



Board of Examiners in Optometry
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AGENDA

Monday, August 19, 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 virtual meeting on May 20, 2024.
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
 - b. Statute & Administrative Rule Review
8. New Business
 - a. Updates from ARBO Annual Meeting
 - b. Licensing
 - New License Applications (14)
 - Advanced Procedures Applications (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 Optometrist
Meeting Minutes
 May 20, 2024
 6:00 PM (CST)
 Virtual Meeting

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	
		Ashley Crabtree, OD	
*Arrived at 6:48pm (CST)			

Attendance: President Hase called the meeting to order at 6:05pm on May 20, 2024.

1. Approval of Agenda:

Board Action: B Gill moved to approve the agenda, seconded by A Crouch. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

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

3. Public Comment: No public comment; however, South Dakota Optometric Society representatives were welcome to provide comment and ask questions throughout the meeting.

4. Approval Minutes:

Board Action: A Crouch moved to approve the minutes from the in-person meeting on March 18, 2024, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

5. Financial Reports:

Board Action: D Martin presented the treasurer's report found on pages 6-8 of the agenda packet. A Crouch moved to accept treasurer's report, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

6. New Business

A. Petition for Advanced Procedures Course: Pages 9-19 contain a petition for advanced procedures. The petitioner has requested partial credit towards the 32-hour course requirement advanced procedures because she completed a portion of that course in December 2023 and would have the intention of finishing the remaining portion in the future. B Gill moved to deny this petition for advanced procedures course from applicant finding that the 18 hours fails to comply with HB 1099 and relevant parts. The course is not 32 hours in duration and does not include content related to each procedure set forth in HB 1099, section 1, subsection 9. Also, petitions must be complete and contain all of the sections contained in the statute prior to them being brought forth to the board for review, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

8. Old Business

A. Licensing: No action taken.

B. Contracts: A Hase provided the update that, although Scott Kennedy's contract was approved at the previous meeting, he does not wish to continue service as board investigator so that contract will not be completed. No action taken.

C. SDCL 36-7 (Expansion of Procedures Update):

As a result of the expanded scope of practice becoming effective on July 1, 2024, Deni Martin reported on the progress of the implementation advanced procedures website, database and applications. A Crabtree and D Mortenson, representing the South Dakota Optometric Society, inquired regarding if this Board would allow advanced procedures applicants to demonstrate competency via electronic devices (telehealth). Per the language set forth in HB 1099, indicating that demonstration of competency must be in the presence and under the direct supervision of proctor, A Crouch moved that language be added to the application that outlines all practice eyes require the physical presence of an authorized proctor, the proctor and applicant must be physically in the same location while demonstrating competency in the advanced procedures, seconded by B Gill. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

D Martin asked for clarification from the board regarding the approval process for advanced procedures applications. With the general applications, the board president has been granted the authority to approve applications and have those approvals be ratified at the following meeting. A Crouch moved to use this same process for advanced procedures applications, seconded by J Farmen. Vote:

Crouch	YES	Hase	YES
Farmen	YES	Schirber	ABSENT
Gill	YES	4 YES, MOTION CARRIED	

*6:48pm- S Schirber joined the meeting.

*7:14pm- D Mortenson left the meeting.

D. Administrative Rule Review:

A Hase reported that, there is a need for this board to complete a review of all of its administrative rules a result of the American Optometric Association recommendations regarding telehealth and implementation of the expanded procedures statute becoming effective on July 1, 2024. Pages 56-75 of the agenda packet contains a rough draft of some potential changes that the board may want to consider. No action was taken; however, the board would like D Martin and M Borchert to work with the South Dakota Optometric Society to continue discussion regarding these potential updates. Tabled until next meeting.

9. Time and Place of Next Meetings:

- Monday, August 19, 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 7:29pm, seconded by J Farmen.

