

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, September 30, 2013

Time: 8:30 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Kevin K. Lui, O.D., Chair
Reid Saito, O.D., Vice Chair
Gayle Chang, Public Member
Jere Loo, O.D.
Geoffrey Reynolds, O.D.
Joy Shimabuku, Public Member
Peter J. Shoji, 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 Lui called the meeting to order at 8:31 a.m.

2. Additions/
Revisions to
Agenda: None.

3. Approval of
Board Meeting
and Executive
Session Minutes After some discussion, it was moved by Chair Lui, seconded by Dr. Shoji, and unanimously carried to approve both the board and executive session

of July 1, 2013: minutes of the July 1, 2013 meeting as circulated.

4. Executive
Officer's
Report:

EO Matsushima welcomed the Board's new DAG, Daniel Jacob.

a. 2014 Board Meeting Schedule

A copy of the proposed 2014 board meeting schedule was circulated to the Board.

Ms. Chang and Dr. Loo said they were unable to attend the January 6th meeting.

EO Matsushima requested that in the event of any conflicts, the members notify the Board's office as soon as possible.

b. Executive Officer's Report on the ARBO 94th Annual Meeting

EO Matsushima gave a brief report on her attendance at the annual meeting. A copy of her written report was distributed to the members for their information.

EO Matsushima reported that she received an email from Sierra Rice of ARBO asking if the Board would be interested in having her do a presentation on OE Tracker at an upcoming board meeting.

Board members agreed by consensus that they would be interested in having Ms. Rice give a presentation on ARBO's OE Tracker.

EO Matsushima asked Dr. Shoji if he would like to give a verbal report to the Board of his experience at the ARBO Meeting.

Dr. Shoji presented the following report:

- OE Tracker was a big focus of the meeting.
 - OE Tracker is a secure ARBO database that categorizes and stores continuing education ("CE") information. The information is then available to licensing boards as well as individual optometrists.
 - The OE Tracker is a complimentary service to ARBO's Member Boards.
 - There is no charge to CE providers to submit their data.
 - For licensees, there is a \$20 annual fee for complete access to the OE Tracker. If the annual fee is not paid, OE Tracker will still collect, keep and categorize the optometrist's CE data but the optometrist will

have limited access to the data.

- o Currently, there are six states (Ohio, North Dakota, Minnesota, Colorado, Massachusetts & Missouri) that have begun implementing OE Tracker in some form.

After some discussion, the Board directed DAG Jacob to determine if the Board's statutes and rules would allow the Board to accept OE Tracker information in lieu of the certificates currently required.

DAG Jacob said that he would also like to review the statutes and rules of the states currently using OE Tracker to see what language is used regarding CE requirements.

c. Regulated Industries Complaints Office ("RICO") Optometry Advisory Committee

The Board reviewed a list provided by RICO of optometry advisory committee members effective January 1, 2014 and addendum language which will allow RICO to include any additional interim appointees that they deem necessary to aid in its investigations.

After some discussion, upon a motion by Ms. Shimabuku, seconded by Dr. Loo, it was voted on and unanimously carried to approve the list provided by RICO for the Optometry Advisory Committee effective January 1, 2014 and the addendum language.

5. Continuing Education:

a. Continuing Education Course Report

Ms. Shimabuku moved to approve the following continuing education courses:

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
13-024	Morgan/Sarver Symposium University of California Berkeley School of Optometry	22	22
13-026	"Clinical Innovations: Innovations in Eye Care" Ophthalmic Symposium Review of Optometry	8	5
13-027	Laser Therapy for the Anterior Segment/ Surgical Procedures for the Optometric Physician Northeastern State University Oklahoma College of Optometry	32	20

Vice Chair Saito seconded the motion, it was voted on and unanimously carried.

6. Applications: a. Ratification List

Upon a motion by Dr. Loo, seconded by Dr. Shoji, it was voted on and unanimously carried to ratify the following:

Approved for Optometrist License

- ANTONINO , Amanda (OD 772)
- SATO, Ayaka (OD 771)
- SLAUGH, Russell (OD 773)

Approved for TPA Certification

- ANTONINO , Amanda (OD 772)
- SATO, Ayaka (OD 771)

b. Applications

Executive
Session:

At 8:56 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Reynolds, and unanimously carried to enter into executive session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Section 92-5(a)(1), HRS.

