

THE BOARD OF EXAMINERS IN OPTOMETRY

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

MINUTES OF MEETING

- Date: Monday, January 30, 2017
- 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
Seulyn Au, O.D.
Gayle Chang, Public Member
Jere Loo, O.D.
Geoffrey Reynolds, O.D.
Rodney Tam, Deputy Attorney General ("DAG")
Sandra Matsushima, Executive Officer ("EO")
Jennifer Fong, Secretary
- Excused: Peter Shoji, O.D., Vice Chair
- 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 9:05 a.m.
 2. Additional Distribution: None.
 3. Approval of Board Meeting Minutes of September 26, 2016:

Chair Saito asked if there were any comments or concerns regarding board minutes of the September 26, 2016 meeting.

There were none.

Upon a motion by Dr. Au, seconded by Dr. Loo, it was voted on and unanimously carried to approve the minutes of the September 26, 2016 meeting as circulated.

4. Executive Officer's Report:

a. New \$25 Fee for Continuing Education ("CE") Sponsor Application

EO Matsushima noted on September 30, 2016, Governor David Ige signed the revised Hawaii Administrative Rules ("HAR") Chapter 53 which includes both new fees and increased license fees for many professions. One of the changes is that there will be a new \$25 fee implemented for any request submitted to the Board to review a CE course/program prior to the renewal period. The "Program Sponsor Agreement" application is currently in the process of being amended.

b. DCCA Disciplinary Actions

EO Matsushima reported there were no disciplinary actions for the Board of Examiners in Optometry from September through December 2016.

5. Old Business:

a. Discussion on Proposed Amendments

EO Matsushima noted that at their September 26, 2016 meeting, the Board directed her and DAG Daniel Jacob ("DAG Jacob") to work on language for some of the proposed amendments to present at today's meeting, however, DAG Jacob was unable to attend the meeting due to another commitment.

By consensus, the Board deferred discussion on the following proposed amendments:

- i. HAR § 16-92-38, Minimum hours
- ii. HAR § 16-92-40, Certificates of continuing education
- iii. HAR § 16-92-42, Exceptions

b. Inquiry from Nicodemo Fiorentino regarding 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

EO Matsushima reminded the Board that this inquiry was deferred from their September 26, 2016 meeting. She noted that several board members as well as DAG Daniel Jacob ("DAG Jacob") had expressed interest in doing more research into this inquiry.

Chair Saito said he believed that the discussion was deferred because there was a question regarding dispensing.

By consensus, the Board deferred discussion on Mr. Fiorentino's inquiry.

6. New
Business:

a. Association for Regulatory Boards of Optometry ("ARBO") 2017 Annual Meeting, June 18-20, 2017, Washington, D.C.

i. Designation of Delegates to Meeting

After some discussion, upon a motion by Dr. Reynolds, seconded by Dr. Loo, it was voted on and unanimously carried to appoint Chair Saito as the Board's voting delegate, Vice Chair Shoji as the alternate, and EO Matsushima as a non-voting delegate to the ARBO 2017 Annual Meeting in Washington, D.C.

ii. John D. Robinson Founder's Scholarship

EO Matsushima reported that the ARBO Board of Directors has established the Founder's Scholarship to honor Dr. John Robinson. The scholarship will pay the meeting expenses (registration, up to three nights accommodations and airfare to the meeting city) for one person each year from an active ARBO member board that is chosen by the ARBO Board of Directors. If the Board would like to nominate one of their attendees for the scholarship, the nomination including information on board and community/civic involvement, must be submitted to ARBO by March 1, 2017.

There was no further discussion on this matter.

b. Request from Rebecca L. Cabatbat, O.D. for Trade Name Approval of "Central Oahu Eye Care"

The Board reviewed the request from Dr. Cabatbat for approval to use the trade name "Central Oahu Eye Care".

Upon a motion by Dr. Reynolds, seconded by Dr. Au, it was voted on and unanimously carried to approve Dr. Cabatbat's request for approval of the trade name "Central Oahu Eye Care".

c. Legislative Matters

i. Discussion on the Board's Legislative Representative

After some discussion, upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried to approve Chair Saito as the Board's official representative and Vice Chair Saito as an alternate for the 2017 legislative session.

ii. House Bill No. 350, Relating to General Excise Tax Exemptions

EO Matsushima gave a brief synopsis of the bill which provides a general excise tax exemption for medical services after December 31, 2017.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

iii. Senate Bill No. 177, Relating to Taxation

EO Matsushima gave a brief synopsis of the bill which exempts gross proceeds from the sale of certain medical services from the general excise tax.

After some discussion, it was the consensus of the Board that they will not be providing any comments on this bill.

iv. Senate Bill No. 191, Relating to Health Care Practitioner Transparency

EO Matsushima gave a brief synopsis of the bill which requires advertisements for health care services that name a health care practitioner to identify the type of license held by the health care practitioner and be free of deceptive and misleading information and requires health care practitioners to conspicuously post and affirmatively communicate the practitioner's specific license and related information.

After some discussion, it was the consensus of the Board that while they support the intent of the bill, with regards to requiring a photo identification name tag be worn during all patient encounters, the tag should be provided by the State to ensure the format and content is standardized, otherwise, it would be easy for someone to falsify a tag and would not serve to protect the public.

v. Senate Bill No. 726, Relating to Health Care Practitioners

EO Matsushima gave a brief synopsis of the bill which requires health care providers to conspicuously post and communicate their specific type of licensure in their offices, communicate that information to patients in their practices, and include that information in their advertising and imposes penalties for licensed health care providers who include deceptive or misleading information about their qualifications in their advertising, or misrepresent their qualifications to patients.