Vote:

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

Remaining Authority by Object/Subobject

Expenditures current through 07/06/2024 02:06:41 PM

HEALTH -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

09208 Board of Optometry - Info						PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining	AVL
EMPLOYEE SALARIES						
5101030 Board & Comm Mbrs Fees	1,698	1,560	0	0	138	8.1
Subtotal	1,698	1,560	0	0	138	8.1
EMPLOYEE BENEFITS						
5102010 Oasi-employer's Share	192	120	0	0	72	37.5
Subtotal	192	120	0	0	72	37.5
51 Personal Services						
Subtotal	1,890	1,680	0	0	210	11.1
TRAVEL						
5203020 Auto Priv (in-st.) L/rte	200	0	0	0	200	100.0
5203030 Auto-priv (in-st.) H/rte	1,000	1,634	0	0	-634	0.0
5203100 Lodging/in-state	380	660	0	0	-280	0.0
5203140 Meals/taxable/in-state	258	14	0	0	244	94.6
5203150 Non-taxable Meals/in-st	200	272	0	0	-72	0.0
Subtotal	2,038	2,580	0	0	-542	0.0
CONTRACTUAL SERVICES						
5204020 Dues & Membership Fees	850	850	0	0	0	0.0
5204050 Computer Consultant	1,000	8,585	0	0	-7,585	0.0
5204060 Ed & Training Consultant	4,000	4,000	0	0	0	0.0
5204080 Legal Consultant	15,000	15,784	0	0	-784	0.0
5204090 Management Consultant	59,700	47,611	0	0	12,089	20.2
5204100 Medical Consultant	2,000	0	0	0	2,000	100.0
5204180 Computer Services-state	437	1,019	0	0	-582	0.0
5204181 Computer Services-state	0	125	0	0	-125	0.0
5204200 Central Services	1,509	2,467	0	0	-958	0.0
5204202 Central Services	0	11	0	0	-11	0.0
5204203 Central Services	0	8	0	0	-8	0.0
5204204 Central Services	305	275	0	0	30	9.8
5204207 Central Services	306	783	0	0	-477	0.0
5204530 Telecommunications Srves	0	113	0	0	-113	0.0
5204590 Ins Premiums & Surety Bds	600	855	0	0	-255	0.0
5204960 Other Contractual Service	0	1,773	0	0	-1,773	0.0
Subtotal	85,707	84,259	0	0	1,448	1.7
SUPPLIES & MATERIALS						

Remaining Authority by Object/Subobject

Expenditures current through 07/06/2024 02:06:41 PM

HEALTH -- Summary

FY 2024 Version -- AS -- Budgeted and Informational

FY Remaining: 0%

09208 Board of Optometry - Info							PCT
Subobject	Operating	Expenditures	Encumbrances	Commitments	Remaining		AVL
5205310 Printing-state	800	0	0	0	800		100.0
Subtotal	800	0	0	0	800		100.0
CAPITAL OUTLAY							
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
52 Operating							
Subtotal	88,545	88,539	0	0	6		0.0
Total	90,435	90,219	0	0	216		0.2

Subobject	Description	FY15 Actual	FY16 Actual	FY17 Actual	FY18 Actual	FY19 Actual	FY20 Actual	FY21 Actual	FY22 Actual	FY23 Actual	FY24 Actual	FY25 8/1/2024
	Salaries											
5101030	Board & Comm Members	660	780	900	660	600	1,020	180	1,800	1,080	1,560	
5102010	OASI-Employer's	51	61	69	50	46	81	14	138	85	120	
5203010	Auto-State											
	Board Member Travel	855	1,229	1,002	1,467	1,482	2,131	-	1,114	1,058	2,580	1,445
	*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	8,585	
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	15,784	
5204090	Management Consultant	28,588	31,703	33,924	34,541	35,214	35,251	34,366	37,051	42,657	47,611	8,168
5204160	Workshop Registration Fee											550
5204180	Central Services: Computer Login			213	158	62	76	84	90	261	1019	94
5204181	Central Services										125	
5204200	Central Services: Accounting	802	828	1,125	1,115	1,195	1,262	1,069	1,062	1,411	2,467	544
5204202	Central Services: Property Management										11	
5204203	Central Services: Purchasing Services										8	
5204204	Central Services: Records	233	192	192	199	245	286	274	246	246	275	75
5204207	Central Services: HR	208	242	293	230	205	360	44	524	519	783	
5204530	Telecommunications Services										113	
5204960	Other Contractual					75					1773	7
5205310	Printing-State		1048			385	626	482		620		276
5204590	Ins Premiums & Surety Bds	740	380	335	815	900	880	245	825	995	855	
5205350	Postage		36			9		13		30		22
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	90,219.00	11,181.00
	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	80,563.92	19,761.81
	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	-9,655.08	8,580.81
	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	95,131.32	103,713.51

