



Board of Examiners in Optometry
PO Box 513
Wall, SD 57790
sdoptboard@goldenwest.net
Telephone: (605) 279-2244
Website: <http://optometry.sd.gov>

AGENDA

March 25, 2019
Tieszen Law Office Conference Room
306 East Capitol Ave, Ste 300
Pierre, SD 57501
8:30 a.m. (CST)

1. Attendance
2. Approval of Agenda
3. Board Member Request for Conflict Waiver
4. Approve minutes from the regular meeting on August 17, 2018, telephonic meeting on October 29, 2018, and telephonic meeting on February 21, 2019.
5. Treasurer's Report
6. Board review and approve CE courses
7. Old Business
 - a. National and State Issues Monitored
 - Board Certification
 - Injections
 - Tele-Medicine
 - Lasers
 - PDMP
8. New Business
 - a. Licensing
 - b. Procedural Codes
 - c. Administrative Rule/Legislative Updates
 - d. Contracts
 - e. Pharmacy Board Database Integration
 - f. Administrative Rule and Statute Review
 - g. Intense Pulsed Light
 - h. Law and Ethics Exam Applicant Protocol
 - i. Forms
 - j. VOSH Request for Temporary Licensure & Special CE Consideration
9. Public Comment
10. Time and place of next meeting
11. 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 at least 24 hours advance of the meeting to make any necessary arrangements.



South Dakota Board of Examiners in Optometry

Meeting Minutes

**August 17, 2018
8:30AM (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	
Denette Eisnach, OD	Absent	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present	Ann Meyer, Assistant Attorney General	
Scott Schirber, OD	Present		
Jamie Farmen, Consumer Member	Present		
		Guests	
		Deb Mortenson, South Dakota Optometric Society	

1. **Attendance:** President Dockter called the meeting to order at 8:30AM on August 17, 2018.

2. Approval of Agenda

Board Action: S Schirber moved to approve the agenda, seconded by A Haiar.

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

3. Board Minutes

Board Action: A Haiar moved to approve minutes from March 26, 2018, seconded by S Schirber.

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

4. **Financial Reports:** D Amundson presented the financial report for fiscal year 2018 through June 30, 2018, and the multi-year comparison report on pages 6-7 of the agenda packet.

Board Action: S Schirber moved to accept the financial report as presented, seconded by A Haiar.

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

5. **Board Review and Approve CE Courses:** Continuing education courses, submitted since the last meeting on March 26, 2018, were reviewed and approved by individual signature vote.

6. **Old Business:** Discussion was had regarding the five agenda items that have been continued to be monitored on state and national levels. The South Dakota Optometric Society

is monitoring national issues regarding contract issues between insurance companies and optometrists. Some states are addressing these issues legislatively. They are also monitoring these national issues. No further discussion. Continue to monitor and table until the next meeting.

7. New Business:

A. Licensing: Discussion was had regarding the current licensure approval process. This board would like to expedite the application process as much as possible for licensees. Since the board only meets twice per year, all license applications will either be approved at those bi-annual, in-person meetings or special telephonic meetings will be scheduled to expedite the process. These telephonic meetings will be in compliance with the State of SD's open meeting laws. Applications will also be assigned a number to be used to as a reference and this number will be the fiscal year that the application was received and the number of applicant for that year. For example: 19-1, 19-2, etc.

Discussion was also had regarding drafting an administrative rule regarding the process for denial of initial licensure. Naomi Cromwell will bring an initial draft of this rule to the next meeting.

If we are possibly going through the administrative rule process next year, it was also noted that further discussion may be taken up at the next meeting regarding the last sentence of 20:50:10:03.

Board Action: J Farmen moved to change the license approval process so that all licenses, whether endorsement or new graduate, will be approved during in-person meetings or, in an effort to expedite, specially scheduled telephonic meetings, seconded by S Schirber.

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

Board Action: D Amundson presented applications 19-1, 19-2 and 19-3 for review. J Farmen moved to approve endorsement license 19-1, seconded by S Schirber.

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

Board Action: J Farmen moved to enter into executive session at 9:30am pursuant to SDCL 1-25-2(3) to consult with legal counsel, seconded by A Haiar.

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

Board Action: At 10:11am executive session was declared as over. S Shirber moved to approve licenses 19-2 and 19-3, seconded by A Haiar.

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

B. Procedural Codes: No discussion or action taken.

C. Board Member Requests for Conflict Waiver: There were no requests for conflict waivers or action taken.

D. Code of Conduct: D Amundson presented the code of conduct drafted by the State of South Dakota as an informational item and requested that board members closely read the document so they are familiar with it. No action taken.

E. Administrative Rule/Legislative Updates: No discussion or action taken. Will continue to closely monitor.

F. ARBO Annual Meeting Update: D Amundson reported on her attendance at the Association of Regulatory Boards of Optometry's annual meeting that took place in Denver, Co, on June 16-19. The following were action items as a result of this report and discussion:

- 1) Since the board moved to make the SD Optometry Law and Ethics Exam open book, D Amundson, S Schirber and A Haiar will work together to review the exam for any recommended revisions. This revised draft will be presented at the next meeting.
- 2) The board may want to consider adding an opioid CE requirement. Continuing education rules will be reviewed at the next meeting.
- 3) D Amundson will working on drafting a new renewal document with criminal background questions that mirror the application. This draft will also be presented at the next meeting.

G. Spectacle Prescription: Discussion was had regarding whether or not the pupillary distance (PD) is part of a spectacle prescription that should be released to a patient. ARSD 20:50:04:06 will be reviewed at the next meeting. D Amundson will also find out how other states are handling this issue and report back at the next meeting. Tabled until next meeting.

H. Live Streaming/Recording Meetings: D Amundson reported that the Governor and Department of Health are strongly recommending that all boards make recordings of meetings available to the public. The board has two options for doing that. The first is moving the location of the meetings to rooms available in Pierre that have the equipment available through South Dakota Public Broadcasting. This board can use these rooms at no cost to them and a list of these locations was presented. The second option is for the board to record their own meetings and upload the digital file into the board portal managed by the State of SD. The board reached a general consensus that they would like to purchase their own recording device and continue to hold meetings in the Tieszen Law Office conference room. The equipment will be purchased and we will work through the process with the goal being to begin uploading these recordings by the summer meeting.

I. Online Renewal/Credit Card Payments: D Amundson reported that several of the other boards under the South Dakota Department of Health were updating their database systems to allow for online renewals and credit card payments. Even the most basic systems would be about \$20,000. Due to the limited funds available to this board, the consensus of the board was to not pursue this option at this time. No action taken.

J. PEPL Fund: D Amundson provided information shared by the State of SD regarding Public Entity Pool for Liability. No action taken.

K. Investigator Training: D Amundson reported on the Council on Licensure, Enforcement and Regulation (CLEAR) investigator training program that has been recommended by other state optometry boards. It would cost approximately \$2,000 to send our primary investigator and she indicated an interest in attending.

Board Action: A Haiar moved that, if Lisa Kollis-Young was interested in attending, the board should approve the funding for her to attend and cover travel expenses aligning with state rates for reimbursement. This would not include a stipend or hourly pay, seconded by J Farmen.

