

THE BOARD OF EXAMINERS IN OPTOMETRY

Professional & Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

- Date: Monday, May 23, 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 Ms. Chang, it was voted on and unanimously carried to add the following items to the agenda:
 - Under 4. Executive Officer's Report, add "e. Board Member Orientation"
 - Under 7. New Business, add "g. Inquiry from Christina Bello regarding TPA Prescriptive Authority"
 3. Approval of the Board Minutes of the March 14, 2016 Meeting: Chair Saito asked if there were any comments or concerns regarding the board minutes of the March 14, 2016 meeting.

There were none.

Upon a motion by Vice Chair Shoji, seconded by Dr. Loo, it was voted on and unanimously carried to approve the minutes of the March 14, 2016 meeting as circulated.

4. Executive Officer's Report:

a. License Renewal – Update

EO Matsushima thanked Vice Chair Shoji for reviewing the continuing education ("CE") certificates which came in between meetings. She reported that to date, there is one licensee who has not responded and four licensees who are pending. In general, most licensees complied, if not necessarily by the renewal deadline.

b. Board Meeting Parking Pass

EO Matsushima reminded the Board to make sure that their parking passes are completely filled out with both the date of the meeting as well as a time period circled. She noted that if a board member receives a parking citation, they are wholly responsible for paying the parking fines.

c. DCCA Disciplinary Actions

EO Matsushima reported no actions for the months of March and April.

d. Legislation

EO Matsushima reported that after the last board meeting, she was informed about the existence of Senate Bill 2334 and its companion House Bill 1947 which would have appropriated funds for one full-time equivalent position within the Department of Health to implement a systematic vision and hearing program and other operating expenses of the program. Both bills have since died.

e. Board Member Orientation

EO Matsushima reported that the Professional & Vocational Licensing Division will be hosting an orientation for members who were newly appointed in 2015 & 2016, however, as a majority of this Board has not previously attended an orientation, the Licensing Administrator agreed that any of the board members could attend. She stated that an email would be sent to the members with more information.

5. Advisory Committee Report:

a. Approval of Advisory Committee Minutes of March 14, 2016

Dr. Loo reported that the Advisory Committee has made suggestions for amendments to the rules based on previous discussions as well as for clarification purposes.

Chair Saito noted that the Advisory Committee is proposing the following change to Hawaii Administrative Rules ("HAR") §16-92-25.1(2) (underlined material added, while bracketed material is to be deleted):

The NBEO Treatment and Management of Ocular Disease examination [, provided that an applicant who has completed the NBEO Part II (Clinical Science) examination after January 1, 1993, shall be considered to have passed the NBEO Treatment and Management of Ocular Disease examination]; and

Chair Saito inquired about the reason for the change.

EO Matsushima reported that she spoke with Dr. Jack Terry, the CEO of the NBEO and he informed her that the Board's examination requirements and application are outdated and we should consider amending our rules. According to Dr. Terry, the Treatment and Management of Ocular Disease ("TMOD") exam is given at the same time as the Part II exam, however, they are separate examinations. A candidate may pass Part II, but fail the TMOD. Hawaii's examination requirement for the OD (DPA) license is passing Parts I, II and III of the NBEO exam. The examination requirement to be TPA certified is passing the TMOD exam. For those who want to practice as an OD in Hawaii with TPA certification, it's a two-step process.

Chair Saito noted that the Advisory Committee is proposing adding section (d) to HAR §16-92-40:

(d) In lieu of the certificates of continuing education as described in subsection (a), a licensee may submit a course transcript from an entity that is approved by the board; provided that the transcript substantially complies with the information required pursuant to subsection (a).

Chair Saito asked how the board would approve entities.

DAG Jacob stated that he will research options and report back to the Board.

By consensus, the Board deferred discussion on the rule revisions to HAR Chapter 92 to allow more time to review the proposed amendments.

Chair Saito asked if there were any additional comments or concerns regarding the advisory committee minutes of the March 14, 2016 meeting.

There were none.

Upon a motion by Dr. Reynolds, seconded by Vice Chair Saito, it was voted on and unanimously carried to approve the minutes of the March 14, 2016 Advisory Committee meeting as circulated.

6. Old Business: a. Legal Name Change - Update

EO Matsushima reported that the OD has written to inform the Board that their name change petition has been approved by the Lieutenant Governor and they are currently waiting for the newspaper publishing to complete the process. The OD will inform the Board once the process is complete.

7. New Business: a. Requests for Trade Name Approval

None.

b. Association of Regulatory Boards of Optometry ("ARBO") Member Board Report Request

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. Does your Board have a policy or rule regarding telehealth/telemedicine?

