

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, October 12, 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
Seulyn Au, O.D.
Gayle Chang, Public Member
Jere Loo, O.D.
Daniel Jacob, Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Jennifer Fong, Secretary
- Excused: Peter Shoji, O.D.
- 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 8:38 a.m.
 2. Additions/
Revisions to
Agenda: None.
 3. Approval of
Board Meeting
Minutes Chair Reynolds asked if there were any questions or comments on the minutes.
There were none.

of July
27, 2015:

After some discussion, upon a motion by Ms. Chang, seconded by Dr. Au, it was voted on and unanimously carried to approve the minutes of the July 27, 2015 meeting as circulated.

4. Executive
Officer's
Report:

a. 2016 Meeting Schedule

A copy of the proposed 2016 Meeting Schedule was distributed to the Board.

EO Matsushima reminded the Board that if they have any conflicts or are unable to attend a scheduled meeting, they should contact the board office as soon as possible.

b. Association of Regulatory Boards of Optometry ("ARBO") Member Executive Director ("ED")/Administrator Committee

EO Matsushima reported that she has accepted an invitation to be a member of ARBO's Member ED/Administrator Committee for 2016.

She reported that ARBO has requested the Board complete their ARBO 2016 Strategic Plan Stakeholder Input Survey. The Board had a brief discussion regarding their responses to the survey.

EO Matsushima also reported the following information:

- All Hawaii OD licenses must be renewed by December 31, 2015 including providing proof of completing the required continuing education hours. She noted that the Board conducts a continuing education audit of 100% of licensees. She reported that she will be requesting assistance from the Hawaii Optometric Association to inform their members of the upcoming renewal.
- In the near future, there will be an across the board increase in licensing fees. She noted that there has not been a significant fee increase since 1982. The increase is needed to modernize the functions of the licensing and enforcement divisions.
- The July 22, 2015 Geographic Report had 426 current OD licenses. 217 on Oahu, 27 on Hawaii Island, 23 on Maui, 10 on Kauai, 147 on the Mainland and 2 in foreign countries.
- There were no OD disciplinary actions in August and September.

5. Old Business:

a. Election of Officers

Dr. Loo moved to nominate Dr. Saito as Chair. Dr. Au seconded the motion. It was voted on and unanimously carried.

Dr. Loo moved to nominate Dr. Shoji as Vice Chair. Ms. Chang seconded the motion. It was voted on and unanimously carried.

6. New Business:

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

The Board reviewed a list provided by RICO of optometry advisory committee members effective January 1, 2016 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 Dr. Reynolds, seconded by Dr. Saito, it was voted on and unanimously carried to approve the list provided by RICO for the Optometry Advisory Committee effective January 1, 2016 and the addendum language for the 2016 term.

b. Inquiry from Nikki Leon regarding optometrists leasing space from corporations

The Board reviewed Ms. Leon's email in which she states "My understanding is that HRS 459-9(4) prevents optometrists from directly or indirectly accepting employment from a company or corporation, but I was unable to find anything in the statutes, rules, or on the department of commerce and consumer affairs website addressing whether optometrists may lease space from a retail corporation. I would like to clarify that there is no prohibition on optometrists leasing space in an optical retail store, as long as the optometrist does not advertise under the corporation's trade name."

Executive Session:

At 9:14 a.m., it was moved by Dr. Saito, seconded by Ms. Chang, and unanimously carried to move into Executive Session in accordance with HRS, 92-5(a)(4), "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities".

At 9:35 a.m., it was moved by Dr. Saito, seconded by Dr. Loo, and unanimously carried to move out of Executive Session.

After some discussion, upon a motion by Dr. Reynolds, seconded by Dr. Saito, it was voted on and unanimously carried to inform Ms. Leon that upon review of Hawaii's applicable statutes and regulations regarding the practice of Optometry, there appears to be no prohibition on optometrists leasing space in

an optical retail store, as long as the optometrist does not advertise under the corporation's trade name. The Board asked the EO to inform Ms. Leon that there may be other applicable federal or state laws that may prohibit such conduct and suggest that Ms. Leon seek private legal counsel in order to better address the issue.

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

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

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
15-028	International Vision Expo & Conference West 2015 Reed Exhibitions/Vision Council	151	114
15-031	2015 Island Eyes Conference Pacific University College of Optometry	29	12
15-033	26 th Annual Berkeley Practicum UC Berkeley School of Optometry	20	20
15-034	30 th Annual Morgan/Sarver Symposium UC Berkeley School of Optometry	21	21
15-035	Pacific Rim Optometric Conference Hawaii Optometric Association	16	16
15-037	Seeing is Believing: Optometry's Virtual Conference 2015 EyeCarePro	9	9

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

Upon a motion by Dr. Reynolds, seconded by Dr. Saito, it was voted on and unanimously carried that the "Preparing for the ICD-10 Diagnosis Coding" course sponsored by the Hawaii Optometric Association, does not meet the requirements set forth in §16-92-39(d) of the Hawaii Administrative Rules.

8. Applications: a. Ratification List

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

Approved for Optometrist License

- OD 819 STACEY A TULLIS
- OD 820 MARISSA S MATSUYAMA
- OD 821 VANESSA K VILORIA
- OD 822 TYLER J MAXON
- OD 823 DIANE Q TRUONG
- OD 824 KATHLEEN D VANHORN

Approved for TPA Certification

- OD 810 DEBRA J NELISSEN

b. Applications

None.

9. Chapter 91, HRS
Adjudicatory
Matters:

None.

10. Next Meeting: Monday, November 23, 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, Dr. Reynolds adjourned the meeting at 9:41 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

10/26/15

[] Minutes approved as is.

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