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

8. Public Comment: No public comment.

9. Time and Place of Next Meeting:

Next Meeting: Monday, March 25, 2019, 8:30AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

9. Adjournment:

Board Action: At 12:25pm, J Farmen moved to adjourn meeting, seconded by A Haiar.

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



South Dakota Board of Examiners in Optometry

Telephonic Meeting Minutes

October 29, 2018
8:00PM (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	
Denette Eisnach, OD	Present	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present		
Scott Schirber, OD	Absent		
Jamie Farnen, Consumer Member	Present		
		Guests	
		None	

*Naomi Cromwell was in person at the Tieszen Law Office, Pierre, SD. Tieszen Law office 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 8:00PM on October 29, 2018.

2. Approval of Agenda

Board Action: J Farnen moved to approve the agenda, seconded by A Haiar.

Dockter	YES	Schirber	ABSENT
Eisnach	YES	Farnen	YES
Haiar	YES	4 YES, MOTION CARRIED	

3. New Business

A. Licensing:

Board Action: At 8:02PM, J Farnen moved to go into executive session pursuant to SDCL 1-25-2 and 1-27-1.5(5) to review non-public records received in the course of the board's duties of examination of a potential license, seconded by A Haiar.

Dockter	YES	Schirber	ABSENT
Eisnach	YES	Farnen	YES
Haiar	YES	4 YES, MOTION CARRIED	

At 8:07PM, President Dockter declared the board out of executive session.

Board Action: A Haiar moved to approved application 19-4, seconded by D Eisnach.

Dockter	YES	Schirber	ABSENT
Eisnach	YES	Farnen	YES
Haiar	YES	4 YES, MOTION CARRIED	

4. **Public Comment:** There was no public comment.

5. Time and Place of Next Regular Meeting:

Next Meeting: Monday, March 25, 2019, 8:30AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

6. Adjournment:

Board Action: At 8:10PM, J Farmen moved to adjourn meeting, seconded by A Haiar.

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

DRAFT



South Dakota Board of Examiners in Optometry

Telephonic Meeting Minutes

February 21, 2019
6:30 PM (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	
Denette Eisnach, OD	Present	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present		
Scott Schirber, OD	Present		
Jamie Farmen, Consumer Member	Present		
		Guests	
		None	

*Naomi Cromwell was in person at the Tieszen Law Office, Pierre, SD. Tieszen Law office 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 6:35 PM on February 21, 2019.

2. Approval of Agenda

Board Action: J Farmen moved to approve the agenda, seconded by A Haiar.

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

3. New Business

A. Licensing:

Board reviewed application 19-6, which was a request to rescind a previous voluntary non-renewal and reinstate a license based on 20:50:02:08.

Board Action: S Schirber moved to approved application 19-6, seconded by D Eisnach.

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

Board Action: At 6:43 PM, D Eisnach moved to go into executive session pursuant to SDCL 1-25-2 and 1-27-1.5(5) to review non-public records received in the course of the board's duties of examination of a potential license, seconded by A Haiar.

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

At 6:58 PM, President Dockter declared the board out of executive session.

Board Action: D Eisnach moved to approved application 19-5, seconded by S Schirber.

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

4. Public Comment: There was no public comment.

5. Time and Place of Next Regular Meeting:

Next Meeting: Monday, March 25, 2019, 8:30AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

6. Adjournment:

Board Action: At 7:03 PM, J Farmen moved to adjourn meeting, seconded by A Haiar.

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

DRAFT

Remaining Authority by Object/Subobject

Expenditures current through 03/02/2019 10:50:33 AM

HEALTH -- Summary

FY 2019 Version -- AS -- Budgeted and Informational

FY Remaining: 33.2 %

09208 Board of Optometry - Info	Operating	Expenditures	Encumbrances	Commitments	Remaining	PCT AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	1,040	300	0	0	740	71.2
Subtotal	1,040	300	0	0	740	71.2
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	98	23	0	0	75	76.5
Subtotal	98	23	0	0	75	76.5
51 Personal Services						
Subtotal	1,138	323	0	0	815	71.6
TRAVEL						
5203030 Auto-priv (in-st.) H/rte	1,000	438	0	0	562	56.2
5203100 Lodging/in-state	300	235	0	0	65	21.7
5203140 Meals/taxable/in-state	300	0	0	0	300	100.0
5203150 Non-taxable Meals/in-st	200	96	0	0	104	52.0
Subtotal	1,800	769	0	0	1,031	57.3
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	750	750	0	0	0	0.0
5204050 Computer Consultant	1,000	280	1,325	0	-605	0.0
5204060 Ed & Training Consultant	4,000	4,000	0	0	0	0.0
5204080 Legal Consultant	23,300	9,288	15,988	0	-1,976	0.0
5204090 Management Consultant	34,000	27,636	8,486	0	-2,122	0.0
5204100 Medical Consultant	2,000	753	9,248	0	-8,001	0.0
5204180 Computer Services-state	426	62	0	0	364	85.4
5204200 Central Services	1,511	977	0	0	534	35.3
5204204 Central Services	302	179	0	0	123	40.7
5204207 Central Services	403	101	0	0	302	74.9
5204590 Ins Premiums & Surety Bds	600	0	0	0	600	100.0
Subtotal	68,292	44,026	35,047	0	-10,781	0.0
SUPPLIES & MATERIALS						
5205310 Printing-state	800	385	0	0	415	51.9
5205350 Postage	0	9	0	0	-9	0.0
Subtotal	800	394	0	0	406	50.8
52 Operating						
Subtotal	70,892	45,189	35,047	0	-9,344	0.0

Total	72,030	45,512	35,047	0	-8,529	0.0
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STATE OF SOUTH DAKOTA
 REVENUE SUMMARY BY BUDGET UNIT
 FOR PERIOD ENDING: 02/28/2019

AGENCY 09 HEALTH
 BUDGET UNIT 09208 BOARD OF OPTOMETRY

CENTER	COMP	ACCOUNT	DESCRIPTION	CURRENT MONTH	YEAR-TO-DATE	
COMPANY NO		6503				
COMPANY NAME		PROFESSIONAL & LICENSING BOARDS				
092080061817	6503	4293957	RENEWAL - OPTOMETRISTS	.00	72,060.88	
ACCT:	4293	BUSINESS & OCCUP LICENSING (NON-GOVERNMENTAL)		.00	72,060.88	*
ACCT:	42	LICENSES, PERMITS & FEES		.00	72,060.88	**
092080061817	6503	4595002	MISC INCOME COPIES LISTS	.00	500.00	
ACCT:	4595			.00	500.00	*
ACCT:	45	CHARGES FOR SALES & SERVICES		.00	500.00	**
092080061817	6503	4920045	NONOPERATING REVENUES	.00	838.34	
ACCT:	4920	NONOPERATING REVENUE		.00	838.34	*
ACCT:	49	OTHER REVENUE		.00	838.34	**
CNTR:	092080061817			.00	73,399.22	***
CNTR:	092080061			.00	73,399.22	****
CNTR:	0920800			.00	73,399.22	*****
COMP:	6503			.00	73,399.22	*****
B UNIT:	09208			.00	73,399.22	*****

