



## South Dakota Board of Examiners in Optometry

### Meeting Minutes

March 6, 2020

8:00 AM (CST)

Tieszen Law Office Conference Room

Pierre, SD 57501

Board Members		Board Staff Present	
Craig Dockter, OD, President	Present	Deni Amundson, Executive Secretary	
Jamie Farnen, Consumer Member	Present	Naomi Cromwell, Board Attorney	
Allen Haiar, OD, Vice President	Present	Ann Meyer, Assistant Attorney General	
Angela Hase, OD	Present	Guests	
Scott Schirber, OD	Present	Deb Mortenson, South Dakota Optometric Society-telephonically	

**Attendance:** President Dockter called the meeting to order at 8:00 AM on March 6, 2020.

#### 1. Approval of Agenda:

Board Action: S Schirber moved to approve the agenda, seconded by J Farnen. Vote:

Dockter	YES	Hase	YES
Farnen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

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

**3. Public Rules Hearing:** 8:02 AM to 8:10 AM. See attached "Minutes of Public Hearing"

#### 4. Approval Minutes:

Board Action: S Schirber moved to approve the minutes from the regular meeting on August 16, 2019, and the telephonic meetings on September 11, 2019, and October 16, 2019, seconded by J Farnen. Vote:

Dockter	YES	Hase	YES
Farnen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

#### 5. Financial Reports:

Deni Amundson presented the treasurer's report found on pages 30-34 of the agenda packet. J Farnen moved to accept treasurer's report, seconded by A Hase. Vote:

Dockter	YES	Hase	YES
Farnen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

#### 6. Board Review and Approve CE Courses:

Continuing education courses, submitted since the last regular meeting on August 16, 2019, were reviewed and approved by individual signature vote.

**7. Old Business**

**A. National and State Issues Monitored:** No new information or action taken.

**B. Pharmacy Board Database Integration:** Deni Amundson reported that progress that has been made with integrating the optometry board’s database with the pharmacy board to create a more efficient process for the DEA applications. She is waiting for further instructions from the pharmacy board.

**8. New Business:**

**A. Licensing:** No new information or action taken.

**B. Procedural Codes:** No new information or action taken.

**C. Light Adjustable Lens:**

Board Action: A Haiar moved to consider the use of light adjustable lenses as being within the scope of practice for South Dakota optometrists and falling under code XXXXX-55 of the approved procedural code list as defined in 20:50:04:12 Appendix A, seconded by S Schirber. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

**D. Legal counsel:**

Deni Amundson reported on the South Dakota Department Health’s (DOH) decision to restructure legal counsel for their boards. They are seeking legislative approval to hire a full time attorney to represent the DOH boards. Pending this approval, a new person will begin July 1, 2020. They recommended this board enter into a contract for one year with current legal counsel, Naomi Cromwell, of Tieszen Law Office, to maintain consistency during this transition. Deni will provide updates to the board members. No action taken.

**E. Board Policy Consideration:**

S Schirber moved to add the following as policies and to post to the board’s website:

**Initial review.** Upon receipt of an application for an initial certificate of registration or for endorsement, 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 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 issuance of a license. The executive secretary may conduct that inquiry, or may provide the matter to the board investigator for investigation.

Seconded by J Farmen. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

**F. Contracts:**

Board Action: A Hase moved to approve the FY21 contract for Tieszen Law Office using the same terms as FY20, seconded by A Haiair. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

Board Action: J Farmen moved to approve the FY21 contract for the South Dakota Optometric Society using the same terms as FY20, seconded by S Schirber. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

Board Action: A Hase moved to approve the FY21 contract for BPro using the same terms as FY20, seconded by S Schirber. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

Board Action: A Haiair moved to approve the FY21 contract for Lisa Kollis-Young and Scott Kennedy using the same terms as FY20, seconded by A Hase. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiair	YES	5 YES, MOTION CARRIED	

Board Action: At 9:32 AM, S Schirber moved to go into executive session pursuant to SDCL 1-25-2 (1) to review the executive secretary contract.

At 9:58 AM, President Dockter declared the board out of executive session.

Board Action: Executive Secretary salary increase usually follows the same increase as state employees, but, as of the date of this meeting, that amount has not yet been set. S Schirber moved to approve the contract for Deni Amundson for FY21 with the same percentage increase as the state employees receive and also to increase the office rent to \$525 per month, seconded by A Hase. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	

**9. Public Comment:** No public comment

**10. Time and Place of Next Regular Meeting:**

Next Meeting: Friday, August 21, 2020, 8:00AM (CST), Tieszen Law Office Conference Room, 306 East Capitol, Pierre, SD 57501

**11. Adjournment:**

Board Action: J Farmen moved to adjourn meeting, seconded by A Haiar. Vote:

Dockter	YES	Hase	YES
Farmen	YES	Schirber	YES
Haiar	YES	5 YES, MOTION CARRIED	