At 9:24 a.m., it was moved by Ms. Shimabuku, seconded by Vice Chair Saito, and unanimously carried to move out of executive session.

- Michael M. Sachen

After discussion, upon a motion by Vice Chair Saito, seconded by Dr. Loo, it was voted on to approve Dr. Sachen's application for optometrist license with Chair Lui, Vice Chair Saito, Ms. Chang, Dr. Loo, Dr. Reynolds and Ms. Shimabuku voting "Yes" and Dr. Shoji abstaining. The motion passed.

- Martin A. Zebzda

After discussion, it was moved by Vice Chair Saito, seconded by Dr. Reynolds, and unanimously carried to defer Dr. Zebzda's application for TPA certification.

The Board directed DAG Jacob to determine if the Board's statutes and rules would allow the Board to accept course(s) other than a 100 hour board approved course in the treatment and management of ocular diseases prepared and graded by an accredited school of optometry for individuals that graduated from an accredited optometric college, school, or university prior to January 1, 1997.

7. New Business:
- a. Inquiry from Caytey Steele regarding whether ODs can order lab tests (specifically a blood sample via finger prick) and/or perform finger pricks in office for the purpose of sending the blood sample to an outside laboratory for analysis

The Board reviewed and discussed Ms. Steele's email which states that she has a client looking to launch a diagnostic test which can present to Optometrists in the form of "dry eye".

After some discussion, upon a motion by Chair Lui, seconded by Ms. Chang, it was voted on and unanimously carried to respond to Ms. Steele's questions as follows:

1. Can Optometrists Order Lab Tests, specifically a blood sample via finger prick? If Yes, are there any restrictions? Such as TPA/DPA Certification to order labs?

Board's Response: Yes, a Hawaii licensed optometrist may order the described test so long as it is used for the purpose of diagnosing ocular diseases or disorders.

2. Can Optometrists perform finger pricks in office, for the purpose of sending the blood sample to an outside laboratory for analysis?

Board's Response: Yes.

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.

- b. Request from Wayne Matsuyama, O.D. for Trade Name Approval

The Board reviewed the request from Dr. Matsuyama for approval of the following trade name: Styleyes.

Upon a motion by Chair Lui, seconded by Ms. Chang, it was voted on and unanimously carried to approve the trade name mentioned above.

- c. Request from Biotissue asking if the CPT 65778 procedure is within the scope of service to be provided by optometrists in Hawaii

The Board reviewed the request from Amy H. Tseng, the President of Biotissue asking that "the State Board confirm that the CPT 65778 procedure is within the scope of service to be provided by optometrists within your State."

After some discussion, upon a motion by Vice Chair Saito, seconded by Dr. Reynolds, it was voted on and unanimously carried to inform Ms. Tseng that the procedure described in CPT Code 65778 is within the scope of practice for therapeutically certified optometrists in Hawaii. Therefore, any device fitting the description and use outlined in CPT Code 65778 may be utilized by a therapeutically certified Hawaii optometrist.

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.

8. Chapter 91, HRS
Adjudicatory
Matters:

Chair Lui called for a recess from the Board's meeting at 9:44 a.m., to discuss and deliberate on the following adjudicatory matter, pursuant to Chapter 91, HRS:

- a. In the Matter of the License to Practice Optometry of Robert E. Donaghy; OPT 2013-1-L – Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

After discussion, it was moved by Ms. Shimabuku, seconded by Dr. Loo, and unanimously carried to approve the Settlement Agreement.

Following the Board's review, deliberation and decision on this matter, pursuant to Chapter 91, HRS, Chair Lui announced that the Board was reconvening its scheduled meeting at 9:47 a.m. pursuant to Chapter 92, HRS.

9. Next Meeting:

Wednesday, November 20, 2013
8:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

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10. Adjournment: With no further business to discuss, Chair Lui adjourned the meeting at 9:51 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

10/9/13

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.