



South Dakota Board of Examiners in Optometry
Meeting Minutes
August 28, 2023
8:00 AM (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	Present	Deni Martin, Executive Secretary	
Jamie Farnen, Consumer Member	Present	Megan Borchert, Board General Counsel	
Brian Gill, OD	Present	Guests	
Angela Hase, OD, President	Present	Deb Mortenson, SD Optometric Society	
Scott Schirber, OD	Present	Eric Erickson, Legal Counsel, SD Optometric Society	
		Michael Eide, Ophthalmologist	
		Nathan Lighthizer, Optometrist	
		Tim Engle, Legal Counsel, SD Medical Association	
		Mariah Pokorny, SD Department of Health	

Attendance: President Hase called the meeting to order at 8:00 AM on August 28, 2023. (Start part 1 of audio.)

1. Approval of Agenda:

Board Action: J Farnen moved to approve the agenda, seconded by A Crouch. 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. Petition for Declaratory Ruling Regrading Intense Pulsed Light (IPL):

The hearing was public noticed in compliance with open meetings requirements and SDCL chs. 1-26 and 36-1C. Petitioner was noticed on August 15, 2023. A formal hearing was conducted pursuant to SDCL § 36-1C-16 where Petitioner was present and provided testimony in support of the Petition for Declaratory Ruling. Testimony was also heard from Tim Engle and Michael Eide in opposition to the petition. The petition and letters of opposition can be found on pages 3-28 of the agenda packet and were also made part of the record.

Board Action: At 8:29am, pursuant to SDCL 1-25-2, S Schirber moved to enter into executive session to consult with legal counsel regarding petition, seconded by A Crouch. Vote:

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

At 9:13am, the board moved out of executive session. (Start part 2 of audio.)

Board Action: A Hase moved that the South Dakota Board of Examiners in Optometry finds that Intense Pulsed Light treatment (IPL) is within the scope of practice for an optometrist in South Dakota for the non-surgical treatment of dry eye disease, pursuant to SDCL § 36-7-1, if the optometrist is educationally qualified and does not rely on laser technology or use any device setting that is outside the scope of practice in South Dakota. Further, an optometrist may not provide IPL treatment to a patient solely for aesthetic or cosmetic benefit, or after the optometric purpose for the treatment has been achieved. An optometrist utilizing IPL shall be prepared to handle any complications from the treatment, seconded by S Schirber. Vote:

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

Board Action: S Schirber moved that A Hase has authority to approve and sign the final declaratory ruling document that will be provided to petition and shared with the public, seconded by B Gill. Vote:

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

5. Approval Minutes:

Board Action: J Farmen moved to approve the minutes from the Zoom/telephonic meetings on April 3, 2023, June 28, 2023, and August 8, 2023, seconded by B Gill. Vote:

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

6. Financial Reports:

Board Action: D Martin presented the treasurer's report found on page 38 of the agenda packet. S Schirber moved to accept treasurer's report, seconded by J Farmen. Vote:

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

D Martin reported on the progress of the database upgrade. It is successfully being used for license renewals and tracking continuing education. There were some issues with the three-year cycles in the import of the CE data, but she has worked with developers and confirmed

strategy with board president for carrying over any CE that licensees may have lost in the process. No action taken.

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

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

8. Old Business

A. National and State Issues Monitored: B Gill mentioned a student loan repayment program for healthcare providers on the SD Department of Health website, but noted that optometrists were not on this list of eligible professions. D Martin indicated she would find out more information regarding this program and inquire why optometrists are not included in the program and report back at the next meeting.

B. Statute & Administrative Rule Review: Discussion was had regarding the progress of the draft bill on page 39 of the agenda packet. It has been submitted to the SD Department of Health and D Martin will provide updates to the board as the bill progresses. No action taken.

9. New Business:

A. Licensing:

Board Action: At 10:10am, pursuant to SDCL 1-25-2, B Gill moved to enter into executive session to consult with legal counsel regarding licensing, seconded by S Schirber. Vote:

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

At 10:47am, the board moved out of executive session. (Start part 3 of audio.)

Board Action: S Schirber moved to ratify the applications for Sarah Behles, Alecia Diede, Amrit Singh and Heidi Skonseng, seconded by A Crouch. Vote:

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

Board Action: A Crouch moved to approve the application for Jenna Koskey contingent upon her completing the office inspection requirements and form, seconded by J Farmen. Vote:

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

10. Time and Place of Next Meetings:

Monday, March 18, 2024- In-Person Meeting

AmericInn- Conference Room

312 Island Drive, Fort Pierre, SD 57532

8:00am (CST)

11. Adjournment:

Board Action: A Crouch moved to adjourn meeting at 10:52am, seconded by J Farmen.

Vote:

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

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