

THE BOARD OF EXAMINERS IN OPTOMETRY
Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Section 92-7(b), Hawaii Revised Statutes ("HRS").

- Date: Monday, January 11, 2016
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: Reid Saito, O.D., Chair
Peter Shoji, O.D., Vice Chair
Seulyn Au, O.D.
Gayle Chang, Public Member
Jere Loo, O.D.
Geoffrey Reynolds, O.D.
Daniel Jacob, Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Jennifer Fong, Secretary
- Guests: None.
- Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), Hawaii Revised Statutes ("HRS").
1. Call to Order: There being a quorum present, Chair Saito called the meeting to order at 9:00 a.m.
 2. Additions/Revisions to Agenda: Upon a motion by Dr. Reynolds, seconded by Dr. Loo, it was voted on and unanimously carried to add the following item to the agenda:
 - Under 6. New Business, add "d. Legal Name Change".
 3. Approval of Board Meeting Minutes of December 14, 2015: Chair Saito requested the following changes to the minutes for clarification purposes (underlined material added, while bracketed material is to be deleted):

On Page 2, under "Inquiry regarding the National Board of Examiners in

Optometry ("NBEO") Part III Examination and the Injection Skills Exam ("ISE"), the last sentence of the second paragraph should read "The ISE "injections" test is included within the NBEO practical examination but receives a separate passing or failing grade. While the ISE section score does affect a candidates overall score for the practical exam, an applicant does not need to achieve an individual passing grade in this section. [portion is separate from the written portions of the examination and is not required for the passage of the Part III written examination.]"

Chair Saito asked if there were any additional questions or comments on the minutes.

There were none.

After some discussion, upon a motion by Vice Chair Shoji, seconded by Dr. Reynolds, it was voted on and unanimously carried to approve the minutes of the December 14, 2015 meeting as amended.

4. Executive Officer's Report:

EO Matsushima reported the following:

- There are 432 Hawaii OD licenses eligible for renewal. As of 12/30/15, 379 licenses have been renewed.
- There were no OD disciplinary actions in December.

5. Old Business:

a. Inquiry regarding the National Board of Examiners in Optometry ("NBEO") Part III Examination and the Injection Skills Exam ("ISE")

The Board reviewed additional information regarding the ISE provided by Dr. Roger Ede.

EO Matsushima noted that Dr. Ede also sent his email to three of the board members. She reminded the Board that if they receive any inquiries regarding board business, they should refer the requestor to the Board's office.

b. Update on Patrick Nam, OD's request for a waiver of the Continuing Education ("CE") Requirement

EO Matsushima gave a brief summary of Dr. Nam's request. She informed the Board that Dr. Nam's license expired on 12/31/15 and therefore, pursuant to Hawaii Administrative Rules ("HAR") §16-92-8, his license may be restored within four years upon payment of a penalty fee, all delinquent fees and recordkeeping fees, and submittal of all continuing education hours required for

the previous biennium. If he fails to restore his license within four years, he will need to apply as a new applicant and meet the current requirements at the time the application is filed.

6. New Business:

a. Requests for Trade Name Approval

None.

b. Letter from James Skudlarick, OD regarding license renewal

The Board reviewed a letter from Dr. Skudlarick requesting an extension of the time for compliance with the CE requirement for health reasons.

DAG Jacob reminded the Board that currently, their rules only allow them to extend the time for compliance of the continuing education requirements for license restoration, not renewal.

EO Matsushima reported that while Dr. Skudlarick submitted his letter prior to December 31, 2015, his renewal application was not submitted until 1/5/16, therefore, his license is a restoration.

After some discussion, upon a motion by Dr. Reynolds, seconded by Dr. Loo, it was voted on that pursuant to HAR §16-92-42, the Board will extend Dr. Skudlarick's time for compliance of the continuing education requirements until 6/30/16 based on health with Chair Saito, Dr. Au, Ms. Chang, Dr. Loo and Dr. Reynolds voting "Yes" and Vice Chair Shoji abstaining. The motion passed.

c. Rule Revisions – Title 16, Chapter 92, HAR

After some discussion, it was the consensus of the Board to have the Board's Advisory Committee ("Committee") research amendments to HAR Title 16, Chapter 92.

The Committee will meet on March 14, 2016.

EO Matsushima noted that the Committee members are Vice Chair Shoji, Dr. Loo and former Board member Dr. Kevin Lui, with former Board member Dr. Jon Ishihara as an alternate. She stated she would contact Dr. Lui to give him the meeting information and inform him of the Committee's task. If Dr. Lui is unavailable, she will contact Dr. Ishihara.

d. Legal Name Change

EO Matsushima reported that during the renewal process, it came to her attention that a licensee was still practicing under her maiden name even though she legally changed her last name and submitted her legal name change information to the Board so the new last name could be reflected on her license. The licensee's legal name change occurred in 2003.

DAG Jacob noted that even if the licensee applied for a trade name using her maiden name, she still would not be able to practice as an individual optometrist unless it was under her legal name which in this case, is her married name.

EO Matsushima expressed concern that the licensee may also be signing prescriptions under her maiden name.

After some discussion, it was the consensus of the Board to ask the EO to inform the licensee that practicing under a name that is not the licensee's legal name may be in violation of §459-9(6), HRS. The EO will send a detailed letter to the licensee regarding this matter.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision and therefore is not to be viewed as binding on the Board.

7. Continuing Education:

a. Continuing Education Course Report

Vice Chair Shoji moved to approve the following continuing education courses:

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
16-007	HOA Winter Seminar Hawaii Optometric Association	8	8

Dr. Loo seconded the motion, it was voted on and unanimously carried.

8. Applications:

a. Ratification List

None.

b. Applications

None.

9. Chapter 91, HRS

Adjudicatory

Matters: None.

10. Next Meeting: Monday, March 14, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
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335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

11. Adjournment: With no further business to discuss, Chair Saito adjourned the meeting at 10:01 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

1/28/16

Minutes approved as is.

Minutes approved with changes; see minutes of _____.