

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, March 30, 2015

Time: 8:30 a.m.

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

Present: Geoffrey Reynolds, O.D., Chair
Reid Saito, O.D., Vice Chair
Gayle Chang, Public Member
Jere Loo, O.D.
Kevin K. Lui, O.D.
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 Reynolds called the meeting to order at 8:39 a.m.

2. Additions/
Revisions to
Agenda: None.

3. Approval of
Board Meeting
Minutes
of February
2, 2015: Chair Reynolds asked if there were any questions or comments on the minutes.

After some discussion, upon a motion by Dr. Lui, seconded by Ms. Chang, it was voted on and unanimously carried to approve the minutes of the February 2, 2015 meeting as circulated.

4. Executive
Officer's
Report:

None.

5. Old
Business:

a. Association of Regulatory Boards of Optometry ("ARBO") OE Tracker

EO Matsushima reported that Sierra Rice of ARBO previously requested a list of items in order for ARBO to develop a custom report for Hawaii. She noted that last year, she offered to do a trial run of the system using the board members, however, to date, the trial run has not been done.

The licensee members of the Board who have OE Tracker accounts gave the EO permission to provide their information to Ms. Rice for a trial run.

Chair Reynolds suggested that the Board members participating in the trial run provide their information in such a way as to create various scenarios that the Board may encounter. He stated that he and the EO would discuss the trial run with Ms. Rice at the upcoming ARBO conference.

EO Matsushima informed the Board that she has discussed the requirements for continuing education ("CE") certificates submitted to the Board for license renewal with DAG Jacob and based on previous discussions with ARBO, it appears the ARBO certificates may meet the requirements except that it does not include the signature of the lecturer or any authorized official of the sponsoring body.

DAG Jacob said that the Board should leave the current language in place for those who don't want to use OE Tracker. They may want to consider adding language which allows them to accept certificates generated by OE Tracker including possibly removing the signature requirement.

Dr. Lui stated that if the Board is considering amending their rules, he would request that the Board consider the rules in their entirety and determine whether changes need to be made in other sections also.

EO Matsushima asked if there were any other changes the Board should consider addressing.

Dr. Lui suggested looking at internet issues such as online eye exams.

6. New
Business:

a. ARBO 2015 Annual Meeting Board Report

EO Matsushima reported that the Board has received a request to respond to several questions for discussion during the ARBO Annual Meeting.

After some discussion, it was the consensus of the Board to respond to ARBO's questions as follows:

1. What is your Board's policy or rule regarding CE requirements for license renewal for active duty military personnel and their spouses?

Board's Response: There is no exemption of difference in continuing education ("CE") renewal requirement for Hawaii licensed optometrists who are active duty military personnel and their spouses.

However, pursuant to §16-92-42 Hawaii Administrative Rules, there are exemptions for a licensee seeking restoration of license without full compliance of the CE requirement due to military service on extended duty with the armed forces of the United States.

The continuing education requirements for Hawaii licensed optometrists can be found in Hawaii Administrative Rules §16-92 and can be viewed on the Board's website: <http://cca.hawaii.gov/pvl/boards/optometry/>

2. Does your Board regulate the dispensing of spectacle/optical products?

Board's Response: Yes.

3. Does your Board have a policy or rule regarding social media?

Dr. Lui noted that the Board's statutes and rules cover advertising, which would include social media, however, social media is not specifically mentioned.

Dr. Shoji noted that the federal Health Insurance Portability and Accountability Act ("HIPAA") includes provisions to protect patient information.

Board's Response: No.

b. Inquiry from Rebecca Roby regarding the NBEO Injection Skills Exam

The Board reviewed an inquiry submitted by Rebecca Roby. Ms. Roby stated “I have a question about your NBEO Injection Skills Exam requirement. If a student passes ISE on their first attempt but fails part III as a whole, and then on their retake they pass part III but fail the ISE portion, will your requirement be fulfilled?”

After some discussion, upon a motion by Dr. Lui, seconded by Vice Chair Saito, it was voted on and unanimously carried to inform Ms. Roby that pursuant to Hawaii Administrative Rules (“HAR”) §16-92-19(a), each applicant is required to take and pass all parts of the NBEO written examinations; and the NBEO practical (Patient Care) examination.

7. Continuing Education:

a. Continuing Education Course Report

Dr. Lui moved to approve the following continuing education courses:

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
14-031	Academy 2014 Denver American Academy of Optometry	260 2/3	156 2/3
15-001	MOA 2015 Winter Ski Conference Montana Optometric Association	13	11
15-003	International Vision Expo & Conference East 2015 Reed Exhibitions/Vision Council	163	95

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

8. Applications:

a. Ratification List

Upon a motion by Dr. Lui, seconded by Vice Chair Saito, it was voted on and unanimously carried to ratify the following:

Approved for Optometrist License

- OD 809 LINDSEY R WYNKOOP

Approved for TPA Certification

- OD 793 MICHELLE M OKABE

b. Applications

- David Timochko

Executive Session:

At 9:08 a.m., upon a motion by Dr. Loo, seconded by Dr. Lui, it was voted on and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(1) and (4), "To consider and evaluate personal information relating to individuals applying for professional or vocational licenses cited in section 26-9 or both," and "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 9:26 a.m., upon a motion by Chair Reynolds, seconded by Vice Chair Saito, it was voted on and unanimously carried to move out of executive session.

EO Matsushima noted that the Board reviewed both Dr. Timochko's National Board of Examiners in Optometry ("NBEO") score report as well as the current NBEO equivalency statements regarding the National Board examination.

Upon a motion by Dr. Loo, seconded by Dr. Shoji, it was voted on and unanimously carried to deny Dr. Timochko's application for optometrist license as the Board has determined that Dr. Timochko has not met all of the criteria as required by law, specifically, not meeting the examination requirement of successfully completing all parts of the NBEO's written and practical examinations in their entirety as required by § 459-7, HRS, and §§ 16-92-19, 16-92-20, 16-92-21, and 16-92-26(4) of the HAR.

9. Chapter 91, HRS

Adjudicatory

Matters:

None.

10. Next Meeting:

Monday, May 11, 2015
8:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

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11. Adjournment: With no further business to discuss, Chair Reynolds adjourned the meeting at 9:28 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

4/16/15

☒ Minutes approved as is.

☐ Minutes approved with changes; see minutes of _____.