

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

MINUTES OF MEETING

- Date: Monday, September 26, 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 9:12 a.m.
2. Additions/Revisions to Agenda: None.
3. Approval of the Board Minutes of the July 25, 2016 Meeting: Chair Saito asked if there were any comments or concerns regarding board minutes of the July 25, 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 July 25, 2016 meeting as circulated.

4. Executive
Officer's Report:

a. 2017 Board Meeting Schedule

EO Matsushima noted that the 2017 meeting schedule includes an extra meeting in December as it is a renewal year. She reminded the members that if they are unable to attend a meeting, they should notify the office as soon as possible.

Upon a motion by Ms. Chang, seconded by Dr. Au, it was voted on and unanimously carried to approve the 2017 meeting schedule as circulated.

b. Board Member Orientation

EO Matsushima noted that the board member orientation took place on August 30, 2016. The orientation was also aired several times on the 'Olelo channel.

c. DCCA Disciplinary Actions

EO Matsushima reported there were no disciplinary actions for the Board of Examiners in Optometry in July and August.

5. Advisory
Committee Report:

Discussion on Proposed Amendments to:

Dr. Loo, Advisory Committee ("Committee") Chair, noted that at the Board's May 23, 2016 meeting, the Committee submitted their report and the matter was deferred to allow members more time to review the proposed amendments.

- HAR § 16-92-25.1, Requirements for therapeutic certification

The 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

EO Matsushima reminded the Board that this proposed change was made after Dr. Jack Terry of the NBEO informed her that the Board's examination requirements and application are outdated. 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.

After some discussion, it was the consensus of the Board to approve the proposed changes to HAR § 16-92-25.1.

- HAR § 16-92-38, Minimum hours

The Committee is proposing the following change to HAR § 16-92-38(b) (underlined material added, while bracketed material is to be deleted):

Licensees who are therapeutically certified shall obtain thirty-six hours of approved continuing education in the diagnosis, treatment, and management of ocular and systemic diseases for relicensure, regardless of initial date of licensure. A person who is initially licensed in the second year of the biennium shall satisfy the thirty-six hour requirement with the [The] one hundred hour course in the treatment and management of ocular disease [shall satisfy the thirty-six hour requirement] provided that the course was taken within the two years prior to the date the application of license renewal was received by the board[, and credits for the course were not used for a previous license renewal].

Chair Saito said he feels that those licensed in the first year of the biennium should have ample time to complete the 36 hours of CE required for licensees with TPA certification. He believes the primary reason for allowing the 100 hour TMOD course to satisfy the requirements for first-time renewals is that those graduating in the second year of the biennium would not have time to complete the 36 hours of CE.

After some discussion, it was the consensus of the Board that the Committee's language needs to clarify that the 100 hour TMOD course taken within the two years prior to the date the application of license renewal is received by the Board may only be used for someone initially licensed in the second year of the biennium. The Board directed EO Matsushima and DAG Jacob to work on proposed language for HAR § 16-92-38(b).

- HAR § 16-92-40, Certificates of continuing education

The Committee is proposing adding section (d) to HAR § 16-92-40 (underlined material added):

(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).

After some discussion, it was the consensus of the Board that “substantially complies” should be removed from the proposed language and add a list of what the transcript should include, similar to the language in § 16-92-40(a). The Board directed EO Matsushima and DAG Jacob to work on proposed language for HAR § 16-92-40(d).

- HAR § 16-92-42, Exceptions

The Committee is proposing the following change to HAR § 16-92-42 (underlined material added, while bracketed material is to be deleted):

Any licensee seeking renewal or restoration of license without full compliance with the continuing education requirements shall submit the restoration application, the required fees, a notarized affidavit setting forth the facts explaining the reasons for noncompliance, and a request to extend the time for compliance if good cause is shown.

After some discussion, it was the consensus of the Board that “restoration” should be removed from the proposed language so it simply states “...the application, the required fees...”. The Board directed EO Matsushima and DAG Jacob to work on proposed language for HAR § 16-92-42.

EO Matsushima asked if there were any other issues the Board wanted the Advisory Committee to explore.

Dr. Au asked why optometrists have no inactive status.