STATE OF SOUTH DAKOTA
CASH CENTER BALANCES
AS OF: 02/28/2019

AGENCY: 09 HEALTH
BUDGET UNIT: 09208 BOARD OF OPTOMETRY

COMPANY	CENTER	ACCOUNT	BALANCE	DR/CR	CENTER DESCRIPTION
6503	092000061817	1140000	84,138.02	DR	BOARD OF OPTOMETRY
COMPANY/SOURCE TOTAL 6503 618			84,138.02	DR *	
COMP/BUDG UNIT TOTAL 6503 09208			84,138.02	DR **	
BUDGET UNIT TOTAL 09208			84,138.02	DR ***	

Subobject	Description	FY11 Actual	FY12 Actual	FY13 Actual	FY14 Actual	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY18 Actual
	Salaries									
5101030	Board & Comm Members	480	960	720	720	660	780	900	660	300
5102010	OASI-Employer's	41	76	56	55	51	61	69	50	23
5203010	Auto-State									
	Board Member Travel	826	1,004	1,268	996	855	1,229	1,002	1,467	769
	*Includes: Auto, Meals, Lodging									
5204020	Dues & Memberships	750	750	750	750	750	750	750	750	750
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	280
5204100	Medical Consultant (investigator)			2,375	-	-	360	2,140	-	753
5204080	Legal Consultant	9,573	7,218	25,953	25,482	16,949	12,623	30,665	26,376	9,288
5204090	Management Consultant	21,573	24,390	28,974	25,960	28,588	31,703	33,924	34,541	27,636
5204180	Computer Services- State							213	158	62
5204200	Central Services	598	636	681	778	802	828	1,125	1,115	977
5204203	Central Services	8								
5204204	Central Services	113	128	199	261	233	192	192	199	179
5204207	Central Services	201	220	111	319	208	242	293	230	101
5204960	Other Contractual		88							
5205310	Printing-State	96			483		1048	0	0	385
5204590	Ins Premiums & Surety Bds	-	975	470	750	740	380	335	815	-
5205350	Postage		9				36	0	0	9
5207905	Computer	-				1868	0	0	0	0
5207451	Office Furniture and Fixtures		850				0	0	0	0
	Total Expenses	38,259.00	41,304.00	69,356.00	63,367.00	56,110.00	55,827.00	75,783.00	70,711.00	45,512.00
	TOTAL REVENUE	50,824.22	53,104.77	52,660.58	54,109.40	54,491.16	71,403.85	72,734.74	73,801.78	73,399.22
		12,565.00	11,801.00	-16,695.00	-9,258.00	-1,618.84	15,576.85	-3,048.26	3,090.78	27,887.22



Board of Examiners in Optometry
PO Box 513
Wall, SD 57790
sdoptboard@goldenwest.net
Telephone: (605) 279-2244
Website: <http://optometry.sd.gov>

FY18 CONTRACT SUMMARY

- **Tieszen Law Office- Legal Services**
 - \$150/hour
 - Not to exceed \$25,000

- **South Dakota Optometric Society- Education Services**
 - \$4,000 per year

- **BPro- Database Services**
 - \$70/hour
 - Not to exceed \$1,500

- **Scott Kennedy- Investigative Services**
 - \$90/hour
 - Not to exceed \$5,000

- **Lisa Kollis-Young- Investigative Services**
 - \$90/hour
 - Not to exceed \$5,000

- **Deni Amundson- Administrative Services**
 - Salary- \$1,775/month
 - Rent- \$400/month
 - Office and travel expenses reimbursed, not to exceed \$7,000
 - \$3,062 for professional liability insurance
 - Not to exceed \$36,162.50.

From: Shanard-Koenders, Kari [<mailto:Kari.Shanard-Koenders@state.sd.us>]
Sent: Wednesday, March 06, 2019 1:04 PM
To: Hansen, Margaret <Margaret.Hansen@state.sd.us>; Damgaard, Gloria <Gloria.Damgaard@state.sd.us>; 'brittany@sdboardofdentistry.com' <brittany@SDBoardofDentistry.com>; sdoptboard@goldenwest.net; proflic@rushmore.com
Cc: DeNoon, Melissa <Melissa.DeNoon@state.sd.us>; Houg, Melanie <Melanie.Houg@state.sd.us>; Sporrer, Susan <Susan.Sporrer@state.sd.us>
Subject: FW: License Integration with Boards

Hello Fellow Board Execs,

Hope you are well and tolerating this long cold snowy winter. If we all think Spring perhaps it will come soon!

I am writing to request that your office work in partnership with the Board of Pharmacy in its management of the SD PDMP in an exciting new project. As most of you know, we verify the license of every practitioner and licensed delegate who completes an application for a PDMP account, prior to granting them access to the database. We then re-verify these on a regular basis to ensure that only those who are appropriate have access to this confidential database. This process has all been accomplished manually for the seven years that the PDMP has been operational. And now that we have most prescribers signed up, this is a huge task. Your web sites have been a great help to us, but now we would very much like to automate the process.

We seek to gain a great deal of efficiency if we can link to your database through a system designed by our vendor, Appriss. They have been doing this in other states with great success. I have attached the types of licenses which would be affected for each Board. We will be to requesting the fields you capture for each type of license. I have also attached two scenarios (Options for Verifications) which can be provided to your office licensing vendors or your IT savvy staff who could assist in making this happen.

This should not require a huge time commitment for you or your staff; however, there are a few items to review prior to set up and go live. Our vendor would like to have a call with you and/ or a representative from your office on **March 22, 2019 at 1pm CDT to discuss**. We humbly ask that you please provide us with this point person in your office to work with us on this project so that we can invite them to the call. Invitation will be forthcoming to both you and your designated staff person.

Please let me know if you have any questions or concerns.

1 **20:50:02:04.03. Endorsement certification** An applicant for licensure by endorsement must
2 submit the application form and fee of \$175 and meet all of the following conditions:

3 (1) Be licensed in good standing to practice optometry in a state or territory under U.S.
4 jurisdiction that required passage of a written, entry-level examination at the time of initial
5 licensure;

6 (2) Be licensed at ~~the highest~~ a level of prescriptive authority that, in the judgment of the
7 board, is equal to or higher than the highest possible level in that jurisdiction ~~this state~~;

8 (3) Have been actively engaged in the practice of optometry, including the use of
9 therapeutic pharmaceutical agents, for at least five consecutive years immediately preceding
10 making application under this section;

11 (4) Have submitted directly to the board all transcripts, reports, or other information the
12 board requires; and

13 (5) Pass the written examination regarding the optometry laws and administrative rules
14 governing optometrists in the state.

15 The candidate must request any optometry licensing agency of any U.S. jurisdiction in
16 which the applicant is licensed or has ever been licensed to practice optometry to provide reports
17 directly to the board describing current standing and any past or pending actions taken with
18 respect to the applicant's authority to practice optometry in those jurisdictions, including such
19 actions as investigations, entering into consent agreements, suspensions, revocations, and
20 refusals to issue or renew a license. Any application received from an optometrist who has been
21 sanctioned by revocation of license by another optometric licensing jurisdiction shall be
22 reviewed on a case by case basis by the board.

