



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

AGENDA

Monday, March 18, 2024
In-Person Meeting
AmericInn- Conference Room
312 Island Drive, Fort Pierre, SD 57532
8:00 a.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 28, 2023.
5. Treasurer's Report
 - a. Financial Reports
6. Board Review and Approve CE Courses
 - a. Non-COPE CE Approval
7. Old Business
 - a. National and State Issues Monitored
 - HB 1099
 - SB 57
 - b. Statute & Administrative Rule Review
8. New Business
 - a. Licensing
 - Cesar Bartell
 - Melanie Weiss
 - New Applications (6)
 - b. Contracts
 - c. Board Member Terms & Compensation (\$60 to \$166)

d. SDCL 36-7 (Expansion of Procedures)

- Website
- Application(s) Update
- Petitions for Advanced Procedure Courses

<https://www.dropbox.com/scl/fo/360e623xuj77v7acxkeyc/h?rlkey=9mfglavl9eb4mcntsshdk4&dl=0>

9. Time and place of next meeting

10. 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@goldenwest.net at least 24 hours advance of the meeting to make any necessary arrangements.

The public may 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=84455172248>



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 Farmen, Consumer Member	Present	Megan Borchert, Board General Counsel	
Brian Gill, OD	Present		
Angela Hase, OD, President	Present	Guests	
Scott Schirber, OD	Present	Deb Mortenson, SD Optometric Society	
		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 Farmen moved to approve the agenda, seconded by A Crouch. 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: 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
Farmen	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	

DRAFT

Remaining Authority by Object/Subobject

Expenditures current through 03/02/2024 01:20:32 PM

HEALTH -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 33.2 %

09208 Board of Optometry - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	1,698	960	0	0	738	43.5
Subtotal	1,698	960	0	0	738	43.5
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	192	75	0	0	117	60.9
Subtotal	192	75	0	0	117	60.9
51 Personal Services						
Subtotal	1,890	1,035	0	0	855	45.2
TRAVEL						
5203020 Auto Priv (in-st.) L/rte	200	0	0	0	200	100.0
5203030 Auto-priv (in-st.) H/rte	1,000	867	0	0	133	13.3
5203100 Lodging/in-state	380	327	0	0	53	13.9
5203140 Meals/taxable/in-state	258	14	0	0	244	94.6
5203150 Non-taxable Meals/in-st	200	136	0	0	64	32.0
Subtotal	2,038	1,344	0	0	694	34.1
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	850	850	0	0	0	0.0
5204050 Computer Consultant	1,000	6,630	3,370	0	-9,000	0.0
5204060 Ed & Training Consultant	4,000	4,000	0	0	0	0.0
5204080 Legal Consultant	15,000	9,503	0	0	5,497	36.6
5204090 Management Consultant	45,700	36,238	11,253	0	-1,791	0.0
5204100 Medical Consultant	2,000	0	10,000	0	-8,000	0.0
5204180 Computer Services-state	323	652	0	0	-329	0.0
5204200 Central Services	1,509	1,667	0	0	-158	0.0
5204204 Central Services	305	200	0	0	105	34.4
5204207 Central Services	306	489	0	0	-183	0.0
5204530 Telecommunications Srves	0	113	0	0	-113	0.0
5204590 Ins Premiums & Surety Bds	600	0	0	0	600	100.0
5204960 Other Contractual Service	0	1,754	0	0	-1,754	0.0
Subtotal	71,593	62,096	24,623	0	-15,126	0.0
SUPPLIES & MATERIALS						
5205310 Printing-state	800	0	0	0	800	100.0
Subtotal	800	0	0	0	800	100.0
CAPITAL OUTLAY						

Remaining Authority by Object/Subobject

Expenditures current through 03/02/2024 01:20:32 PM

HEALTH -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 33.2 %

09208 Board of Optometry - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
5207901 Computer Hardware	0	1,634	0	0	-1,634	0.0
5207961 Computer Software	0	66	0	0	-66	0.0
Subtotal	0	1,700	0	0	-1,700	0.0
<hr/>						
52 Operating						
Subtotal	74,431	65,140	24,623	0	-15,332	0.0
<hr/>						
Total	76,321	66,175	24,623	0	-14,477	0.0

Subsubject Description	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 3/2/2024
Salaries										
5101030 Board & Comm Members	660	780	900	660	600	1,020	180	1,800	1,080	960
5102010 OASI-Employer's	51	61	69	50	46	81	14	138	85	75
5203010 Auto-State										
Board Member Travel	855	1,229	1,002	1,467	1,482	2,131	-	1,114	1,058	1,344
*Includes: Auto, Meals, Lodging										
5204020 Dues & Memberships	750	750	750	750	750	850	850	850	850	850
5204060 Ed & Training	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000	4,000
5204050 Computer Consultant (database)	406	1,595	175	350	315	128	765	128	21,675	6,630
5204100 Medical Consultant (investigator)	-	360	2,140	-	753	-	248	-	158	
5204080 Legal Consultant	16,949	12,623	30,665	26,376	15,388	21,202	7,150	7,196	7,647	9,503
5204090 Management Consultant	28,588	31,703	33,924	34,541	35,214	35,251	34,366	37,051	42,657	36,238
5204180 Computer Services- State			213	158	62	76	84	90	261	652
5204200 Central Services: Misc DOH	802	828	1,125	1,115	1,195	1,262	1,069	1,062	1,411	1,667
5204204 Central Services: Records	233	192	192	199	245	286	274	246	246	200
5204207 Central Services: HR	208	242	293	230	205	360	44	524	519	489
5204530 Telecommunications Services										113
5204960 Other Contractual					75					1754
5205310 Printing-State		1048			385	626	482		620	
5204590 Ins Premiums & Surety Bds	740	380	335	815	900	880	245	825	995	
5205350 Postage		36			9		13		30	
5207905 Computer	1868									
5207451 Office Furniture and Fixtures										
5207491 Telephone Equipment							25			
5207901 Computer Hardware/Software							157			1700
52053901 Food Stuffs						24				
TOTAL EXPENSES	56,110.00	55,827.00	75,783.00	70,711.00	61,624.00	68,177.00	49,966.00	55,024.00	83,292.00	66,175.00
TOTAL REVENUE	54,491.16	71,403.85	72,734.74	73,801.78	75,524.55	75,454.24	76,015.09	74,391.35	74,471.27	77,266.72
REVENUE - EXPENSES	-1,618.84	15,576.85	-3,048.26	3,090.78	13,900.55	7,277.24	26,049.09	19,367.35	-8,820.73	11,091.72
CASH CENTER BALANCE	36,406.28	51,986.12	48,935.18	52,025.36	65,925.77	73,202.49	94,237.52	113,607.19	104,787.20	115,879.27

Cash Center Balance- Same time in previous years:

3/1/2023	126,560.85
3/1/2022	131,684.19
3/1/2021	109,450.67
3/1/2020	92,572.85
3/1/2019	84138.02
3/1/2018	64900.50