EO Matsushima stated that most professions are concerned with “inactive” licensees maintaining continued competency. In addition, many “inactive” licensees do not realize they cannot practice at all – no consultations, no seeing patients, nothing profession-related. She noted that the Board gives licensees four years to restore their license.

Dr. Loo asked what the penalty is for practicing with an “inactive” license.

DAG Jacob noted that the penalties can vary. It would be a criminal offense. There could also be civil penalties and possibly jail time.

Ms. Chang asked if the Board would have to change their rules to add “inactive” status.

EO Matsushima said yes and asked if the Board wants to explore adding “inactive” status.

Vice Chair Shoji noted that the purpose of the Board is to protect the public.

EO Matsushima said that may be one of the reasons the Board has such a lengthy restoration period. Most Boards only have one or two year restoration periods.

By consensus, the Board decided not to explore adding “inactive” status at this time.

6. Old Business: a. Question regarding webinar courses

EO Matsushima reminded the Board that the question was whether they would consider interactive webinars as “live” continuing education (“CE”) as the licensee would be participating in a lecture in real-time and can submit questions to the lecturer and receive a live answer. Interactive webinars meet the definition of live CE in New York and webinars have been approved by some states such as California, Texas, Michigan and Pennsylvania as live CE. She noted that at the Board’s last meeting, this matter was deferred by consensus so the members could do more research on the topic.

Vice Chair Shoji expressed concern that the Board would not be able to tell with certainty that the licensee actually participates in the course. He commented that someone else may participate in the licensee’s stead and the Board would not know. He noted that the Board already allows licensees to use correspondence courses for 25% of their required CE.

Dr. Au said she believed the discussion started because at the last renewal, a licensee on a neighbor island stated that no live courses were available on his island and it was a financial hardship to travel to Oahu to attend live courses.

After some discussion, it was the consensus of the Board that an interactive webinar is considered a correspondence course and therefore, would be counted towards the maximum 25% correspondence courses allowed of the total number of CE hours required for renewal.

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

None.

b. Inquiry regarding punctal occlusion and placement of amniotic membranes on the surface of the eye

The Board reviewed a request asking if punctal occlusion and placement of amniotic membranes on the surface of the eye is allowed within the Hawaii scope of practice for optometrists.

After some discussion, upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried that HRS section 459 provides that the use of pharmaceutical agents by therapeutically certified licensed optometrists in Hawaii is within their scope of practice.

This is the Board's informal interpretation of its statutes 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. Accordingly, Board interpretations are not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs. See Hawaii Administrative Rules 16-201-90.

c. Inquiry regarding prescription drug samples

The Board reviewed a request asking whether an optometrist with a DPA and/or TPA certification is permitted to request, receive, and dispense non-controlled and/or controlled prescription drug samples.

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

8. 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>
16-017	2016 Residents Conference <i>Pacific University College of Optometry</i>	10.5	7
16-019	International Vision Expo & Conference West 2016 <i>Reed Exhibitions/Vision Council</i>	168	135
16-025	Academy 2016 Anaheim Scientific Program <i>American Academy of Optometry</i>	32	19.25

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
16-026	Pacific Rim Optometric Conference <i>Hawaii Optometric Association</i>	16	16
16-027	Refractive Bread and Butter/Corneal Surgery <i>Pacific Cataract and Laser Institute</i>	2	2

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

9. Applications:

a. Ratifications

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

Approved for Optometrist License

- OD 846 NICHOLE K NAKATA

Approved for TPA Certification

- OD 837 JANET S ROTH
- OD 845 ASHLEY M PORTER
- OD 839 APRIL M LEWIS

b. Applications

None.

10. Next Meeting:

Monday, November 14, 2016
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
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Honolulu, Hawaii 96813

Ms. Chang stated that she is unable to attend the November 14, 2016 meeting.

Chair Saito, Vice Chair Shoji, Dr. Au, Dr. Loo and Dr. Reynolds stated that they are available for the meeting.

EO Matsushima reminded the Board that if they are unable to attend a meeting, they should notify her as soon as possible.

11. Adjournment: With no further business to discuss, Chair Saito adjourned the meeting at 10:15 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

10/5/16

[] Minutes approved as is.

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