.

_____ An optometrist treating a patient through telehealth shall perform a comprehensive optometric examination, as described in § 20:50:07:01, before prescribing eyeglasses or contact lenses to a patient.

_____ An optometrist who delivers services through telehealth shall establish protocols for referrals for emergency services.

_____ An optometrist providing telehealth services may not issue a prescription for any controlled substance.

_____ A failure to comply with this section is unprofessional conduct.

Source:

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

Law Implemented: SDCL 34-52-2, 34-52-3, 36-7-25(8).

CHAPTER 20:50:06

OFFICE AND EQUIPMENT REQUIREMENTS

Section

20:50:06:01 Minimum office equipment.

20:50:06:01.01 Telehealth office equipment.

20:50:06:02 Inspection of office.

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

- (1) Ophthalmic chair and instrument unit;
- (2) Retinoscope;
- (3) ~~Ophthalmoscope~~ Direct ophthalmoscope;
- (4) Binocular indirect ophthalmoscope;
- (5) Phoropter;
- (~~5~~) (6) Keratometer;
- (~~6~~) (7) Trial lens set;
- (~~7~~) (8) Trial frame;
- (~~8~~) (9) Transilluminator;
- (~~9~~) (10) Projector chart or other luminous acuity chart;
- (~~10~~) (11) Biomicroscope;
- (~~11~~) (12) Instrument to evaluate intraocular pressure;
- (~~12~~) (13) Permanent patient record system;
- (~~13~~) (14) Visual fields instrument;
- (~~14~~) (15) Color vision test equipment; and
- (~~15~~) (16) Sanitary lavatory basin.

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)~~ 36-7-25(8).

20:50:06:01.01. Telehealth office equipment. In addition to the equipment in § 20:56:06:01, the an optometrist providing telehealth services must also maintain an office containing the following equipment, maintained in good condition:

(1) Anterior segment video recording system; and

(2) Full field imaging system or fundus camera.

Source:

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

Law Implemented: SDCL 36-7-25(8).

20:50:06:02. Inspection of office. A licensee shall inform the board within ~~60~~ sixty days following the establishment of a new practice of optometry in this state. The board may conduct an inspection of the office facility and review procedures pursuant to SDCL 36-7-30.

The board shall conduct an office inspection of a new licensee, prior to the new licensee beginning practice, unless the new licensee indicates on the initial application that the new licensee has arranged a bona fide association with a licensed optometrist in the state who the board verifies has already been inspected and meets the requirements of § 20:50:06:01, or the new licensee 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.

The board may conduct an office inspection in response to a complaint received pursuant to SDCL 36-1C.

A licensee 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)~~ 36-7-25(8), 36-7-30.

Cross-Reference: Issuance of license, § 20:50:02:07.

CHAPTER 20:50:11
CORPORATE PRACTICE

Section

- 20:50:11:01 Application for registration.
- 20:50:11:02 Professional corporation -- Admitting shareholder.
- 20:50:11:03 Renewal of certificate of registration, Repealed.

20:50:11:01. Application for registration. Initial applications for registration for professional corporations ~~shall include the following~~ must contain:

- (1) ~~Name~~ The name and address of the corporation;
- (2) A copy of ~~its~~ the corporation's certificate of incorporation;
- (3) A copy of ~~its~~ the corporation's articles of incorporation;
- (4) A copy of the minutes of ~~its~~ the corporation's organizational meeting;
- (5) A copy of the corporation's insurance binder;
- (6) A registration fee of ~~\$50~~ fifty dollars; and
- (7) A sworn statement from the president of the corporation stating that the corporation

will not hold itself out to the public as possessing any skills or expertise not possessed by optometrists in noncorporate practice.

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-8, 47-11B-9, ~~47-11B-18~~.

20:50:11:03. Renewal of certificate of registration. ~~Each registered corporation shall submit to the board by December 1 of each year an application for renewal of its certificate of registration. The application fee as required by SDCL 47-11B-13 shall accompany the application.~~ Repealed.

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-13.~~



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NON-COPE APPROVED CONTINUING EDUCATION APPROVAL REQUEST

This form must accompany any Non-COPE (Council on Optometric Practitioner Education) approved continuing education courses submitted to the South Dakota Board of Examiners in Optometry. Each course requires a form submission even if the course is listed on the licensee's OE Tracker transcript or other state association transcript. The Board must approve all Non-COPE continuing education and it will only be considered during regularly scheduled meetings. Pre-approvals will also only be considered during regular meetings so please make sure you plan accordingly to make sure your request meet license renewal timelines.

Please Note: This Board will only approve non-COPE continuing education that falls within the scope of practice of South Dakota licensed optometrists under SDCL 37-7-1.

Name of Licensee:

Date of Course:

Title of Course:

Hours Requested:

Instructor of Course:

Provider/Sponsor of Course:

Format of Course:

- Self-Directed Learning (any digital format)
- Live/In-Person (in the same room as instructor)

Course Classification:

- Therapeutic
- Practice Management
- Other

Description of Course: (Either official course description from agenda or, if that is not available, you may put it into your own words.)

FOR BOARD USE ONLY:

Date of Review: _____

Board Member Signature Vote

Ashley Crouch: _____

Jamie Farnen: _____

Brian Gill: _____

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