



South Dakota Board of Examiners in Optometry
Meeting Minutes
March 18, 2024
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 Jamie Farmen, Consumer Member Present Brian Gill, OD Present Angela Hase, OD, President Present Scott Schirber, OD Present	Deni Martin, Executive Secretary Megan Borchert, Board General Counsel
	Guests
	Deb Mortenson, SD Optometric Society Ashcon Alizadeh

Attendance: President Hase called the meeting to order at 8:00 AM on March 18, 2024. (Start part 1 of audio.)

1. Approval of Agenda:

Board Action: B Gill moved to approve the agenda, seconded by S Schirber. Vote:

Crouch	YES	Hase	YES
Farmen	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: Ashcon Alizadeh provided background regarding his application to practice optometry in South Dakota.

4. Approval Minutes:

Board Action: A Crouch moved to approve the minutes from the in-person meetings on August 28, 2023, seconded by J Farmen. Vote:

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

5. Financial Reports:

Board Action: D Martin presented the treasurer’s report found on pages 7-9 of the agenda packet. S Schirber moved to accept treasurer’s report, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	YES
Gill	YES	5 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. Old Business

A. National and State Issues Monitored: An update was provided about the successful passing of HB1099, which expanded the scope of practice for optometrists in South Dakota. It will be up to this board to determine forms and procedures for implementation of the expansions of allowed procedures through SDCL 36-7 beginning July 1, 2024.

SB57 is a second chance bill for individuals with criminal history who can prove rehabilitation.

SCR 602 is a Senate concurrent resolution to analyze and report information on the healthcare workforce in SD.

At the previous meeting, there was an inquiry regarding the South Dakota Department of Health’s (DOH) Dakota State Loan Repayment Program (SLRP) and why optometrists are not part of the designated healthcare professions. Deni Martin indicated that she has reached out to the DOH and they responded with, “The eligible profession types and practice sites for the SLRP are determined by the Health Resources & Services Administration (HRSA), South Dakota is allowing the widest participation allowed by that grant.” Deb Mortenson had indicated that the South Dakota Optometric Society is also researching this and, if possible, considering including it in future legislation.

No action taken.

B. Statute & Administrative Rule Review: As a result of the expansion of procedures in SDCL 36-7 and updates from the American Optometric Association, this board will need to complete a full review of administrative rules. Pages 15-34 of the agenda packet contains article 20:50 and some potential amendments for discussion. Deni Martin will create and email a survey to engage stakeholders in the draft of the administrative rule package. Tabled until next meeting.

(End of part 1 audio.)

8. New Business

A. Licensing:

Board Action: At 9:20am, pursuant to SDCL 1-25-2, S Schirber moved to enter into executive session to consult with legal counsel regarding licensing and contractual matters, seconded by B Gill. Vote:

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

At 10:19am, the board moved out of executive session. (Start part 2 of audio.)

Board Action: A Hase moved to approve the “Agreed Upon Disposition to Voluntarily Surrender License” for Cesar Bartell, seconded by S Schirber. Vote:

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

Board Action: S Schirber moved to ratify the applications for 24-1 Claudia Wilkerson-Pelfrey, 24-2 Jared Grant, 24-3 Jonathan Nebelsick, 24-4 Kelsey Palmer, and 24-5 Doro Hsu, 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 consider application 24-6 incomplete at this time, seconded by A Crouch. Vote:

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

B. Contracts:

Board Action: B Gill moved to consider approved the contracts for Codewise, Scott Kennedy and Lisa Kollis-Young as described in the proposed FY25 terms on page 41 of the agenda packet, seconded by S Schirber. Vote:

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

Board Action: J Farmen moved to consider approved the contract for Deni Martin as described in the proposed FY25 terms on page 41 of the agenda packet and also approve of a name change on the contract to DM Management, LLC, seconded by A Crouch. Vote:

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

Administrative rule 20:50:08:01 previously required this board to make at least 12 hours of continuing education courses available each year, which was contracted out through the South Dakota Optometric Society (SDOS). In 2022, this administrative rule was amended to remove that requirement. Because of this amendment, the contract with the SDOS will not be renewed, but A Hase commended and thanked them for their years of partnership.

C. Board Member Terms & Compensation:

Deni Martin reported that the state has increased the per diem for board members from \$60 to \$166 per meeting. A Crouch, J Farnen and B Gill all have board terms that will be expiring on June 30, 2024. J Farnen and B Gill have expressed interest in continuing for another term. A Crouch expressed that she did not wish to be considered for a new term. Deni Martin will work with the South Dakota Department of Health regarding these reappointments and finding a new board member.

Discussion was also had regarding the fact that S Schirber will also be completing his final term on June 30, 2025. The board agreed that A Hase will remain as the board president for now. No action taken.

D. SDCL 36-7 (Expansion of Procedures):

A Hase reported that, as a result of HB 1099 passing in the legislature, this board will need to develop the forms and procedures to support these advanced levels of licensure. Deni Martin presented an outline of proposed website changes found on pages 44-45 of the agenda packet. Based on this outline, new applications and forms will be developed and ready to use before July 1, 2024. Tabled until next meeting.

HB 1099 Section 2(2), indicates that, to qualify for advanced procedures privileges to be added to their license, an optometrist must complete a 32-hour course approved by the board. These courses will be reviewed and approved by using the "Petition for Advanced Procedures Courses" form. The South Dakota Optometric Society petitioned the board for approval of the NSU Oklahoma College of Optometry Advanced Procedures Course instructed by Nathan Lighthizer. B Gill moved to approve this course to anyone who has completed it after January 1, 2021, seconded by A Crouch. Vote:

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

The administrative appeal of the board's declaratory ruling was also dismissed in circuit court after the passage of HB1099.

9. Time and Place of Next Meetings:

- **Monday May 20, 2024- Zoom Meeting**
- **Monday, August 19, 2024- 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 11:04am, seconded by S Schirber.

Vote:

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

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