2024 South Dakota Legislature
House Bill 1099
ENROLLED

AN ACT

ENTITLED An Act to establish educational standards for the expanded practice of optometry.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That § 36-7-1 be AMENDED:

36-7-1. The practice of optometry is declared to be a profession and is defined as:

- (1) The examination of the human eye and its appendages;
- (2) The employment of any means for the measurement of the powers of visions, or any visual, muscular, neurological, interpretative, or anatomical anomaly of the visual process;
- (3) The prescribing or employment of lenses, prisms, frames, mountings, and visual training procedures;
- (4) The prescribing or administration, except by injection unless otherwise permitted by this chapter, of any pharmaceutical agent rational to the diagnosis and treatment of the human eye and its appendages;
- (5) The employment of any means or method for the correction, remedy, or relief of any insufficiency or abnormal condition of the visual process of the human eye and its appendages, provided the term "any means or method" does not include surgeries, unless otherwise permitted by this chapter;
- (6) The removal of a superficial foreign body from the eye;
- (7) The prescribing of contact lenses, except by a physician licensed under chapter 36-4;
- (8) The use of intense pulsed light for the treatment of dry eye disease; and
- (9) Subject to the requirements set forth in section 2 of this Act:
 - (a) The intradermal injection of a paralytic agent;
 - (b) The intralesional injection of a steroid to treat a chalazion;

- (c) The use of a local anesthetic in conjunction with the primary removal of a pedunculated skin tag;
- (d) The performance of a selective laser trabeculoplasty; and
- (e) The performance of a posterior capsulotomy using an yttrium aluminum garnet laser.

Any procedure referenced in this section, when performed by a licensed optometrist, in accordance with this chapter, does not constitute the practice of medicine, for purposes of chapter 36-4.

Section 2. That chapter 36-7 be amended with a NEW SECTION:

Before an optometrist may perform any one or more of the procedures set forth in subdivision 36-7-1(9), the optometrist must provide to the board, at the time and in the manner directed by the board, verifiable evidence that:

- (1) The optometrist:
 - (a) Received a passing score on the laser examination and on the surgical procedures examination, offered by the National Board of Examiners in Optometry; or
 - (b) Graduated, prior to July 1, 2024, from an optometric school or college approved by the Accreditation Council on Optometric Education or from an optometric school or college approved by the board;
- (2) The optometrist satisfactorily completed a course that:
 - (a) Is at least thirty-two hours in duration;
 - (b) Is approved by the board;
 - (c) Includes content related to each procedure set forth in subdivision 36-7-1(9); and
 - (d) Is proctored by an ophthalmologist or is proctored by an optometrist who is authorized to perform all of the procedures set forth in subdivision 36-7-1(9) by the optometric licensing board of a state in which a qualified optometrist may perform all of the procedures; and
- (3) The optometrist has demonstrated competency in accordance with the performance criteria set forth in section 3 of this Act.

The board shall review the evidence required by this section and upon verification of an optometrist's compliance with the requirements, authorize the optometrist to perform one or more of the procedures set forth in subdivision 36-7-1(9). The board shall develop and implement a system for documenting any actions under this section.

Section 3. That chapter 36-7 be amended with a NEW SECTION:

The demonstration of competency required in accordance with subdivision (3) of section 2 of this Act, must occur in the presence and under the direct supervision of an ophthalmologist licensed in this state, or in the presence and under the direct supervision of an optometrist licensed in this state and authorized by the board, pursuant to section 2 of this Act, to perform all of the procedures set forth in subdivision 36-7-1(9).

The demonstration of competency with respect to the intradermal injection of a paralytic agent, the intralesional injection of a steroid to treat a chalazion, the use of a local anesthetic in conjunction with the primary removal of a pedunculated skin tag, and the performance of a selective laser trabeculoplasty, must each occur on at least five human eyes.

The demonstration of competency with respect to the performance of a posterior capsulotomy using an yttrium aluminum garnet laser must occur on at least ten human eyes.

The supervising ophthalmologist or optometrist shall notify the board when competency has been demonstrated, in accordance with this section. The notification must occur at the time and in the manner determined by the board.

Section 4. That § 36-7-24 be AMENDED:

36-7-24. The board may, in compliance with chapter 1-26, impose disciplinary sanctions on an optometrist for:

- (1) Conviction of a felony;
- (2) Obtaining, or attempting to obtain, a license by fraudulent misrepresentation;
- (3) Malpractice;
- (4) Continued practice when knowingly having an infectious or contagious disease, or after sustaining a physical or mental disability that renders further practice potentially harmful or dangerous;
- (5) Use of alcohol or other substances that renders the optometrist unfit to practice with reasonable skill and safety;
- (6) Engaging in any procedure set forth in subdivision 36-7-1(9), prior to meeting the requirements of this chapter;
- (7) Unprofessional conduct, as defined in § 36-7-25; or
- (8) Failure to submit to or cooperate with a criminal background check requested by the board under § 36-7-12.2.

Section 5. That chapter 36-7 be amended with a NEW SECTION:

Nothing in this chapter may be construed to allow the performance, by an optometrist, of:

- (1) Intraocular injections;
- (2) Intraocular surgery; or
- (3) Refractive surgery.

Section 6. That § 36-7-1.1 be REPEALED.**Section 7. That § 36-7-1.2 be REPEALED.**

An Act to establish educational standards for the expanded practice of optometry.

I certify that the attached Act originated in the:
House as Bill No. 1099

Received at this Executive Office this ____ day of _____, 2024 at _____ M.

Chief Clerk

By _____ for the Governor

Speaker of the House

The attached Act is hereby approved this ____ day of _____, A.D., 2024

Attest:

Chief Clerk

Governor

STATE OF SOUTH DAKOTA,

ss.

Office of the Secretary of State

President of the Senate

Attest:

Filed _____, 2024 at _____ o'clock __ M.

Secretary of the Senate

Secretary of State

House Bill No. 1099
File No. _____
Chapter No. _____

By _____
Asst. Secretary of State

ADMINISTRATIVE RULES

of

SOUTH DAKOTA

Cite as ARSD _____

HEALTH

ARTICLE 20:50
OPTOMETRY

Published By
South Dakota Legislative Research Council

Printed August 14, 2022

ARTICLE 20:50

OPTOMETRY

Chapter	
20:50:01	Definitions.
20:50:02	Licensing and registration.
20:50:03	Optometric schools.
20:50:04	Code of ethics.
20:50:05	Advertising.
20:50:06	Office and equipment requirements.
20:50:07	Minimum examination.
20:50:08	Continuing education requirements.
20:50:09	Petitions for rules, Superseded or repealed.
20:50:10	Prescribing of contact lenses.
20:50:11	Corporate practice.
20:50:12	Complaint investigation.

CHAPTER 20:50:01

DEFINITIONS

Section	
20:50:01:01	Definitions.

20:50:01:01. Definitions. Words defined in SDCL 36-7 have the same meaning when used in this article.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-1.