23 The board retains the authority to require additional education, testing, or training prior to
24 granting licensure under SDCL 36-7-13 when the competency of any applicant is in question.

1 Any applicant who has previously been denied a license by the board shall apply for and meet all
2 initial licensure requirements.

3 **Source:** 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective November 10, 1985; 12
4 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 35, effective August 30, 1994; 31 SDR
5 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 34 SDR 323, effective July
6 2, 2008.

7 **General Authority:** SDCL 36-7-13, 36-7-15(3), 36-7-15.1, 36-7-15.2, 36-7-15.3, 36-7-31.

8 **Law Implemented:** SDCL 36-7-13, 36-7-15.1, 36-7-15.2, 36-7-15.3, 36-7-31.

9 **Cross-Reference:** Passing grade, § 20:50:02:06.01.

10 **New Proposed Rules**

11 **20:50:02:07.01. Initial review.** Upon receipt of an initial application for a certificate of
12 registration, the executive secretary shall review to determine if the applicant has submitted all
13 required documents, information, fees, and other materials. The executive secretary shall notify
14 the applicant of any materials missing from the application. The applicant has 120 days from the
15 date of notice to provide the information intended to complete the application.

16 **Source:**

17 **General Authority:** SDCL 36-7-15(1),(3).

18 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

19

20 **20:50:02:07.02. Incomplete application.** If an applicant fails to submit required materials
21 within 120 days of notice that materials are missing from the application, the executive secretary
22 may designate the application as withdrawn. The executive secretary shall notify the applicant if
23 an application is designated as withdrawn. Upon receipt of a written request showing good

1 cause, the executive secretary may allow the applicant additional time to complete the
2 application.

3 The executive secretary's designation of an application as withdrawn may be appealed to the
4 board by written notice filed with executive secretary within ten days after notice of withdrawal
5 by the executive secretary. If no timely appeal to the board is filed, the executive secretary's
6 designation of an application as withdrawn remains.

7 **Source:**

8 **General Authority:** SDCL 36-7-15(1), (3).

9 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

10

11 **20:50:02:07.03. Processing applications.** The executive secretary shall initiate processing of
12 complete applications after receiving documentation from primary sources to verify that the
13 applicant has met the requirements of applicable statutes and regulations.

14 **Source:**

15 **General Authority:** SDCL 36-7-15(1), (3).

16 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

17

18 **20:50:02:07.04. Summary action on application.** The executive secretary may summarily
19 deny an application based upon documents received that demonstrates that the applicant has not
20 met the requirements of applicable statutes and regulations. The executive secretary shall notify
21 the applicant in writing of any summary action taken by the executive secretary. The executive
22 secretary's summary action may be appealed to the board by written notice filed with the
23 executive secretary within ten days after notice of the action taken by the executive secretary. If
24 no timely appeal is filed, the executive secretary's action shall be deemed final board action.

1 **Source:**

2 **General Authority:** SDCL 36-7-15(1), (3).

3 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

4

5 **20:50:02:07.05. Investigation of application.** The executive secretary may determine that the
6 information disclosed in an application or primary source documentation requires investigation
7 to determine whether the applicant meets the qualifications or standards for issuance of a license.
8 The executive secretary may conduct that investigation, or may provide the matter to the board
9 investigator for investigation. The executive secretary shall notify the applicant of any issues the
10 executive secretary has determined require investigation.

11 **Source:**

12 **General Authority:** SDCL 36-7-15(1), (3).

13 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25.

14

15 **20:50:02:07.06. Executive secretary determination.** Upon completion of the review of an
16 application and any associated investigation, the executive secretary may:

- 17 (1) Summarily issue a license if the applicant meets the standards and requirements for
18 licensure established by the applicable statutes or regulations;
19 (2) Recommend the board issue the license upon specified terms and conditions; or,
20 (3) Recommend the board deny the license.

21 Any application for licensure for which the executive secretary recommends the license be
22 issued upon specified terms and conditions or that the board deny the license shall come before
23 the board for final determination. Any such final determination is subject to appeal pursuant to
24 SDCL 1-26. The proposed decision of the Office of Hearing Examiners in a contested case

1 hearing contesting the final determination of the board under this section will become final
2 without further agency action unless, within 30 days the board determines that the proposed
3 decision should be reviewed or a party to the proceeding files a petition for administrative review
4 of the proposed order. Upon occurrence of either event, notice shall be given to all parties to the
5 proceeding.

6 **Source:**

7 **General Authority:** SDCL 36-7-15(1), (3).

8 **Law Implemented:** SDCL 36-7-11, 36-7-12 ,36-7-12.1, 36-7-12.2, 36-7-13, 36-7-24, 36-7-25,
9 1-26D-7.

10 **End New Section**

1 **20:50:02:08. Annual renewal fees.** The annual renewal fee for licensed optometrists is \$300 if
2 paid by the first day of October of each year. The additional fee for reinstatement after a default,
3 pursuant to SDCL 36-7-20, is \$100 for each calendar month the fee is late, up to a maximum of
4 twelve months, after which a licensee may be renewed only where, in the discretion of the board,
5 good cause is shown for the delinquency.

6 An optometrist who has not actively practiced for a period of greater than one year, but
7 no more than three years, may at the discretion of the board be reinstated upon a showing of
8 good cause, payment of the renewal fee for each year of absence, and upon providing proof of
9 being current on all continuing education requirements.

10 **Source:** 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective
11 July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005;
12 32 SDR 225, effective July 5, 2006; 41 SDR 109, effective January 12, 2015.

13 **General Authority:** SDCL 36-7-20.

14 **Law Implemented:** SDCL 1-26-6.9, 36-7-20.

1 **20:50:04:06. Optometrist to write and release prescription -- Requests for medical**
2 **records.** If a patient for whom an optometrist has prescribed spectacle lenses so requests, the
3 optometrist shall write out the prescription and deliver a copy of it to the patient. A spectacle lens
4 prescription expires on the date specified by the prescriber, based upon the medical judgment of
5 the prescriber with respect to the ocular health of the patient. If a prescription expires in less than
6 one year, the reasons for the expiration date must be documented in the patient's medical record.
7 No prescriber may specify a prescription expiration date that is earlier than the date a
8 reexamination of the patient that occurs prior to the time recommended by the prescriber for a
9 ~~reexamination of the patient that~~ is medically necessary. Requests for medical records are
10 governed by SDCL 36-2-16.

11 **Source:** SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 78, effective
12 November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 44 SDR 99, effective
13 December 11, 2017.

14 **General Authority:** SDCL 36-7-15.

15 **Law Implemented:** SDCL 36-7-1, 36-7-15(3).

1 **20:50:10:03. Expiration of contact lens prescription.** A contact lens prescription expires:

2 (1) Not less than one year after the issue date of the prescription; or

3 (2) On the date specified by the prescriber, based upon the medical judgment of
4 the prescriber with respect to the ocular health of the patient.

5 If a prescription expires in less than one year, the prescriber shall document the reasons
6 for that expiration date in the patient's medical record. No prescriber may specify a prescription
7 expiration date that is earlier than the date a reexamination of the patient occurs prior to the time
8 ~~recommended by the prescriber for a reexamination of the patient that~~ is medically necessary.

9 **Source:** 44 SDR 99, effective December 11, 2017.

