



## **Scope of Practice Declaratory Ruling Process**

In 2021, the South Dakota Governor's Office brought forth legislation, codifying HB 1014, which established a uniform complaint and declaratory ruling procedure for all healthcare licensing boards. Individuals wishing to petition the Board regarding scope of practice questions need to do so through the Uniform Declaratory Ruling process found at SDCL 36-1C-14 through 36-1C-16.

To comply with this procedure, the petitioner needs to provide the information required in SDCL 36-1C-14 which provides that "[a] person seeking a ruling as to the applicability to that person of a law, rule, or order of an agency under title 36 may file with the agency a petition for declaratory ruling." The issue must directly impact the petitioner and be related to a law, rule, or order of the Optometry Board. The statute requires the petitioner to provide information about the petitioner, the specific statute or rules in question, the facts and circumstances giving rise to the issue to be addressed, and to describe the precise issue to be answered in the declaratory ruling. Pursuant to SDCL 36-1C-15, the agency, at its next scheduled meeting or within ninety days, whichever is shorter, shall issue a declaratory ruling and serve a copy of it by mail or electronic mail upon the petitioner.

The Board cannot provide legal advice regarding the petition or petitioning process. If you need additional help, you are encouraged to seek private legal counsel.

Policy adopted by the South Dakota Board of Examiners in Optometry on April 3, 2023