CHAPTER 20:50:02

LICENSING AND REGISTRATION

Section	
20:50:02:01	Time of examinations, Repealed.
20:50:02:02	Application for licensure.
20:50:02:03	Repealed.
20:50:02:03.01	Fees.
20:50:02:04	Examination subjects -- Admission to practice, Repealed.
20:50:02:04.01	Repealed.
20:50:02:04.02	Repealed.
20:50:02:04.03	Licensure by endorsement.
20:50:02:04.04	Minimum educational requirements -- Pharmaceutical agents, Repealed.
20:50:02:04.05	Repealed.
20:50:02:04.06	Repealed.
20:50:02:05	Transferred.
20:50:02:06	National board examinations required.

20:50:02:06.01 Passing grade, Repealed.
20:50:02:07 Issuance of license.
20:50:02:08 Annual renewal fees.

20:50:02:02. Application for licensure. Each applicant for licensure shall apply to the board on prescribed forms. An applicant shall attest that the applicant has reviewed and agrees to comply with this state's optometry law and ethics.

An applicant for licensure must submit a set of fingerprints on a standard card provided by the board for the purpose of obtaining a state and federal criminal background check pursuant to SDCL 36-7-12.2. The applicant must sign and submit a form authorizing the release of the applicant's criminal history to the board.

An application must be completed within one year from the date the application is received by the board.

Source: SL 1975, ch 16, § 1; SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-11, 36-7-12.2, 36-7-15(5).

20:50:02:03. Requirements of application for admission to practice examination fees.
Repealed.

Source: 6 SDR 66, effective January 8, 1980; repealed, 12 SDR 78, effective November 10, 1985.

20:50:02:03.01. Fees. The application fee for initial licensure is \$175. The application fee is non-refundable and must be paid before the board will issue a license.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005; 39 SDR 127, effective January 21, 2013; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-11(2).

Law Implemented: SDCL 36-7-11(2), 36-7-13.

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 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 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- PEPS), 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 five years before the date of 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 application for licensure if the competency of any applicant is in question.

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).

20:50:02:07. Issuance of license. The Board may not issue a license to a successful applicant until the applicant has secured and equipped an office in this state that meets the requirements of § 20:50:06:01 or has arranged a bona fide association with a licensed optometrist in this state who has an office that meets those requirements. This section does not apply when the applicant is in or entering the military or other governmental service.

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; 49 SDR 12, effective August 14, 2022.

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

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

Cross-Reference: Inspection of office, § 20:50:06:02.

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

An optometrist who has not actively and routinely practiced for a period of greater than one year, but not more than three years, may, at the discretion of the board, be reinstated upon a showing of good cause, payment of the annual renewal fee for each year of absence, payment of the late fee for each month of absence as provided in this section, and upon providing proof of being current on all continuing education requirements.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 31 SDR 101, effective January 19, 2005; 32 SDR 225, effective July 5, 2006; 41 SDR 109, effective January 12, 2015; 46 SDR 119, effective May 4, 2020.

General Authority: SDCL 36-7-20.

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

CHAPTER 20:50:03

OPTOMETRIC SCHOOLS

Section

20:50:03:01 Recognized optometric schools or colleges.

20:50:03:01. Recognized optometric schools or colleges. A recognized optometric school or college is a school or college approved by the Accreditation Council on Optometric Education of the American Optometric Association.

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; 49 SDR 12, effective August 14, 2022.

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

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

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.
Appendix A Procedural Code List, Repealed.

20:50:04:01. Confidential communications. All information received from the patient in the course of treatment must be treated as a privileged communication and held inviolate.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 49 SDR 12, August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:02. Advising patient. An optometrist shall advise a patient if, during the course of an examination, the optometrist discovers a health condition that is outside the optometrist's scope of practice.

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; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:03. Serving as optician prohibited. An optometrist may not in any manner publicize as or serve as an optician.

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; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:04. Maintenance of office. An office maintained for the practice of optometry must be clean and sanitary. The office must be exclusive of any other business and must be physically disconnected from any commercial business or influence in the same building by use of floor-to-ceiling wall separations and a separate front entrance to the outside or to common hallways.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 21 SDR 35, effective August 30, 1994; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-15(2), 36-7-25(8).

Law Implemented: SDCL 36-7-15(2).

20:50:04:05. Use of word "doctor." No optometrist, when using the title of "doctor" in advertising, may qualify it in any way other than by the use of the word "optometrist." When not using the title, an optometrist may use the letters "O.D." after the optometrist's name, or the word "optometrist," or both.

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; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:06. Optometrist to write and release prescription -- Requests for medical records. Upon the request of a patient for whom an optometrist has prescribed spectacle lenses, the optometrist shall issue the prescription and deliver a copy to the patient. A spectacle lens prescription expires on the date specified by the optometrist, based upon the medical judgment of the optometrist with respect to the ocular health of the patient. If a prescription expires in less than one year, the reasons for the expiration date must be documented in the patient's medical record. An optometrist may not specify a prescription expiration date that is earlier than the date on which reexamination of the patient is medically necessary. Requests for medical records are governed by SDCL 36-2-16.

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; 44 SDR 99, effective December 11, 2017; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-1, 36-7-15(2).

20:50:04:07. Claims of superiority. An optometrist may not claim to have superior qualifications, superior equipment available for use in the optometrist's practice, or a superior quality of service to patients, to other similarly licensed optometrists. An optometrist certified to prescribe and administer pharmaceutical agents [or certified to perform advanced procedures](#) may, however, indicate such qualifications.

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; 31 SDR 101, effective January 19, 2005; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:09. Division of fees -- Payments to employees. An optometrist may not directly or indirectly divide, share, split, or allocate a fee for optometric services or materials with a layperson, firm, or corporation, or another optometrist or licensed medical practitioner, except on the basis of a division of service or responsibility. This section does not prohibit:

- (1) An optometrist from paying an employee in the regular course of employment;
- (2) A practice established under the terms of SDCL chapter 47-11B; or

(3) An optometrist from being employed on a salary, with or without a bonus arrangement, by an optometrist or licensed medical practitioner, regardless of the amount of supervision exerted by the employer over the office in which the employee works. However, this bonus arrangement may not be based on the business or income of an optical company.

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; 32 SDR 129, effective January 31, 2006; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

20:50:04:11. Improper business relationships. The following business relationships are prohibited:

(1) An office rental, lease, or office space-sharing arrangement that, by virtue of location, causes the optometrist to be in violation of SDCL 36-7-17 by being directly employed by or connected with another person or entity other than an optometrist, ophthalmologist, or other licensed healing arts professional or in which the optometrist's office, location, or place of practice is owned, operated, supervised, staffed, directed, or attended by any other person, corporation, or entity not licensed to practice optometry, ophthalmology, or other healing arts in this state; and

(2) An arrangement or agreement, express or implied, with any firm, business, corporation, person, or other entity not licensed to practice optometry in this state that would interfere with the optometrist's independent ability to provide professional care for patients without outside influence.

Nothing in this section may be construed to prohibit a practice established under the terms of SDCL chapter 47-11B or affect referrals between persons authorized to practice medicine or optometry in this state.