10 **General Authority:** SDCL 36-7-15(3).

11 0061&

12 **Law Implemented:** SDCL 36-7-1.

1 **20:50:08:02. Acceptable courses of study.** The board shall approve, at each annual meeting, a
2 list of acceptable out-of-state courses of study that may be taken in lieu of courses provided
3 within the state. In addition, other meetings and seminars either within or without the state may
4 be approved in advance by the board. A request for advance approval must be made at least 15
5 days before the meeting or seminar. The Secretary of the State Board of Examiners in Optometry
6 may give advance approval after consulting with the board president, which will be conditional
7 and contingent upon final approval by the board. The board may approve out-of-state courses if
8 they are substantially equivalent to those offered in the state. The board may approve courses on
9 the following subjects or similar suitable subjects as determined by the board;

- 10 (1) Binocular vision and perception;
- 11 (2) Pathology;
- 12 (3) Contact lenses;
- 13 (4) Pharmacology;
- 14 (5) Low vision;
- 15 (6) Vision training or vision therapy;
- 16 (7) Pediatric vision care;
- 17 (8) Geriatric vision care;
- 18 (9) New instrumentation and techniques;
- 19 (10) Public health and optometric care;
- 20 (11) Optometric examinations, diagnosis, and treatment; and
- 21 (12) Patient protection and compliance issues.

22 A continuing education program on the above or similar suitable subjects as determined by the
23 board that has been approved by the Council on Optometric Practitioner Education (COPE) is
24 considered approved by the board.

1 **Source:** SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155,
2 effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24,
3 2016.

4 **General Authority:** SDCL 36-7-15(4).

5 **Law Implemented:** SDCL 36-7-20.1, 36-7-20.2.

6

7 **20:50:08:04. Obtaining evidence of compliance.** To show compliance with educational
8 requirements each registered optometrist shall obtain evidence of attendance or completion from
9 the sponsoring organization for each course. Documentation must show the date of attendance or
10 completion of the course, the ~~speaker or instructor~~ title of the course, the COPE identification
11 number, if applicable, the location of the course or the medium used for instruction, and the
12 hours in attendance or required for completion. The evidence of compliance must accompany the
13 registrant's application for renewal of license.

14 **Source:** SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155,
15 effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24,
16 2016.

17 **General Authority:** SDCL 36-7-15(4).

18 **Law Implemented:** SDCL 36-7-20.1, 36-7-20.2.

1 **20:50:11:02. Professional corporation -- Admitting shareholder.** ~~At least~~ No later than 30
2 days ~~before admitting a new shareholder or member~~ after a change in membership or
3 shareholders, the corporation shall notify the board in writing of ~~its intention~~ the change,
4 indicating the identity, licensure status, and residence address of ~~the~~ any new shareholder or
5 member.

6 **Source:** 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1,
7 1986.

8 **General Authority:** SDCL 47-11B-23.

9 **Law Implemented:** SDCL 47-11B-3.

36-7-3. Composition of Board of Examiners--Qualifications of members--Terms of office--Persons ineligible for membership. The State Board of Examiners in Optometry consists of four members appointed by the Governor, three of whom shall be fully qualified and licensed to prescribe and administer diagnostic and therapeutic pharmaceutical agents under this chapter. Each member shall have been a resident of this state actually engaged in the practice of optometry at least five years preceding the appointment. The term of each member is three years commencing on July first. The Governor shall, by appointment, fill any vacancy. No member may serve more than three consecutive full terms. The appointment of a person to an unexpired term is not considered a full term. No member of any optical school or college, or instructor in optometry, or person connected therewith, or any jobber or jobber's representative, is eligible for the board

36-7-14. Recording of certificate of registration. Before any certificate of registration is issued it shall be numbered and recorded in a book kept in the office of the board and its number shall be noted upon the certificate.

36-7-15.1. Rules to ensure competence to administer topical agents. The State Board of Examiners in Optometry shall adopt rules pursuant to chapter 1-26 to specify additional educational qualifications and to ensure professional competence by those practitioners who apply to the board for a certification enabling them to prescribe and administer diagnostic and therapeutic topical pharmaceutical agents as described in § 36-7-1. The board shall, by rules promulgated pursuant to chapter 1-26, establish separate educational and examination requirements for the certification of optometrists for both diagnostic and therapeutic agents. The board shall make available annual, substantial, in-state pharmaceutical education for licensed optometrists. The initial educational requirements before certification are at least one hundred fifty classroom hours and at least forty hours of clinical experience in pharmaceutical education dealing with diagnosis and treatment of ocular disease. The board shall require a minimum of five hours of continuing pharmaceutical education annually for each optometrist certified for therapeutic agents.

36-7-15.3. Certification for use of therapeutic drugs--Examination. The board, in certifying optometrists for the use of therapeutic drugs, shall require that all applicants before certification either have taken and successfully passed the treatment and management of ocular disease portion of the National Board of Examiners in Optometry test or have taken and successfully passed an examination prepared or certified by the board as covering all areas of pharmacological education provided to graduates of accredited optometric colleges. The South Dakota State University School of Pharmacy may assist the board in the formulation or administration of the examination of optometrists for competency in therapeutic drugs.

36-7-20.4. Certificate of compliance with continuing education requirements--Exemptions. Each licensed optometrist residing in or in active practice within the State of South Dakota shall, on or before September first in the third year after his initial licensure, and every third year thereafter, certify on forms provided by the Board of Examiners in Optometry that he has complied with §§ 36-7-20.1 and 36-7-20.2. This provision shall not apply to any licensee serving in the armed forces during any part of the thirty-six months preceding the certification nor to any licensee submitting proof that he was suffering from a serious or disabling illness or physical disability which prevented his attendance at any qualified

educational program within the State of South Dakota during the thirty-six months immediately preceding the certification.

36-7-21. Remission of annual fee while in **military service**. The Board of Examiners shall have power to remit the license fee of all registrants while on **active duty in the armed forces of the United States**.

36-7-27. Reinstatement of certificate after revocation. After one year and upon application and proof that the disqualification has ceased the Board of Examiners may reinstate a person whose certificate has been revoked, if no other basis for denial of the license exists.