Cash Center Balance- Same time in previous years:

7/1/2023	104,787.20
7/1/2022	113,607.19
7/1/2021	94,237.52
7/1/2020	73,202.49

Telehealth Model Language – General Concepts and Decision Points

Background

Advancements in technology offer opportunities for improved access to care at a lower cost. At the same time, boards of optometry have an obligation to ensure quality standards are met and the public is protected.

	Recommended Policy	Impact
Definitions	<p>Telehealth – broad definition</p> <ul style="list-style-type: none"> Practice of health care using electronic communications, information technology or other means between a licensee in one location, and a patient in another location with or without an intervening healthcare provider. Includes telemedicine, telepractice, teleophthalmology, etc. 	
Establishing patient-provider relationship	<p>Relationship begins when the patient seeks assistance from an optometrist and the optometrist agrees to undertake diagnosis and treatment</p> <ul style="list-style-type: none"> Internet/online questionnaire qualifies Supervised technician qualifies Initial in-person physical exam not required <p>Provider is required to:</p> <ul style="list-style-type: none"> Validating and authenticating location of the patient Disclosing and validating the licensing credentials of the clinician Obtain appropriate consents 	Provides most flexibility for patients
Consent Issues	<p>Require informed consent regarding use of telemedicine technologies, including delivery methods and limitations</p> <ul style="list-style-type: none"> Patient agrees that provider determines whether or not condition being diagnosed and/or treated is appropriate for telemedicine encounter Hold harmless clause for information lost due to technical failures 	
Live Video (Real Time)	<p>Acceptable</p> <ul style="list-style-type: none"> High resolution video/camera Secure encryption Multi-factor authentication 	
Store and Forward (Asynchronous)	<p>Acceptable</p> <ul style="list-style-type: none"> High resolution video/camera Secure encryption Multi-factor authentication 	
Remote Monitoring	<p>With potential restrictions:</p> <ul style="list-style-type: none"> Limited clinical conditions 	

	<ul style="list-style-type: none"> • Limited monitoring devices • Limited information collection • FDA approved devices only 	
Supervision of Technicians/Assistants	Documentation of training programs for any technician who is capturing clinical images	
E-Mail/Phone	Acceptable only in conjunction with some other type of system Direct to patient eye and vision health related application, including online vision test must comply with standard of care	
Licensure	<ul style="list-style-type: none"> • Provider must be licensed in the jurisdiction where the patient is located. • Practice of optometry begins where the patient is located at the time telemedicine technologies are used • No separate license or certificate related to telehealth: such a separate license could allow an out-of-state provider to render services via telemedicine in a state where they are not located or have a full license 	
Location of Services	No geographical restrictions Practitioner must be licensed in the same jurisdiction of the patient	Uniform access to care, across rural and urban areas
Online Services	Prescriptions limited selectively Disclosures, including: <ul style="list-style-type: none"> • Specific services provided • Contact information for provider • Licensure and qualifications of provider • Appropriate uses and limitations of the site • Uses and response times for communications • Financial interests, other than fees charged, in any information, products, or services 	
Prescribing	Consider measures to limit medication formularies for telehealth exams (no opioids) Appropriate clinical considerations documented	
Practice Standards	<ul style="list-style-type: none"> • Same standard of care as an in-person exam • Same scope of practice as an in-person exam • Require adoption of practice standards, including documentation and diagnosis prior to providing treatment • Online questionnaire alone is not acceptable standard of care • Provider remuneration or treatment recommendations should not be based on prescription, referral, or utilization of telehealth technologies • Local Referrals: urgent care, emergency services, facilitate continuity of care 	
Medical Records	Patient record from telehealth exam should be available to both provider and patient, and be consistent with established laws and regulations governing patient healthcare records. <ul style="list-style-type: none"> • Patients' relevant health history must be collected as part of the provision of eye and 	