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; 32 SDR 129, effective January 31, 2006; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-15(2), 36-7-17, 36-7-25.

Law Implemented: SDCL 36-7-15(2), 36-7-17, 36-7-25(8).

20:50:04:12. Scope of practice -- Procedural codes. Repealed.

Source: 32 SDR 225, effective July 5, 2006; 49 SDR 12, effective August 14, 2022.

20:50:04:12. Assignment of tasks to a Certified Optometric Technician. The following tasks may only be assigned to an optometric technician who is certified through the American Optometric Association's technician certification process:

(1) Testing and Procedures

a. Slit Lamp examination

b. Automated and manual refractometry

c. Ocular motility testing (pursuits and saccades)

d. Binocularity testing including cover testing

e. Goldmann tonometry - serial testing

(2) Contact Lenses

- a. Using slit lamp to perform contact lens fitting and assessments (e.g., soft, gas permeable, hybrid, scleral, etc.)
- b. Perform progress checks on contact lens patients

A certified optometric technician shall be in the physical presence of the patient during any examination where there is no optometrist physically on-site during the examination. The certified optometric technician shall be directly supervised by the optometrist assigning tasks to the certified optometric technician. The optometrist remains responsible for the acts and duties assigned to a certified optometric technician.

For purposes of this section, the term, direct supervision, means the physical or virtual presence and immediate availability of a licensed optometrist.

Source:

General Authority:

Law Implemented:

20:50:04:13. Telepractice. An optometrist may not provide telehealth services unless the optometrist has established a provider-patient relationship with the patient and the patient has consented to the provision of a telehealth appointment.

For purposes of this section, the term, provider-patient relationship, means the relationship in which the optometrist has provided services to the patient at an in-person consultation no more than three years prior to the date on which telehealth services are provided. An in-person consultation is not required for new conditions relating to a patient with whom the optometrist has a provider-patient relationship unless the optometrist deems an in-person consultation is necessary to provide appropriate care. 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.

An optometrist treating a patient through telehealth must perform at least a minimum comprehensive optometric examination as required by 20:50:07:01 before prescribing eyeglasses or contact lenses to a patient. Nothing in this section authorizes an eye examination that does not assess ocular health and visual status of a patient or consists solely of objective refractive data or information generated by an automated testing device, including an autorefractor, to establish a medical diagnosis or to determine refractive error.

Source:

General Authority:

Law Implemented:

CHAPTER 20:50:05

ADVERTISING

Section

20:50:05:01 Advertising.

20:50:05:02 to 20:50:05:09 Repealed.

Cross Reference: It is a violation of the Federal Trade Commission Act for any state agency to enforce any prohibition on the dissemination of information concerning ophthalmic goods and services or eye examinations, 16 C.F.R. chapter 1, subchapter D, § 456.3.

20:50:05:01. Advertising. False, fraudulent, deceptive, misleading, or sensational advertising is prohibited. Advertising, whether paid for or not, is considered prohibited under this section if it meets any of the following criteria:

- (1) Contains a misrepresentation of fact or omits a material fact necessary to prevent deception or misrepresentation;
- (2) Promises relief or recovery unobtainable by the average patient by the methods publicized;
- (3) Contains a testimonial pertaining to quality or efficacy of optometric care of services that does not represent typical experiences of other patients;
- (4) Is intended or is likely to create false or unjustified expectations of favorable results;
- (5) Contains a claim that the optometrist possesses skills, provides services, or uses procedures superior to those of other optometrists with similar training, unless the claim can be factually substantiated by scientific and accepted evidence;
- (6) Takes advantage of a person's fears, vanity, anxiety, or similar emotions;
- (7) Contains a claim that is likely to deceive or mislead the average member of the public to whom it is directed;
- (8) Contains a false or misleading prediction or implication that a satisfactory result or cure will result from performance of professional services;
- (9) Contains a claim that the optometrist uses or provides products that are superior to other similarly licensed optometrists unless claims can be factually substantiated by scientific and accepted evidence;
- (10) Describes availability of products, procedures, or services that are not permitted by law;
- (11) Is likely to attract patients by use of exaggerated claims;
- (12) Contains a statement of uninvited direct solicitation of patients who, because of their particular circumstances, are vulnerable to undue influences;
- (13) Fails to be identified as a paid announcement or solicitation when it is not apparent from the context that the advertisement is a paid announcement or solicitation, including advertising giving the impression it is a news story or an informational article; or
- (14) Contains a statement of fees charged for specific professional services but fails to indicate whether additional fees may be required for related services that may also be required.

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; 13 SDR 44, effective October 20, 1986; 39 SDR 127, effective January 21, 2013; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-15(2).

CHAPTER 20:50:06

OFFICE AND EQUIPMENT REQUIREMENTS

Section

20:50:06:01 Minimum office equipment.

20:50:06:02 Inspection of office.

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

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

20:50:06:01.01. Telehealth office equipment. In addition to the equipment in ARSD 20:50:06:01, an optometrist providing telehealth services must also have the following equipment, which must be kept in good condition:

- (1) Anterior segment camera; and
- (2) Full field imaging system or fundus camera.

Source:

General Authority:

Law Implemented:

20:50:06:02. Inspection of office. A licensee shall inform the board within 60 days following the establishment of a new practice of optometry in this state. The board may conduct an inspection of the office facility and procedures.

The board shall conduct an inspection for an applicant, prior to the issuance of a license, unless the applicant has arranged a bona fide association with a licensed optometrist in the state who has already been inspected and meets the requirements of 20:50:06:01, or the applicant 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.

A licensee or applicant 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).

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

CHAPTER 20:50:07

MINIMUM EXAMINATION

Section

20:50:07:01 Minimum comprehensive optometric examination.

20:50:07:01. Minimum comprehensive optometric examination. When a comprehensive examination is warranted, the minimum comprehensive optometric examination shall consist of the following:

- (1) Patient case history and visual acuity;
- (2) Internal and external physical ocular examination;
- (3) Objective and subjective analysis of refractive error by an optometrist that does not consist solely of information generated by an automated or internet-based testing device;
- (4) Analysis of accommodation, convergence, and fusional ability when clinically necessary;
- (5) Tonometry;
- (6) Pupil evaluation, extraocular movement testing, and visual field testing (confrontation or electronic);
- (7) Assessment and plan; and
- (8) Where indicated by case history and findings produced by the current examination, any additional tests that should be performed to enable the optometrist to advise the patient and prescribe for or refer, as indicated.

No prescription for ophthalmic lenses or contact lenses may be written based solely upon the diagnosis of a refractive error of the human eye as generated using automated equipment or internet-based devices.

Failure to make or supervise the minimum comprehensive examination in all cases and to keep a permanent record of it is unprofessional conduct unless there are professional reasons to the contrary.

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; 13 SDR 44, effective October 20, 1986; 39 SDR 127, effective January 21, 2013; 44 SDR 99, effective December 11, 2017.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-1, 36-7-15.