COPE Jurisdiction Usage Report

Jurisdiction	Required CE hours	Renewal Period	Pharmacology/ Ocular Disease	Internet/ Correspondence	Practice Mgmt.	Jurisprudence	CPR	Other Req 1	Other Req 2
AL	20 TPA 14 non-TPA	1 year	TPA 10 hours	Up to 3 hours	Up to 3 hours				
AK	36	2 years	24 hours	Up to 9 hours	Up to 3 hours			7 hours of Injection education and 8 hours of Use and Prescription of Pharmaceutical Agents. Can be included in the 36 hours of CE.	Approved 23-Hour Online course through Pacific University College of Optometry
AR	20 TPA 12 non-TPA	1 year	at least 10	Up to 4 hours*		Up to 1 hour**	required- no credit given	*Up to 8 hours may be a COPE interactive (Internet Course) but only 4 of those can be correspondence	**Arkansas Jurisprudence course must include the study of the Arkansas Statutes and Regulations of the Board governing the practice of optometry. Said jurisprudence course must be pre-approved by the Board in order to meet the one hour requirement of continuing education
AZ	32	2 years	4 hours	Up to 12 hours	Up to 4 hours			The board shall require continuing education on the subject of pharmaceutical use for doctors who are authorized by the board to prescribe, dispense, and administer pharmaceuticals. The board may waive or adjust the continuing education requirements for good cause shown.	No more than one hour of approved continuing education is claimed for each day of instruction in a course of study approved under R4-21-207 to a maximum of four hours; and no more than four hours of approved continuing education are claimed for publishing or presenting a paper, report, or book that deals with current developments, skills, procedures, or treatments related to the practice of the profession of optometry.
CA	50 TPA 40 non-TPA	2 years	Pharmacology, Ocular Disease or Glaucoma 35 hours TPA	Up to 20 hours	Not accepted.			Licensed optometrists that are glaucoma certified are required to complete 10 hours of glaucoma specific continuing education every license renewal period. These 10 hours shall be part of the 35 hours on the diagnosis and treatment and management of ocular disease	
CO	24	2 years		Up to 8 hours	Not accepted.			One hour of CE credit may be obtained for every two hours of observation at a clinical facility which specializes in eye care that is staffed by professors or adjunct professors from optometry or ophthalmology at accredited optometry or medical schools. Only 4 hours of CE may be earned by this method in each 24-month cycle. Drug companies sales pitches are not acceptable, study groups are also not acceptable.	Internet CE must be COPE approved.
CT	20	1 year	6 hours pathology, detection of diabetes and ocular treatment and 6 hours in treatment using ocular agents-T	Up to 6 hours	Up to 6 hours		not required- credit given	The Board does not approve CE courses, pre approve specific coursework for individual licensees or maintain a list of CE courses	
DC	36	2 years	Ocular Therapy 6 hours TPA	Up to 9 hours	Up to 2 hours		optional- no credit given	The Board may approve the following as CE- serving as an instructor or speaker at a conference, seminar, workshop, or in-service training and publishing a book or a chapter in a book, or publishing a book review, article or abstract in a professional journal or bulletin.	
DE	30 TPA 12 non-TPA	2 years	TPA 20 hours		Up to 6 hours		TPA: CPR must be kept current but no credit given	COPE-Accredited Self-Reported Study may include: Reading of Optometric journals Optometric tape journals. Optometric audiovisual material. Other materials given prior approval by the Board. Proof of completion from the sponsoring agency is required for credit. Maximum of 2 hours non-TPA, 4 hours TPA	

COPE Jurisdiction Usage Report

FL	30	2 years	6 hours CEE - Ocular Disease or Pharmacology or Ocular Pharmacology	Up to 2 hours	2 hours in medical errors and 2 hours in Florida laws and rules	Up to 2 hours*	Practitioner may earn 2 hours in Florida jurisprudence by attending a meeting of the Board for no less than 4 continuous hours.	*CPR must be with American Red Cross or Heart Association	
GA	36	2 years	18 hours required for pharmacology and pathology as related to ophthalmologic conditions.	Up to 10 hours	Up to 10 hours	1 hour	not accepted	Grand Rounds CE not to exceed 8 hours, 2 hours for 1 hour credit. Medical Colleges in GA - up to 10 hours for Ophthalmologic related courses.	All CE hours must be registered on the ARBO OE Tracker program
HI	36 TPA 32 non-TPA	2 years	TPA up to 36 hours DTMOD	Up to 9 hours TPA Up to 8 hours non-TPA	Board approved				
ID	18 TPA 12 non-TPA	1 year	TPA 6 hours	Up to 6 hours			required- no credit given	Excess continuing education hours, not to exceed 6 hours, accumulated during the 12 months immediately preceding a license renewal may be applied toward meeting the continuing education requirement for the following license renewal. Excess hours may be used only during the next renewal period and may not be carried forward more than one year.	*Effective Jan. 1, 2017- timeframe for obtaining CE will be based on a calendar year.
IL	30	2 years		Up to 4 hours	Up to 4 hours		Up to 2 hours	12 hours CEE	Up to 12 hours Verified Teaching of students at an approved Optometry School. Up to 12 hours for papers prepared and delivered before recognized optometric organizations, papers published in nationally recognized optometric journals, or a chapter in a book of optometry
IN	20	2 years	Up to 20 hours	Up to 8 hours	2 hours ***Two hours of CE must be in medical charting, billing and coding, healthcare compliance of compliance with federal or IN state laws or regulations biennially.	See Practice Management	Up to 2 hours	Self-study CE limited to 8 hours biennially.	20 hours CE if hold an optometric legend drug certificate acquired before April 1, 2016. 10 hours CE if issues a legend drug certificate between April 1, 2014 and April 1, 2015.
IA	50	2 years	20 hours ocular disease 20 hours related systemic disease	Up to 10 hours	6 hours		Current CPR certification offered in person by the American Heart Association, American Red Cross, or an equivalent. At least 2 hours per biennium is required, but credit will be granted for 4 hours.	2 hours in Dependent Adult and Child Abuse Identification. Proof of current CELMO certification OR 40 hours from COPE Category B hours COPE Category C with a minimum of 14 hours in each category and 10 additional hours required from any of the COPE Categories A, B, C, and D. Hours obtained in Category D may not exceed 6 hours of the total continuing education hours requirement.	
KS	48*	2 years	Ocular pharmacology 5 hours	Up to 8 hours	Up to 4 hours yearly			*24 hours required each year.	Up to 4 hours of rhte 24 annually may be obtained from observing ophthalmic surgery
KY	15 TPA, 20 if ETP 8 non-TPA	1 year	7 hours TPA	Up to 5 hours	Up to 2 hours		optional- no credit given	A one-hour HIV-AIDS course, approved by the KY Cabinet for Health and Family Services, is required prior to the 1st renewal of a license. An approved one-hour HIV-AIDS course will be required of all licensees for 2020 license renewal.	All optometrists that have a DEA number, must register with KASPER (KY All Scheduled Prescriptions Electronic Reporting) and take a 2 hours of credit annually in pain management or addiction disorders

