



South Dakota Board of Examiners in Optometry
Meeting Minutes
April 3, 2023
8:00 AM (CST)
Zoom Virtual Meeting

Approved 8/28/2023

Board Members		Board Staff Present
Ashley Crouch, OD	Present	Deni Martin, Executive Secretary
Jamie Farnen, Consumer Member	Present	Megan Borchert, Board General Counsel
Brian Gill, OD	Present	Guests Deb Mortenson, South Dakota Optometric Society Benjamin Uhl Eric Erickson
Angela Hase, OD, President	Present	
Scott Schirber, OD	Present	

Attendance: President Hase called the meeting to order at 8:00 AM on April 3, 2023.

1. Approval of Agenda:

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

Crouch	YES	Hase	YES
Farnen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

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

3. Public Comment: No public comment

4. Approval Minutes:

Board Action: J Farnen moved to approve the minutes from the regular meeting on August 22, 2022, and the Zoom/telephonic meeting on April 25, 2022, seconded by S Schirber. Vote:

Crouch	YES	Hase	YES
Farnen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

5. Financial Reports:

Board Action: D Martin presented the treasurer's report found on pages 8-10 of the agenda packet. B Gill moved to accept treasurer's report, seconded by A Crouch. Vote:

Crouch	YES	Hase	YES
Farnen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

D Martin reported on the progress of the database upgrade. It's currently in testing and should be ready to use for the next license renewal period starting July 1, 2023.

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

Board Action: Since this meeting was previously scheduled to take place in-person, but the weather forecast caused us to move it to a Zoom meeting, S Schirber moved to authorize President Hase to review and approve any Non-COPE CE courses submitted from the last meeting through April 3, 2023, seconded by A Crouch. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

7. Old Business

A. National and State Issues Monitored: Deb Mortenson, Executive Director for the South Dakota Optometric Society, provided updates regarding some efforts by states to limit optometrists using the description of “doctor”, limits to Medicare/Medicaid reimbursements, and a new DEA continuing education requirements for opioid training. The SDOS is exploring options for providing CE to help fulfill these requirements. No other new information or action taken, but issues will continue to be monitored.

8. New Business:

A. Licensing:

Board Action: Pursuant to SDCL 1-25-2, S Scirber moved to enter into executive session to consult with legal counsel regarding a licensing matter, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board entered into executive session at 8:22am and moved out at 9:05am.

At this time, D Martin indicated that Benjamin Uhl had entered into the Zoom meeting after the public comment timeframe of the approved agenda. President Hase offered him the opportunity to speak at this time. He indicated that he's here to speak on the current CE requirements regarding automatic COPE approval and anything non-COPE being approved by the board. He is currently licensed in South Dakota, Iowa, Nebraska and inactive license in Texas. He's the Chair of the Iowa Board of Optometry and on the board of the Iowa Optometric Association; however, he is representing himself and he is not here on behalf of either of those boards. Iowa eliminated participation in COPE because he feels it limits options for CE and creates a burden for presenters. He is asking this board to reconsider its position regarding non-COPE continuing education and allow more automatically approved non-COPE CE from state associations, the AOA, American Academy of Optometry, schools of optometry and ophthalmologists. He was thanked for his comments.

B. Scope of Practice Decision Making Framework and Petition: President Hase indicated that, now that the procedure code list has been removed from state administrative rule, this board needs to discuss a plan regarding scope of practice inquiries. Megan Borchert

presented a scope of practice decision making-framework document on page 20 of the agenda packet, this similar to what the Board of Nursing uses. This document will be provided to individuals to consult with their own legal counsel. If a further declaratory ruling is requested from this board, the information regarding how to submit a scope of practice petition, found on page 21 of agenda packet, shall also be provided to licensees and the public.

Board Action: B Gill moved to approve the decision making-framework document, seconded by S Schirber. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: A Crouch moved to approve the declaratory ruling process document, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: B Gill moved to approve that both documents be posted to the public website, seconded by S Schirber. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

C. Contracts:

Board Action: A Crouch moved to approve the FY24 contract for the South Dakota Optometric Society using the same terms as FY23, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: S Schirber moved to approve the FY24 contract for Codewise, with a not to exceed amount of \$10,000, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: S Schirber moved to approve the FY24 contract for Scott Kennedy using the same terms as FY23, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: A Crouch moved to approve the FY24 contract for Lisa Kollis-Young using the same terms as FY23, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

Board Action: At 9:25am, J Farmen moved to enter into executive session pursuant to SDCL 1-25-2 to prepare for contract negotiations, seconded by A Crouch. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

* The board moved out of executive session at 9:46am.

Board Action: S Schirber moved to approve the contract for Deni Martin for FY24 with a 7% increase in salary, a 10% increase in office rent, a 15% one-time bonus from current salary to cover additional duties applying to the database design and upgrade. Other terms to remain the same as FY23, with a not to exceed amount of \$47,611.33, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	

9. Time and Place of Next Meetings:

Monday, August 28, 2023- In-Person Meeting

AmericInn- Conference Room
312 Island Drive, Fort Pierre, SD 57532
8:00am (CST)

10. Adjournment:

Board Action: J Farmen moved to adjourn meeting at 9:52am, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 YES, MOTION CARRIED	