CHAPTER 20:50:08

CONTINUING EDUCATION REQUIREMENTS

Section

20:50:08:01	Continuing education requirements.
20:50:08:02	Acceptable courses of study, Repealed.
20:50:08:02.01	Limits on self-directed learning.
20:50:08:02.02	Limits on self-directed learning for continuing pharmaceutical education, Repealed.
20:50:08:02.03	Limits on continuing education courses in practice management and patient protection and compliance issues.
20:50:08:03	Repealed.
20:50:08:04	Obtaining evidence of compliance.
20:50:08:05	Repealed.

20:50:08:01. Continuing education requirements. An optometrist must complete 45 hours of continuing education within each three-year period after the date of initial licensure. Of the 45 hours of continuing education required each cycle, 30 hours must be live, where the lecturer and learner are physically present at the same location. The remaining 15 continuing education hours may be completed live or by self-directed learning as specified in § 20:50:08:02.01.

An optometrist must complete five hours annually of continuing pharmaceutical education in the area of diagnosis and treatment of ocular disease. The five hours of annual pharmaceutical education count toward the 45 hours required each three years.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986; 15 SDR 40, effective September 13, 1988; 17 SDR 199, effective June 30, 1991; 21 SDR 35, effective August 30, 1994; 31 SDR 101, effective January 19, 2005; 37 SDR 133, effective January 18, 2011; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-20.2.

Law Implemented: SDCL 36-7-15(7), 36-7-20.

20:50:08:02. Acceptable courses of study. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

20:50:08:02.01. Limits on self-directed learning. No more than 15 hours of self-directed learning may be credited to an optometrist in a three-year period to fulfill continuing education requirements as follows:

(1) Surgical/ophthalmologist observation -- one hour credit for every two hours of observation, up to four hours credit. If the location of the observation being submitted for credit is the optometrist's regular office, the optometrist must provide evidence to the board that the subject of the observation is other than the optometrist's regular practice expertise. The optometrist must provide the board with documentation signed by the ophthalmologist evidencing the observation, including a summary detailing the type of observation and the educational goal and outcome of the observation on a form provided by the board;

(2) Video, recorded webinars, live webinars, and teleconferences -- the optometrist must provide the board with a certificate of attendance indicating the learning format. In the event of an emergency or situation not within the control of the optometrist, and for good cause shown, the optometrist may petition the board to approve a live webinar for credit as a live presentation; and

(3) Correspondence courses from colleges or occupational journals that must have self-testing.

In the event of an emergency or situation not within the control of the optometrist, and for good cause shown, a live stream presentation may receive credit as a live presentation.

Source: 24 SDR 91, effective January 6, 1998; 37 SDR 133, effective January 18, 2011; 44 SDR 99, effective December 11, 2017; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-20.2.

Law Implemented: SDCL 36-7-15(7), 36-7-20.2.

20:50:08:02.02. Limits on self-directed learning for continuing pharmaceutical education. Repealed.

Source: 24 SDR 91, effective January 6, 1998; 31 SDR 101, effective January 19, 2005; 37 SDR 133, effective January 18, 2011; 49 SDR 12, effective August 14, 2022.

20:50:08:02.03. Limits on continuing education courses in practice management and patient protection and compliance issues. In a three-year period, up to eight hours of instruction in the management of an optometric practice, including patient protection and compliance issues, may be used to fulfill continuing education requirements.

Source: 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-20.2.

Law Implemented: SDCL 36-7-15(7), 36-7-20.2.

20:50:08:03. Courses of study not acceptable. Repealed.

Source: SL 1975, ch 16, § 1; repealed, 6 SDR 66, effective January 8, 1980.

20:50:08:04. Obtaining evidence of compliance. To show compliance with continuing education requirements, each optometrist shall obtain evidence of attendance or completion from the sponsoring organization for each course. Documentation must show the name of the licensee, the title of the course, the Council on Optometric Practitioner Education (COPE) identification number, if applicable, the date of attendance or completion of the course, the location of the course

or the medium used for instruction, and the hours in attendance or required for completion. The evidence of compliance must accompany the optometrist's application for renewal of license.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 24 SDR 91, effective January 6, 1998; 43 SDR 61, effective October 24, 2016; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

General Authority: SDCL 36-7-20.2.

Law Implemented: SDCL 36-7-15(7), 36-7-20.2.

20:50:08:05. Special requirements for inactive or out-of-state licenses. Repealed.

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; repealed, 34 SDR 101, effective October 18, 2007.

CHAPTER 20:50:09

PETITIONS FOR RULES

Section

20:50:09:01 and 20:50:09:02 Superseded.

20:50:09:03 Repealed.

20:50:09:01. Petition for new rules. Superseded.

20:50:09:02. Board action on request. Superseded.

Commission Note: SDCL 1-26-13 provides a statutory procedure to use for petitioning an agency for amendments to its rules, thus effectively superseding the above two sections.

20:50:09:03. Request for decision from board. Repealed.

Source: SL 1975, ch 16, § 1; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; repealed, 15 SDR 40, effective September 13, 1988.

CHAPTER 20:50:10

PRESCRIBING OF CONTACT LENSES

Section

20:50:10:01 Acts constituting prescribing of contact lenses.

20:50:10:02 Provision of contact lens prescription.

20:50:10:03 Expiration of contact lens prescription.

20:50:10:01. Acts constituting prescribing of contact lenses. Any of the following shall constitute the prescribing of contact lenses except when performed by or under the direction of and direct physical supervision of a person licensed under SDCL 36-4:

(1) Determining whether or not a patient may safely and comfortably wear contact lenses;

(2) Evaluating the physical fit of a contact lens through use of a "black light" and fluorescein or any similar substance;

(3) Evaluating the physical fit of a contact lens through the use of a biomicroscope or a similar instrument with magnification qualities;

(4) Using a phoropter, hand-held lens, or any automated instrument for the purpose of determining the prescription or change in prescription necessary in a contact lens;

(5) Using a spectacle prescription or a prescription determined through the use of a vertometer, or its equivalent, on a pair of spectacles as a basis for designing, manufacturing, or duplicating a new contact lens;

(6) Prescribing a schedule of time for wearing of contact lenses for a patient;

(7) Measuring and evaluating the curvature of the cornea through any means by any instrument including photographic, mechanical, or reflected light methods; and

(8) Determining the type and design of contact lenses and care procedure for the wearing of contact lenses.

Source: 3 SDR 92, effective July 12, 1977; 6 SDR 66, effective January 8, 1980; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 13 SDR 44, effective October 20, 1986.

General Authority: SDCL 36-7-15.

Law Implemented: SDCL 36-7-1.

20:50:10:02. Provision of contact lens prescription. A licensed optometrist must complete a follow-up evaluation of the contact lens design on the patient's eye to assure the compatibility of the lens to the eye and the patient's ocular health.

After the completion of the follow-up evaluation by the licensed optometrist, the prescribing optometrist must provide a copy of the validated prescription in compliance with state and federal law. The optometrist shall clearly state the expiration date on the prescription.

If a patient refuses to permit the prescribing optometrist to complete a follow-up evaluation, the prescribing optometrist shall deliver a nonvalidated prescription to the patient that includes a statement that the prescription cannot be validated without follow-up evaluation.