*Board's Response: **No.***

2. Does your Board have a policy or rule on license mobility/licensure by endorsements?

*Board's Response: **Hawaii's laws and rules provide that applicants who apply via reciprocity need to meet all of the requirements for licensure pursuant to §459-7, HRS, and §§16-92-19 through 16-92-26 of the HAR.***

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

*Board's Response: **No.***

c. Inquiry regarding the 100 hour board-approved course required for TPA certification

EO Matsushima reported that Dr. Kevin Lui had asked if the Board was considering addressing the education requirement for TPA certification. He had expressed concern that the requirement is limiting to optometrists who want to practice in Hawaii.

Dr. Loo stated that he feels the current need for the 100 hour course is very limited as current students and recent graduates obtain the required education through their optometry school.

EO Matsushima noted that the 100 hour course is still being taught in at least one optometry school for optometrists who did not receive the required education during their schooling.

d. Inquiry from Darren Morchesky regarding license renewal

After some discussion, upon a motion by Vice Chair Shoji, seconded by Dr. Loo, it was voted on and unanimously carried that based on the information provided in Dr. Morchesky's request, the Board will grant him an extension of time for full compliance of the CE requirements until August 31, 2016.

e. Inquiry from Matthew & Nicoletta Pearce regarding continuing education and license renewal

After some discussion, upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried that based on the information provided in their request, the Board will grant Dr. Matthew Pearce and Dr. Nicoletta Pearce an extension of time for full compliance of the CE requirements until August 31, 2016.

f. Inquiry regarding Pop Up Clinics

EO Matsushima noted that she received an inquiry regarding whether pop up clinics which are mobile clinics with equipment, some including dispensaries, are legal in Hawaii. She did inform the person that any optometrists would need to have a Hawaii license.

Dr. Au noted that there have been vehicles in Hawaii which give patient exams and prescriptions. These vans are generally sponsored by a clinic or practice. One was at the Waikiki Health and another went to rural areas. If the patient has insurance, the insurance is billed. If they do not have insurance, there may be a sliding fee scale.

EO Matsushima noted that the inquiry is regarding a company who wants to bring their vans to Hawaii. She stated that even if they hire a licensed optometrist, those fitting glasses should be properly licensed in Hawaii, whether as an optometrist or as a dispensing optician.

After some discussion, it was the consensus of the Board to defer this matter.

g. Inquiry from Christina Bello regarding TPA Prescriptive Authority

The Board reviewed Ms. Bello's inquiry regarding whether Hawaii licensed optometrists can prescribe antihistamines, anti-infectives, anti-virals, antibiotics, analgesics and antifungals; and, if so, whether or such prescriptive authority it is limited to topical applications for those medications. She also inquired if Hawaii licensed optometrists can receive non-controlled substance samples for the aforementioned drugs.

After some discussion, upon a motion by Vice Chair Shoji, seconded by Dr. Au, it was voted on and unanimously carried to inform Ms. Bello that pursuant to HRS §459-7.4(a), a Hawaii licensed optometrist with TPA certification may prescribe therapeutic pharmaceutical agents as established by the Board for the treatment and management of conditions of the anterior segment of the human eye, eyelids, and lacrimal system, and the non-invasive surface removal of superficial foreign bodies from the anterior segment of the human eye and eyelids and may prescribe steroidal agents. The Board directed EO Matsushima to inform Ms. Bello that receiving samples is not addressed in the Board's statutes and rules.

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. 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>
16-009	International Vision Expo & Conference East 2016 Vision Council/Reed Elsevier	177	92
16-010	Hawaiian Eye 2016 Vindico Medical Education	8.75	8.75
16-011	2016 Victoria Conference Pacific University College of Optometry	18	18
16-012	Military Refractive Safety & Standards Symposium Bureau of Medicine and Surgery (U.S. Navy)	12.75	12.75

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
16-013	MOA 2016 Educational Conference & Exposition Montana Optometric Association	19	14
16-015	Ophthalmic Glaucoma Review & Update Hawaii Vision Specialists	2	2

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

9. Applications:

a. Ratifications

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

Approved for Optometrist License

- OD 833 EDWIN Y ENDO
- OD 834 VIVIAN L RENTA-SKYER
- OD 835 RACHEL E KUROHARA
- OD 836 JEFFREY COLEMAN

Approved for TPA Certification

- OD 832 T NICHOLAS A JONES

b. Applications

Executive
Session:

At 10:36 a.m., it was moved by Vice Chair Shoji, seconded by Dr. Loo, 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 10:51 a.m., it was moved by Dr. Reynolds, seconded by Dr. Loo, and unanimously carried to move out of Executive Session.

- Vivian Renta-Skyer

Upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried to deny Dr. Renta-Skyer's application for TPA certification as she has not met all of the requirements pursuant to HRS §459-7.4 and HAR §16-92-2.1(1), specifically, the requirement for completion of a one hundred hour board-approved course in the treatment and management of ocular diseases.

9. Next Meeting: Monday, July 25, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

10. Adjournment: With no further business to discuss, Chair Saito adjourned the meeting at 10:55 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

6/8/16

☒ Minutes approved as is.

☐ Minutes approved with changes; see minutes of _____.