After some discussion, it was the consensus of the Board that while they support the intent of the bill, with regards to requiring a photo identification name tag be worn during all patient encounters, the tag should be provided by the State to ensure the format and content is standardized, otherwise, it would be easy for someone to falsify a tag and would not serve to protect the public.

vi. Senate Bill No. 738, Relating to Health Care Practitioners

EO Matsushima gave a brief synopsis of the bill which requires specified health care practitioners to disclose to patients the practitioner's name, license, highest level of academic degree, and board certification, where applicable.

After some discussion, it was the consensus of the Board that while they support the intent of the bill, they do not believe it will serve to further protect the public. Instead, the public must ask questions of their health care practitioners and report any violations.

vii. Senate Bill No. 740, Relating to Health

EO Matsushima gave a brief synopsis of the bill which designates specific professional identifications that may be used by certain persons to advertise, announce, or imply that they are prepared or qualified to practice a particular type of healing art in the State.

DAG Tam noted that any person who violates this would be guilty of a misdemeanor.

After some discussion, it was the consensus of the Board that while they support the intent of the bill, they feel that the penalty is severe based on the potential for inadvertent violations (e.g. the health care practitioner sends an email to a patient or colleague that they know well and forgets to include their professional identification in the message).

Upon a motion by Ms. Chang, seconded by Dr. Loo, it was voted on and unanimously carried to approve the Board's positions on the above-referenced bills.

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- d. Inquiry from Salvatore Musumeci, O.D. regarding whether Hawaii licensed optometrists can perform and bill for the following: eye allergy testing; telemedicine; placing an amniotic membrane on cornea; amniotic membrane (material); corneal culture; and/or anterior corneal puncture

After some discussion, upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried to respond to Dr. Musumeci's inquiry as follows:

Eye Allergy Testing: *Board's Response: In order for the Board to review this inquiry, more information is required regarding the specific test Dr. Musumeci is referring to.*

Telemedicine: *Board's Response: In order for the Board to review this inquiry, more information is required on what Dr. Musumeci means by "telemedicine" and what does the procedure involve.*

Placing an Amniotic Membrane on Cornea: *Board's Response: Yes, this procedure is within the scope of practice for a Hawaii licensed optometrist with therapeutic pharmaceutical agent ("TPA") certification.*

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.

Amniotic Membrane (Material): *Board's Response: Yes, this procedure is within the scope of practice for a Hawaii licensed optometrist with TPA certification.*

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.

Corneal Culture: *Board's Response: Yes, this procedure is within the scope of practice for a Hawaii licensed optometrist with TPA certification.*

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.

Anterior Corneal Puncture: *Board's Response: No, this procedure is not allowed in the scope of practice for a Hawaii licensed 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.

e. Discussion on possible amendment to HAR §16-92-39(c)

After some discussion, it was the consensus of the Board to keep the language in HAR §16-92-39(c) as is.

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>
16-028	Holiday CE Program <i>Jenkins Eye Care</i>	2	2
16-029	Identifying Systemic Sources of Uveitis <i>Review of Optometry</i>	2	2
16-030	Can You Identify These Vitreous Anomalies? <i>Review of Optometry</i>	2	2
16-031	2015 East Coast Optometric Glaucoma Symposium <i>Review of Optometry</i>	2	2
17-001	"Eye Emergencies and their Management" and "Update on Cornea specifically Corneal Infections and how to manage them" <i>Hawaiian Eye Center</i>	2	2
17-002	Ocular Surface Disease and Managing the Dry Eye <i>Hawaiian Eye Center</i>	2	2
17-003	Unusual Glaucoma and Glaucoma Case Studies <i>Hawaiian Eye Center</i>	2	2
17-004	Cataract Surgery Update and Complications of Modern Cataract Surgery <i>Hawaiian Eye Center</i>	2	2
17-005	2017 Island Eyes Conference <i>Pacific University College of Optometry</i>	29	28
17-006	HOA Winter Seminar <i>Hawaii Optometric Association</i>	8	8

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

The following continuing education courses are still under review:

<u>Index #</u>	<u>Program Title/Sponsor</u>
16-032	Academy 2016 Anaheim – Lectures & Workshop Program <i>American Academy of Optometry</i>
17-007	56 th Annual Heart of America Primary Care Congress <i>Heart of America Contact Lens Society</i>
17-008	International Vision Expo & Conference East 2017 <i>Reed Exhibitions/Vision Council</i>

8. Applications:

a. Ratifications

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 847 KIM-LIEN T NGUYEN
- OD 848 CASSANDRA K THOMPSON
- OD 849 BENJAMIN CHEUNG
- OD 851 LAURA LI
- OD 852 KRYSTA M LANDAS
- OD 853 CARLA WATASE

Approved for TPA Certification

- OD 835 RACHEL E KUROHARA
- OD 846 NICHOLE K NAKATA
- OD 841 ASHLEY R P LUKE
- OD 849 BENJAMIN CHEUNG
- OD 847 KIM-LIEN T NGUYEN
- OD 853 CARLA WATASE

b. Applications

None.

9. Next Meeting:

Monday, March 13, 2017
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 10:13 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

2/15/17

[☒] Minutes approved as is.

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