Source: 21 SDR 35, 21 SDR 50, effective January 1, 1995; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-1.

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

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

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

If a prescription expires in less than one year, the prescribing optometrist shall document the reasons for that expiration date in the patient's medical record. A prescribing optometrist may not

specify a prescription expiration date that is earlier than the date on which a reexamination of the patient is medically necessary.

Source: 44 SDR 99, effective December 11, 2017; 46 SDR 119, effective May 4, 2020; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-1.

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.

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

- (1) Name and address of the corporation;
- (2) A copy of its certificate of incorporation;
- (3) A copy of its articles of incorporation;
- (4) A copy of the minutes of its organizational meeting;
- (5) A copy of the corporation's insurance binder;
- (6) A registration fee of \$50; 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~~.

20:50:11:02. Professional corporation -- Admitting shareholder. No later than 30 days after a change in membership or shareholders, the corporation shall notify the board in writing of the change, indicating the identity, licensure status, and residence address of any new shareholder or member.

Source: 12 SDR 78, effective November 10, 1985; 12 SDR 151, 12 SDR 155, effective July 1, 1986; 46 SDR 119, effective May 4, 2020.

General Authority: SDCL 47-11B-23.

Law Implemented: SDCL 47-11B-3.

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.~~

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.

CHAPTER 20:50:12

COMPLAINT INVESTIGATION

Section

20:50:12:01	Complaints.
20:50:12:02	Investigations.
20:50:12:03	Completion of complaint investigation.
20:50:12:04	Status of complainant.
20:50:12:05	Failure to renew during investigation.
20:50:12:06	Costs of disciplinary actions.

20:50:12:01. Complaints. Upon receipt of a written complaint, the board may initiate an investigation pursuant to SDCL chapter 36-1C. Any person filing a complaint shall submit the complaint in writing to the executive secretary, on a form provided by the executive secretary. A complaint is not a public record. An investigation may also be initiated upon receipt by the executive secretary of information sufficient to create a reasonable suspicion that a licensee is in violation of any applicable standard for professional conduct, or that the health or welfare of the public is endangered.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-24, 36-7-25, 36-7-26, 47-11B-7, 47-11B-14, 47-41B-15.

20:50:12:02. Investigations. If the complaint alleges a violation of a matter within the board's authority or compliance with licensing standards and requirements, the executive secretary shall promptly investigate the complaint or provide the complaint to the board investigator for investigation pursuant to SDCL chapter 36-1C. The board shall give written notice to the licensee of the complaint, along with a statement that the licensee is entitled to due process rights, including the right to notice and an opportunity to be heard and to be represented by counsel. The licensee shall provide a written response to the complaint, which the licensee must provide to the executive secretary within twenty days of receipt of the request. The board must notify the licensee that a copy of that response may be provided to the complainant. Upon completion of a complaint investigation, the investigator shall prepare a report to present to the executive secretary of the investigator's findings and conclusions for review. Upon review of the investigator's report, the executive secretary may direct further investigation of the matter.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-24, 36-7-25, 36-7-26, 47-11B-7, 47-11B-14, 47-11B-15.

20:50:12:03. Completion of complaint investigation. Upon completion of a complaint investigation, the board may impose the following sanctions after a determination that a violation exists:

- (1) A letter of concern, which must be placed in the licensee's permanent record. A letter of concern is not a public record;
- (2) Formal reprimand;

- (3) Require that the licensee comply with specified terms and conditions;
- (4) Probation of license to practice optometry in this state;
- (5) Suspension of license to practice optometry in this state;
- (6) Revocation of license to practice optometry in this state; or
- (7) Restitution and payment of all costs and expenses of the investigation and proceedings, including attorney fees.

If the licensee disputes the determination, a contested case hearing must be held pursuant to SDCL chapters 1-26 and 36-1C. Pursuant to SDCL 1-26-20, informal disposition may be made by stipulation, agreed settlement, consent order, or default. A final action taken in disposition of a complaint matter is public unless otherwise provided for by law.

If the board questions the competency of the licensee, the board may require a licensee to demonstrate competency by completing the National Board of Clinical Skills examination or retake any portion of the national board examinations. Failure to comply with the board's request may be grounds for further disciplinary action.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-24, 36-7-25, 36-7-26, 47-11B-7, 47-11B-14, 47-11B-15.

20:50:12:04. Status of complainant. The complainant is not a party to any contested case hearing resulting from the investigation of a complaint, although the complainant may be called as a witness in the hearing. The board shall notify a complainant of any public final action taken by the board as a result of a complaint.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-24, 36-7-25, 36-7-26, 47-11B-7, 47-11B-14, 47-11B-15.

20:50:12:05. Failure to renew during investigation. If an optometrist fails to renew the license after notification that the board has initiated an investigation, the board shall report the license as "withdrawn under investigation" in the board's permanent license file and in any national databases to which the board is required to report licensure action.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 36-7-24, 36-7-25, 36-7-26, 47-11B-7, 47-11B-14, 47-11B-15.

20:50:12:06. Costs of disciplinary actions. The board may assess against a licensee or applicant all or part of its expenses, including investigator and attorney fees, associated with a contested case proceeding that results in disciplinary action. If assessing such expenses, a statement of expenses must be presented to the board or hearing examiner at the time proposed findings of fact and conclusions of law are submitted.

Source: 41 SDR 109, effective January 12, 2015; 49 SDR 12, effective August 14, 2022.

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

Law Implemented: SDCL 1-26-29.1.

WHEREAS, the Board has a statutory obligation to promote the safe and qualified practice of optometry in the State of South Dakota as set forth in SDCL § 36-7-15, including the protection of the public from unprofessional optometry practices and practitioners;

WHEREAS, Licensee and the Board have each expressed a desire to resolve this matter without the necessity of additional formal disciplinary proceedings and hearings and have therefore agreed to resolve this complaint in the manner set forth in this agreed upon disposition pursuant to SDCL § 36-1C-6 and ARSD 20:50:12:01 et seq.; and

WHEREAS, it is the intent of this agreement to provide for a disposition of the licensing issues presented by the Licensee's conduct, in a professional manner, without the necessity of further hearings and proceedings herein, and to provide for a responsible resolution.

THEREFORE, IT IS HEREBY STIPULATED AND AGREED AS FOLLOWS:

1. The Board has jurisdiction over the person of the Licensee and the subject matter of this Agreed upon Disposition to Voluntarily Surrender License.
2. Licensee agrees to voluntarily surrender Licensee's South Dakota optometry license immediately upon Licensee signing this Agreed upon Disposition to Voluntarily Surrender License.
3. Licensee understands that Licensee has a right to a contested hearing pursuant to SDCL Ch. 1-26 regarding this matter and that such rights under SDCL Ch. 1-26 include, but are not limited to, the right to a contested hearing before the Board, the right to be present at the contested case hearing, the right to be represented by legal counsel, the right to introduce evidence and testimony on Licensee's behalf, call witnesses, cross-examine witnesses, and

inspect all documentary evidence submitted to the Board, and the right to appeal the Board's decision to the South Dakota Circuit Court and Supreme Court, as provided by law.

