



Board of Examiners in Optometry
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AGENDA

Tuesday, August 8, 2023
Virtual (Zoom) Meeting
Call In: 1.253.215.8782
Meeting ID: 673 963 1412
6:00PM (CST)

1. Attendance
2. Approval of Agenda
3. Conflict of Interest
4. New Business
 - o Statute Review
5. Public Comment
6. Time and place of next meetings:

IN-PERSON MEETING:

Date: Monday, August 28, 2023

Time: 8:00AM (CST)

Location: AmericInn- Conference Room, 312 Island Drive, Fort Pierre, SD 57532

7. Adjournment

The public may listen to and participate in the teleconference by calling 1-253-215-8782 (Meeting ID: 673 963 1412) or at the Barnett Vision Center, 508 Moccasin Drive, Aberdeen, SD, 57401.

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.

FOR AN ACT ENTITLED, **An Act to revise certain provisions related to the licensure of Optometrists pursuant to SDCL 36-7.**

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

Section 1. That § 36-7-11 be AMENDED:

36-7-11. The board may issue a license to an applicant that:

- (1) Submits an application on a form prescribed by the board;
- (2) Pays the application fee set by rules promulgated by the board pursuant to chapter 1-26, not to exceed one hundred seventy-five dollars;
- (3) Is eighteen years or older, and a citizen of the United States or a resident of South Dakota;
- (4) Is of good moral character;
- (5) Is a graduate of an optometric school or college approved by the Accreditation Council on Optometric Education or the board;
- (6) Has passed all required sections of a national board examination approved by the board;~~and~~
- (7) Has committed no act for which disciplinary action may be justified;~~and~~
- (8) Has secured and equipped an office pursuant to rules promulgated by the board pursuant to chapter 1-26.

Section 2. That § 36-7-15 be AMENDED:

36-7-15. The board may:

- (1) Promote the safe and qualified practice of optometry;
- (2) Promulgate rules pursuant to chapter 1-26 to govern standards for the safe and qualified practice of optometry, to govern the standards of delegation to unlicensed personnel, to provide office inspections, to govern the provision of telehealth services, to adopt a code of ethics or professional conduct, and to establish criteria for advertising by optometrists;
- (3) Prepare an annual budget;
- (4) Expend funds for administrative, legal, consultative, and other necessary services from fees received by the board;
- (5) Examine, license, endorse, and renew the licenses of qualified applicants;

- (6) Define what constitutes a recognized optometric school;
- (7) Establish the minimum amount and type of continuing education to be required of each optometrist seeking renewal of a license; and
- (8) Administer oaths and take testimony pursuant to §§ 1-26-19.1 and 1-26-19.2.

Section 3. That § 36-7-24 be AMENDED:

36-7-24. Grounds for ~~revocation of license~~ licensure action. The board, in compliance with chapter 1-26, may impose disciplinary sanctions against any optometrist or refuse to issue a license for the following causes:

- (1) Conviction of a felony, as shown by a certified copy of the record of the court of conviction;
- (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) Unprofessional conduct;~~or~~
- (7) Failure to submit to or cooperate with the criminal background investigation requested by the board;
- (8) Employing, assisting, or enabling an unlicensed person to practice as an optometrist; or
- (9) Failing to supervise an unlicensed person pursuant to this chapter or any rule promulgated thereunder.