COPE Jurisdiction Usage Report

LA	12 hours non-TPA, 16 hours TPA	1 year	8 hours TPA	Up to 2 hours			not required- no credits given		
ME	25	1 year	Pharmacology or Ocular Disease 15 hours		Up to 2 hours				
MD	50 TPA, 36 DPA and non-certified	2 years		Up to 20 hours	Up to 4 hours	Optometric Ethics, Maryland Optometric Jurisprudence: up to 4 hours	Up to 3 hours TPA and DPA	30 of 50 TPA hours must be therapeutic. 6 of 36 DPA hours must be diagnostic. Up to 6 hours clinical observation. Up to 4 hours for attendance at regular session Board meetings.	Presenters of courses, seminars and lectures: up to 12 hours, Published Papers: Up to 9 hours. Pro bono work- 1 hour for every 3 hours of approved CE with max of 6 hours
MA	18	1 year		Up to 4 hours	Up to 6 hours*			* Up to 6 hours in CPR, child abuse recognition, infection control, PM, office procedures, record keeping, legislation or optometric statutes and regulations	
MI	40	2 years	20 hours TPA or DPA	Up to 20 hours	Up to 9 hours			1 hour Pain and symptom management	
MN	40	2 years		Up to 15 hours	Up to 6 hours			Up to 7 hours volunteer services	
MS	20	1 year	10 hours if TPA	Up to 4 hours (also includes self-study)	Up to 4 hours		up to 4 hours	14 of the 20 hours reported must be accredited by COPE OR taken at a national, regional or state conference or at a school of optometry/teaching institution	
MO	32	2 years		Up to 15 hours			not required- only given credit if given by a Board approved sponsor		
MT	36	2 years		Up to 12 hours	Up to 4 hours			CE taken online must be affiliated with the Board's approved providers.	
NE	44	2 years		Up to 8 hours	Up to 4 hours		up to 2 hours	Education provided by a business entity for the purpose of promotion of their products or services is not acceptable.	
NV	30 TPA 18 DPA	1 year	15 hours TPA	Yes- All hours may be	Up to 5 hours		not required- no credits given		
NH	50 TPA 15 non-TPA	1 year	Ocular Disease TPA 20 hours Class I, remainder Class II. Total hours Non-TPA=15 Class I.		Up to 3 hours		3 hours	Glaucoma 10 hours TPA	
NJ	50	2 years	30 hours Topical TPA, 10 hours Oral TPA.	Up to 20 hours	Up to 10 hours		Up to 6 hours	Allow up to 20 carry over hours into next biennial period	
NM	22	1 year	10 hours	Up to 6 hours			required- no credit given	At least 1 hour must be in a Board approved course in pain management or related topic.	
NY	36 TPA	3 years		Up to 9 hours if interactive	not accepted			all registered optometrists practicing in New York State, regardless of what privileges he or she has, must complete a State approved infection control course every 4 years	
NC	25	1 year	Minimum 15 hours, must be deemed "Certified" by the Board.	Up to 6 hours	Up to 4 hours		yes	up to 12 hours awarded once every 2 years to licensees taking exams approved by the Board to assess CPDO.	
ND	50	3 years	25 hours	Up to 12 hours	Up to 12 hours		2 hours	Board will award 12 TPA hours for taking CPDO test through the NBEO	
OH	25	1 year	10 hours	Up to 10 hours	Up to 2 hours	Up to 2 hours	up to 3 hours	Up to 8 hours grand rounds or surgery observation.	
OK	18	1 year	5 hours	Up to 3 hours	Up to 3 hours			1 hour judicious prescribing	

COPE Jurisdiction Usage Report

OR	18	1 year	9 hours		Not accepted.	Not accepted.	Required, but not counted as CE credit.	1 hour of 'ethics' or "Oregon Law & Administrative Rules" 1 hour of ethics/law credit can be received for attending at least 1 hour of a Board meeting.	Up to 5 hours of live observation at an approved surgical facility
PA	30	2 years		Up to 7.5				Licensed for therapeutics only "T" license: at least 6 hours must be in therapeutics. *Licensed for therapeutics and glaucoma "G" license: at least 4 hours must be in glaucoma, and at least an additional 2 hours must be TPA.	clinical conferences, clinical rounds, or training under a preceptor through clinical hospitals, medical centers, schools, and colleges are acceptable and included in the 7.5 correspondence/internet
RI	20 TPA 16 non-TPA	1 year	10 hours if TPA						
SC	40	2 years	16 hours	Online ONLY- no correspondence or video/audio*	None accepted	Up to 4 hours**	Initial CPR certification is 4 hours. Renewal of CPR certification is 2 hours.	*COPE approved online courses automatically accepted. Non-COPE online courses must be pre-approved by the Board.	**Up to 8 hours from courses sponsored by local optometric society groups and private businesses/organizations such as physicians, optometrists and optical industry shows. Four of the 8 hours may be for courses that are not limited to the practice of optometry including HIPAA, Medicare, Medicaid and ethics and jurisprudence. Additional hours from this category of sponsors may be approved if COPE or given by a member of the State Board of Examiners of Optometry from the state where the course is offered.
SD	45	3 years	5 hours per year	Up to 4 hours	Up to 4 hours		1 hour	Surgical Ophthalmologist Observation-1 hour for every 2 hours with a maximum of 4 hours	Video/Recorded Webinars/ Teleconference- 2 hours max Live Webinars-must state "live" on certificate-4 hours max
TN	30	2 years	20 hours	Up to 12 hours	Up to 6 hours	Up to 6 hours	1 hour required*	*In order to obtain initial CPR certification, it is the policy of the Board to require each licensee to attend a live, in-person course approved or offered by the American Heart Association, the American Red Cross, or other board-approved entity Those with a DEA license must complete at least 2 hours related to controlled substance prescribing every renewal period SCO and TAOP offer the only courses that qualify for this credit	Clinical grand rounds must be submitted to the Board for pre-approval and count as 1 hour for every 2 hours of attendance for a max of 6 hours
TX	16	1 year	6 hours	Up to 8 hours				A one hour course in professional responsibility is required to renew.	Up to 4 hours of grand rounds (.5 credit per hour)
UT	30	2 years					Up to 2 hours		
VT	40 TPA 20 non-TPA	2 years	20 hours TPA	Up to 10 hours*	None accepted			*Up to 2 hours home study	
VA	16	1 year	2 hours	Up to 16 hours	None accepted		Up to 2 hours	Total of 14 hours directly related to Patient care. 2 Hours can be record keeping for patient care.	
WA	50	2 years		Up to 25 hours	Up to 10 hours		not required- no credits given	Being published or exhibiting can early up to 10 hours. Teaching a course is up to 3 hours. CE from non-optometric organizations can be up to 20 hours.	
WV	43	2 years	12 hours	Up to 10 hours	Up to 6 hours		Required if holding an injectables certificate- 3 hours (AHA or ARC)	Those who hold a pharmaceutical certificate must complete at least 12 hours in ocular pathology and therapeutic pharma agent. Those who hold an injectables certificate must complete 2 hours in administration of pharma agents through injection.	3 hours drug diversion training
WI	30	2 years			Up to 6 hours*			A minimum of 7 of the 30 hours must be in glaucoma education.	*No more than 6 hours total per biennium may be claimed for courses related to contact lens, functional vision, general optometry, low vision, jurisprudence and practice management.
WY	40	2 years	15 hours Systemic therapies TPA	Up to 6 hours COPE only	Up to 6 hours		not required	Duplicate courses not accepted.	

Query: How to the states handle pupillary distance requests?