4. By voluntarily surrendering Licensee's licenses and entering into this Agreed upon Disposition to Voluntarily Surrender License with the Board, the Licensee hereby knowingly and voluntarily waives the above rights and agrees that this matter will be resolved according to the disciplinary procedures outlined in SDCL § 36-1C-6, through an agreed upon disposition and Board Order incorporating this agreed upon disposition.

5. Licensee agrees and stipulates that this Agreed upon Disposition to Voluntarily Surrender License is being entered into voluntarily by the Licensee and without threats or coercion and is entered into after the Licensee has been given ample opportunity to consider these matters and to discuss this Agreed upon Disposition to Voluntarily Surrender License with an attorney of Licensee's choice and that the Licensee has a full understanding of the legal consequences of this Agreed upon Disposition to Voluntarily Surrender License, which rights are hereby waived by the signing of this Agreed upon Disposition to Voluntarily Surrender License.

6. Licensee agrees and requests that the Board's Executive Secretary or other designee present this Agreed upon Disposition to Voluntarily Surrender License to the full Board for approval and adoption.

7. With this Agreed upon Disposition to Voluntarily Surrender License, Licensee understands that Licensee's license to practice optometry in South shall be surrendered and the Board shall suspend said license for an indefinite period from the date of this Agreed upon Disposition. Licensee may apply to have Licensee's license reinstated.


8. Nothing in the Board's Voluntary Surrender Consent Order or this Agreed upon Disposition to Voluntarily Surrender License should or does imply that the Licensee will be reinstated. Licensee recognizes that the reinstatement terms, as well as the requirements for reinstatement, are at the sole discretion of the Board.

9. If Licensee requests reinstatement, Licensee has the burden under SDCL § 36-7-27 to present information proving the disqualification has ceased for the Board to exercise its discretion to reinstate Licensee's license.

10. Licensee understands that this action is reportable discipline and will be published in the Board's newsletter and posted on its website and reported into the National Practitioner Data Bank (NPDB) as required by law.

NOW, THEREFORE, the foregoing Agreed upon Disposition to Voluntarily Surrender License is entered into and is respectfully submitted to the Board with the request that the Board adopt its terms as an Order of the Board in this matter.

Dated this 30 day of November, 2023.


Cesar Bartell, Licensee



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

January 2, 2024

Melanie Weiss, OD
1300 19th St NE
Watertown, SD 57201

Dear Dr. Weiss,

This letter is to provide formal notification to you that pursuant to the terms of the Consent Agreement you entered with the board dated July 1, 2017, your probation has officially ended January 1, 2024. The board records and website will be updated accordingly.

Please let me know if I can be of further assistance.

Sincerely,

A handwritten signature in black ink that reads "Deni Martin". The signature is written in a cursive style.

Deni Martin, Executive Secretary
SD Board of Examiners in Optometry



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

FY24 CONTRACT SUMMARY and FY25 RECOMMENDATIONS

- **South Dakota Optometric Society- Education Services**
 - \$4,000.00 per year
 - **Proposed-FY25: Discontinue per administrative rule changes**

- **CodeWise- Database Services**
 - \$85.00/hour
 - Not to exceed \$10,000.00
 - **Proposed- FY25: Continue with same terms**

- **Scott Kennedy- Investigative Services**
 - \$90.00/hour
 - Not to exceed \$5,000.00
 - **Proposed- FY25: Continue with same terms**

- **Lisa Kollis-Young- Investigative Services**
 - \$90.00/hour
 - Not to exceed \$5,000.00
 - **Proposed- FY25: Continue with same terms**

- **Deni Martin- Administrative Services**
 - Salary- \$2155.37/month
 - Rent- \$650.50/month
 - Office and travel expenses reimbursed, not to exceed \$7,000.00
 - \$3,063.00 one-time payment for professional liability insurance
 - \$3879.00 one-time payment for additional duties: database upgrade
 - Not to exceed \$47,611.33
 - **Proposed- FY25: TBD by board.**
 - **Recommendation per additional duties with scope expansion**
 - **\$46,500.00 Salary**
 - **Office and in-state travel expenses reimbursed, not to exceed \$3,000.00**
 - **Not to exceed \$49,500.00**

Board Member Terms				
Name	Appointment	Expiration		
Ashley Crouch	7/1/2021	6/30/2024		
Jamie Farmen	7/1/2018	6/30/2021		
	7/26/2021	6/30/2024		
Brian Gill	7/26/2021	6/30/2024		
Angela Hase	7/17/2019	6/30/2022	*President	
	7/1/2022	6/30/2025		
Scott Schirber	9/19/2016	6/30/2019	*Vice President	
	7/1/2019	6/30/2022		
	7/1/2022	6/30/2025		

Board of Examiners in Optometry Licensing Requirements

The Board of Examiners in Optometry is responsible for ensuring the competency and ethical practice of optometrists to safeguard the eye health and well-being of South Dakota residents. This web page provides essential information about the licensing requirements and processes for those seeking to practice optometry in the state.

All new applicants, not currently licensed in South Dakota, are required to apply using the general application. Beginning July 1, 2024, South Dakota licensed optometrists have been given legislative authority to apply for advanced procedure certifications to be added to their license. Advanced procedures will be added to your license through a separate application and approval process as described below.

Not sure which application to use?

- **General Application:**
 - Not currently licensed in South Dakota, but you would like to be.

- **Advanced Procedures Application(s):**
 - Currently licensed in South Dakota and would like to apply for advanced procedures.
 - Not currently licensed in South Dakota, but would like to submit as a supplement to the general application to add advanced procedures to initial certification.

Initial Review

Upon receipt of an application for an initial certificate of registration, endorsement, or advanced procedures, the executive secretary shall review to determine if the applicant has submitted all required documents, information, non-refundable fees, and other materials. The executive secretary shall notify the applicant of any materials missing from the application. The applicant has 180 days from the date of notice to provide the information intended to complete the application. If an applicant fails to submit required materials within 180 days of notice that materials are missing from the application, the application will be deemed withdrawn. The executive secretary shall notify the applicant if an application is designated as withdrawn. The applicant is not precluded from reapplying at the expiration of the 180 day period, but all required documents, information, non-refundable fees, and other materials must be resubmitted with such reapplication.

Processing Applications

The executive secretary shall initiate the processing of complete applications after receiving documentation from primary sources to verify that the applicant has met the requirements of applicable statutes and regulations.

Investigation of Application

The executive secretary may determine that the information disclosed in an application or primary source documentation requires inquiry to determine whether the applicant meets the qualifications or standards for the issuance of a license. The executive secretary may conduct that inquiry or may provide the matter to the board investigator for investigation.

The application may be typed in PDF form but must be printed and then signed by a notary prior to mailing. The application fee must accompany this notarized document.