vision telehealth services

Privacy of Patient Data

Protect patient confidentiality

- Requirement for express patient consent to forward patient-identifiable information to a third party
- Ensure HIPAA compliance
- Inform patients that asynchronous telehealth involves their health information traveling by electronic means

Private Payers

Require same reimbursement as in-person exam for same services

Prohibit payers from restricting use of telehealth to specific companies

Crossing State Lines

Practitioner must be licensed in the state the patient resides

Disclaimer

Not intended to establish legal, medical or other standard of care

Does not replace or supersede local, state, or federal laws

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 20:50:02**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.

20:50:02:06. 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).

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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).

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.

20:50:04:05. 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).

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20:50:04:12. Assignment of tasks to a Certified Para-Optometric Assistant. The following tasks may only be delegated to an optometric assistant who is certified through the American Optometric Association's assistant or technician certification process, or is an ophthalmologic technician:

Commented [BM1]: Pupil testing, scleral testing

(1) Testing and Procedures

- a. Slit Lamp examination
- b. 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 a 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 para-optometric assistant 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 para-optometric assistant shall be directly supervised by the optometrist assigning tasks to the certified para-optometric assistant. The optometrist remains responsible for the acts and duties assigned to a certified para-optometric assistant.

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:

20:50:04:12 Delegation to unlicensed personnel. An optometrist may employ unlicensed personnel and delegate tasks to properly trained personnel. Tasks delegated by an optometrist shall be performed under direct supervision of a licensed optometrist. The unlicensed personnel cannot practice optometrist or exercise professional clinical judgment or interpretation.

An optometrist who delegates to unlicensed personnel remains responsible for the outcome and quality of care provided. An optometrist has the continuing responsibility to ensure the unlicensed personnel has been trained to perform diagnostic procedures and maintain necessary equipment and supplies. The Board does not recognize any level of competency for unlicensed personnel and recognition of the unlicensed personnel's skill to complete tasks is the responsibility of the optometrist.

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

20:50:04:13. Telepractice. The practice of optometry provided through telepractice shall be held to the same standard of care as in-person encounters. An optometrist may not provide telehealth services unless the optometrist has established a provider-patient relationship with the patient.

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

Commented [BM2]: Plus terms of 34-52-3

Commented [BM3R2]: The patient is 18 years of age

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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, in order to establish a medical diagnosis or to determine refractive error.

An optometrist who delivers services through telehealth must establish protocols for referrals for emergency services.

An optometrist providing telehealth services may not issue a prescription for any controlled substance. OR An optometrist providing telehealth services may not issue a prescription for any controlled substance/provide treatment based solely on the responses provided in an online questionnaire.

A failure to comply with this section shall constitute unprofessional conduct.

Source:

General Authority:

Law Implemented:

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;

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- (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.

20:50:06:01.01 Telehealth office equipment. In addition to the equipment in ARSD 20:56:06:01, an optometrist providing telehealth services must also include the following additional equipment, which must be kept in good condition:

- (1) Anterior segment video recording system; and
- (2) Full field imaging system or fundus camera.
- (3) **Source:**
- (4) **General Authority:**
- (5) **Law Implemented:**

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).

20:50:06:02. 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 20:50:11

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~~.

20:50:11:03. 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.