State	Response
AL	
AK	
AZ	In Arizona, a PD is not required to be written on a prescription; we removed the requirement from our law in 2016. However, it should be provided at the same visit if requested by the patient. If a patient simply wants a PD and nothing else, in Arizona, it is prohibited to be provided by the O.D. without an examination as it would violate the laws/rules regarding a "complete and comprehensive" eye exam. Secondly, it is not well received within the profession to provide just a PD as the liability would be with the doctor who provides it, so if the eyeglasses don't sit/fit properly (which they won't), the complaint comes to the licensee. As far as handling complaints from patients about an O.D. not providing a PD, if they call the Board office, it is explained that the law does not require the doctor to do so and that the patient should ask the Dispensing Optician to provide it, as they are far better at measuring the PD than the doctor. If a written complaint comes in, it is processed like all other complaints and usually dismissed due to lack of violation of the Arizona Optometric Practice Act.
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IN	
IA	
KS	Kansas does have the PD as a requirement in the regs. The phone calls that I usually get are from Wal-Mart and it just takes a phone call to the OD to remind them that it is required. So far I have not had any calls from patients. KAR 65-8-4. Content of prescription. (a) Any prescription issued by a licensee for spectacle lenses shall include: (1) the sphere power; (2) the cylinder power; (3) the axes location; (4) the prism power and base direction; (5) the type, size, and power of multifocal; and (6) the interpupillary distance, far and near. (b) No prescription for spectacle lenses shall include instructions to obtain the specifications from existing lenses without examination.
KY	
LA	
ME	
MA	
MD	
MI	No laws or rules regarding this. I'm not aware of any complaints by patients.
MN	
MS	
MO	
MT	As far as I am aware, there has not been any requests for this and we do not currently address it in our laws and regulations.
NE	
NH	
NJ	
NM	
NY	There isn't a particular pertaining to PD's for Optometry however; taking a PD isn't part of an examination. In NYS the PD is taking at a face-to-face visit with a dispenser.
NC	
ND	North Dakota has not addressed it in law, however, we have sent out an opinion to our licensees that we feel it is part of the prescription and strongly recommend that it be included.
NV	Nevada optometrists are not required to provide PD information on spectacle lens prescriptions. Most charge an additional fee to provide a PD, and if the patient won't pay the fee, will not provide the PD. Others offer that measurement without charge.

OH	Pupillary distance—Since Ohio law does not specify the information required in a spectacle prescription, you would not have to perform this measurement during the examination, so it would not be required in the optical Rx. However, you should be cautioned , that if you do take this measurement as part of your examination or the measurement is taken as part of the ‘ophthalmic service’ by any of your staff, the PD would then be a part of the patient’s record and is subject to release. This is the guidance that we currently provide to optometrists and patients.
OK	Our law does not address this issue. With the increasing popularity of on-glasses, this needs to be addressed. I know that a lot of prescriptions that are released as mandated by FTC will not include the PD which is a part of the prescription. So the patient is receiving an incomplete prescription. The next step is for the provider of the glasses to measure the PD or make an arbitrary guess to complete the Rx. It’s my opinion that the prescription PD is part of the prescription and should be included when the prescription is released. Enforcement is the next issue. Another point to be made is the patient can measure his/her own PD with a mobile APP. There is no law in Oklahoma that says a patient cannot measure their own PD with the mobile APP. If I have a doctor refusing to offer the PD as part of the prescription, I ask them to provide the PD at no charge or explain their reason for refusal to the Board at the next Informal Board Hearing. The PD is part of the prescription and it is mandated by the FTC to be released to the patient at the end of the visual examination.
OR	We have nothing in our laws about this.
PA	The Pennsylvania State Optometry Board has not any cases before it regarding this issue. The Board would not know whether the prosecution/investigative side has received complaints on this issue because of the required separation of investigative/prosecutorial functions in PA. The issue has not been addressed by Pennsylvania law. Other than the Board’s incorporation of the federal eye glass rule, the Board’s regulations do not address this issue.
SC	
SD	
TN	
TX	PD measurement is not required by state law or board rule. Therefore we tell complainants and telephone callers that the Optometry Board has no legal authority to required optometrists to provide the PD measurement.
UT	
VT	
VA	
WA	In Washington State, we have not addressed this in our laws. Since the Federal Eyeglass Rule does not require PD, we don’t either, and don’t investigate cases alleging the lack of a PD. When receiving calls, we advise patients of the risk of ordering online, which involves instruction to measure your own PD. We let them know that we license dispensing opticians, and they are trained to properly measure PD.
WV	PD is not considered an optometric service. Optometrists are not required to provide PD, but some do provide it upon request. We have only had inquiries. We have not had a complaint on the issue yet.
WI	
WY	Wyoming hasn’t experienced this or addressed it.

Gregory Hill, OD
SD VOSH
3920 S. Western Ave, Suite 2
Sioux Falls, SD 57105

February 4, 2019

SD Board of Examiners in Optometry
PO Box 6
Langford, SD 57454

RE: Limited temporary licensure for short term mission clinics

To whom it may concern:

As President of SD VOSH, I am writing to inquire about the feasibility of granting short term temporary SD licensure to Optometrists who are currently licensed, and in good standing, in states other than South Dakota but are willing to come to underserved South Dakota reservations and provide care in association with temporary volunteer mission clinics.

For example, Rosebud Reservation (where I worked on a cattle ranch for two summers in college) does indeed have a hospital operated by Indian Health Services (IHS), and there is an eye clinic at the hospital (where I served a 3 month internship during OD school) which provides the only eye care on the reservation. However, the clinic has been unable to meet the demand for eye care for many years due to a list of too many reasons to explain here, but all surrounding a large population combined with a lack of adequate funding. The result has been people being placed on waiting lists from at least six months to over a year in duration, and for school age children this can mean going to school with poor vision for the majority of the school year, if not the entire school year, with lifetime consequences in their ability to succeed as adults. And for diabetics this can mean the difference between catching sight threatening retinopathy, or going blind while waiting on a list.

The Lions clubs in that region have an active screening program for preschool children via Head Start, but they are not able to diagnose and prescribe, and there are no quality vision screening programs for school age children. Remote Area Medical (ramusa.org) is an organization that brings medical, dental, and eye care services into underserved areas, both domestically and globally, however they find it extremely difficult to find doctors willing to attend their clinics they host on Rosebud. In several other states, Volunteer Optometric Services to Humanity (vosh.org) operate either temporary missions or permanent sustainable clinics on underserved reservations, however SD VOSH has found it extremely difficult to find volunteers for their long-standing missions to Mexico and Jamaica, and therefore regularly solicit OD's from other states

to attend these two missions, so SD VOSH certainly would not have the resources to adequately staff missions on reservations within South Dakota.

According to past President of VOSH International, Dr. Vicki Weiss, several states have worked out policies to permit temporary licensure to OD's who want to volunteer for missions within their state, so we are writing to investigate the same possibility. Such a licensure could be one of full reciprocity with the OD's home state, issued for a nominal processing fee, limited to a specific county for less than a seven day duration, and limited to currently licensed OD's in good standing with their home state. Licensed OD's within each state receive the same level of training from the same choice of optometry schools, pass the same national board examinations, attend the same COPE approved CE courses, and are held to the same standards of care and the same code of ethics. Furthermore, it is well established that many state's codified laws for Optometry are more stringent than those in South Dakota. Therefore, it would not be unreasonable to permit the areas of extreme need within our own state the opportunity to gain temporary access to professional eye care providers who are willing to travel long distances to care for underserved areas.

Lastly, as an incentive to help recruit SD licensed OD's to provide care at remote underserved areas (as either temporary paid contract work or volunteer mission work), could the Board establish a policy for granting continuing education credits in the same spirit as credit for observing ophthalmology procedures? Thank you for your time and consideration, and we welcome further discussion on this important humanitarian challenge.

Sincerely,

Gregory Hill, OD
605-322-3790