GENERAL APPLICATION:

***ONLY FOR APPLICANTS NOT CURRENTLY LICENSED IN SOUTH DAKOTA: \$175.00 Application Fee**

GENERAL APPLICATION LINK

*I'll also add instructions on this application that indicate there's a separate application for advanced procedures.

If this application is approved, the privileges granted through this approval include:

36-7-1. The practice of optometry is declared to be a profession and is defined as:


- (1) The examination of the human eye and its appendages;
- (2) The employment of any means for the measurement of the powers of visions, or any visual, muscular, neurological, interpretative, or anatomical anomaly of the visual process;
- (3) The prescribing or employment of lenses, prisms, frames, mountings, and visual training procedures;
- (4) The prescribing or administration, except by injection unless otherwise permitted by this chapter, of any pharmaceutical agent rational to the diagnosis and treatment of the human eye and its appendages;
- (5) The employment of any means or method for the correction, remedy, or relief of any insufficiency or abnormal condition of the visual process of the human eye and its appendages, provided the term "any means or method" does not include surgeries, unless otherwise permitted by this chapter;
- (6) The removal of a superficial foreign body from the eye;
- (7) The prescribing of contact lenses, except by a physician licensed under chapter 36-4;
- (8) The use of intense pulsed light for the treatment of dry eye disease;

ADVANCED PROCEDURES APPLICATION:

Advanced procedures have been approved by legislative authority. (Optometrists may not perform these procedures until they have applied using this application and met requirements described there-in.)

Once the board has received the verifiable evidence of competency in procedures, a designation will be placed after their license number to indicate certification. Optometrists may apply for one or all of the following:

- Intradermal Injection of a Paralytic Agent (**INJ-PA**)
- Intralesional Injection of a Steroid to Treat a Chalazion (**INJ-S**)
- Use of Local Anesthetic in Conjunction with the Primary Removal of a Pedunculated Skin Tag (**ST**)
- Performance of a Selective Laser Trabeculoplasty (**LAS-T**)
- Performance of a Posterior Capsulotomy using an Yttrium Aluminum Garnet Laser (**LAS-YAG**)

 If an optometrist received certification in all of the above procedures, an (**AP**) will be placed after their license number. This will be the highest level of licensure for a South Dakota optometrist.

*Any procedure referenced above, when performed by a licensed optometrist licensed in SDCL [36-7](#), does not constitute the practice of medicine, for purposes of SDCL 36-4.

**GRADUATED OPTOMETRY SCHOOL PRIOR
TO JULY 1, 2024**



- Must complete a course approved by this board. It will be at least 32 hours in duration and include content set forth by 36-7-1. List of approved courses: [Approved AP Courses](#)
- Must demonstrate competency of procedure(s) for which he/she has applied and this must be proctored by an ophthalmologist or an optometrist who is authorized to perform all advanced procedures outlined above.
- Detailed instructions for how to demonstrate competency in these requirements contained in the applications below.

**GRADUATED OPTOMETRY SCHOOL AFTER
JULY 1, 2024**



- Must complete a course approved by this board. It will be at least 32 hours in duration and include content set forth by 36-7-1. List of approved courses: [Approved AP Courses](#)
- Must demonstrate competency of procedure(s) for which he/she has applied and this must be proctored by an ophthalmologist or an optometrist who is authorized to perform all advanced procedures outlined above.
- Must receive a passing score on the laser and surgical procedures examination, offered by the National Board of Examiners in Optometry.
- Detailed instructions for how to demonstrate competency in these requirements contained in the applications below.

If you wish to apply for all five advanced procedures, use this application: —>

ADVANCED PROCEDURES (AP)

If you wish to apply for advanced procedures separately, you will be required to submit a separate application for each procedure (\$100.00 Application Fee for Each Procedure):

- Intradermal Injection of a Paralytic Agent —> **INJ-PA Application**
- Intralesional Injection of a Steroid to Treat a Chalazion —> **INJ-S Application**
- Local Anesthetic in Conjunction with the Primary Removal of a Pedunculated Skin Tag —> **ST Application**
- Performance of a Selective Laser Trabeculoplasty —> **LAS-T Application**
- Performance of a Posterior Capsulotomy using an Yttrium Aluminum Garnet Laser —> **LAS-YAG Application**

Fees

- Initial Application Fee: \$175.00
- Yearly license Fee: \$300.00
 - Due by September 30th of each year
 - New license fees are pro-rated according to the date of licensure
- Advanced Procedures Fee:
 - If submitting request for all five procedures using same application: \$200.00
 - If submitting applications for procedures separately: \$100.00 per application



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PETITION FOR APPROVAL OF ADVANCED PROCEDURES COURSE

Effective July 1, 2024, the South Dakota Legislature allowing South Dakota optometrists to perform advanced procedures as outlined in 36-7-1 (9). As part of the requirements of certification of these advanced procedures, applicants are required to complete an additional course that demonstrates competency in these advanced procedures. The purpose of this form is to petition the Board to request a review of a course to determine if it meets the criteria for South Dakota optometrists to complete their advanced procedures certification and be added to a Board approved course list.

Name of person or organization submitting petition: _____

If organization, name of person completing form: _____

Address: _____ State: _____ Zip: _____

Phone Number: _____ Email: _____

COURSE INFORMATION

Course Name: _____

Length of Course: _____

Date of First Course Offering or Most Recent Update: _____

Brief Description of Course:

*Please check the box to indicate the course meets at least the following requirements:

➤ Is at least thirty-two hours in duration.	<input type="checkbox"/>
➤ Includes content on the intradermal injection of a paralytic agent.	<input type="checkbox"/>
➤ Includes content on the intralesional injection of a steroid to treat a chalazion.	<input type="checkbox"/>
➤ Includes content on the use of a local anesthetic in conjunction with the primary removal of a pedunculated skin tag.	<input type="checkbox"/>
➤ Includes content on the use of a local anesthetic in conjunction with the primary removal of a pedunculated skin tag.	<input type="checkbox"/>
➤ Includes content on the performance of a selective laser trabeculoplasty.	<input type="checkbox"/>
➤ Includes content on the performance of a posterior capsulotomy using an Yttrium aluminum garnet laser.	<input type="checkbox"/>
➤ Is proctored by an ophthalmologist or is proctored by an optometrist who is authorized to perform all of the procedures set forth in 36-7-1(9) by the optometric licensing board of a state in which a qualified optometrist may perform all of those procedures.	<input type="checkbox"/>

Does this course offer any practice management components? YES NO

Is this course COPE approved? YES NO

INSTRUCTIONS

Please submit a course outline with this form.

Submission of this document does not guarantee approval. The Course must be approved by the Board before licensees will receive credit for its completion. The Board will review at the next scheduled meeting. Special meetings will not be held for approval of continuing education. The person submitting the form will receive confirmation of the Board's decision after its meeting.

By signing this form, I attest that all information contained herein, to the best of my knowledge and belief, is true and correct and made for the purpose stated herein.

Signature: Deb Mortenson Date: _____

For Board Use Only:

Date of Approval: _____

Board Notes:

Date Petitioner Notified: _____ Method of Notification: _____

Date of Last Revision: March 6, 2024