

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

MINUTES OF MEETING

- Date: Monday, November 13, 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
Peter Shoji, O.D., Vice Chair
Seulyn Au, O.D.
Gayle Chang, Public Member
Jere Loo, O.D.
Darek Sato, Public Member
Robb Shibayama, O.D.
Daniel Jacob, Deputy Attorney General ("DAG")
James Kobashigawa, Executive Officer ("EO")
Sandra Matsushima, 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 9:01 a.m.
- 2) Additional Distribution: None.
- 3) Approval of Board Meeting Minutes of September 25, 2017: Chair Saito asked if there were any comments or concerns regarding the board minutes of the September 25, 2017 meeting.
There were none.
Upon a motion by Vice Chair Shoji, seconded by Mr. Sato, it was voted on and unanimously carried to approve the minutes of the September 25, 2017 meeting as circulated.

4) Executive
Officer's Report:

a. 2017 License Renewal

EO Kobashigawa reported that the license renewal is underway. Licensees are being asked to submit the "Continuing Education Audit Form" which may be downloaded from the website. He noted that there were problems initially with the form but they have been fixed.

b. 2018 Board Meeting Schedule

The 2018 Board Meeting Schedule was distributed to the board members. EO Kobashigawa reminded the members to notify staff as soon as possible if they are unable to attend a scheduled meeting.

c. 2017 State of Hawaii Commissioning Ceremony

EO Kobashigawa reported that the Governor held a Commissioning Ceremony for Commissioners and Board Members on October 24, 2017 at the Hawaii State Art Museum. He noted that Mr. Sato attended the event.

d. Delinquent Travel Claims Procedures

EO Kobashigawa reported that all travel claims must be submitted within 10 days after completion of travel. This includes travel by board members.

e. Department of Commerce and Consumer Affairs ("DCCA") Disciplinary Actions for August and September 2017

EO Kobashigawa reported that there were no optometry-related DCCA disciplinary actions for August and September 2017.

5) New
Business:

a. Regulated Industries Complaints Office ("RICO") Request for Review and Approval of the Optometry Advisory Committee list and Addendum language for the 2018 term

Executive
Session:

At 9:08 a.m., it was moved by Vice Chair Shoji, seconded by Dr. Shibayama, and unanimously carried (by roll call with Chair Saito, Vice Chair Shoji, Dr. Au, Ms. Chang, Dr. Loo, Mr. Sato and Dr. Shibayama voting aye) to move into Executive Session to consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities, in accordance with HRS §92-5(a)(4).

At 9:18 a.m., it was moved by Vice Chair Shoji, seconded by Dr. Loo, and unanimously carried (by roll call with Chair Saito, Vice Chair Shoji, Dr. Au, Ms. Chang, Dr. Loo, Mr. Sato and Dr. Shibayama voting "aye") to move out of Executive Session.

By consensus, the Board deferred discussion on RICO's Optometry Advisory Committee list and Addendum language for the 2018 term.

b. National Board of Examiners in Optometry ("NBEO") Upcoming Examination Changes

The Board reviewed a memo from the NBEO which stated that they will be making changes to their Part III Clinical Skills Examination ("CSE"), effective August 1, 2018 by adding the following: Clinical Decision Making, Cranial Nerve Assessment, Amsler Grid Testing and Undilated 90D Exam. Also, the Injections Skills Examination will only be offered as a stand-alone examination, effective August 1, 2018.

EO Kobashigawa asked if the Injections Skills Examination is currently required.

Chair Saito said no. He noted that currently, a Hawaii licensed optometrist with TPA certification can only administer injections for anaphylaxis. He asked if there were any questions or concerns regarding this memo.

There were none.

c. Call for comments/input on proposed FAQ section of the Accreditation Council on Optometric Education ("ACOE") Web site

The Board reviewed a memo from the ACOE requesting comments on the proposed FAQ section of their website.

Chair Saito asked if there were any questions or concerns regarding this memo.

There were none.

6) Request for CE Program Approval:

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>
17-021	Advanced Cataract Surgery & 5 Mystery Cases <i>Pacific Vision Institute of Hawaii</i>	2	2
17-022	Jenkins Eye Care – Holiday CE in Paradise <i>Jenkins Eye Care – Tyrie Jenkins, MD</i>	2	2

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

7) Applications:

a. Ratifications

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

Approved for Optometrist License

- OD 870 JUSTIN P KOZLOSKI
- OD 871 ROBERT W KAUTZ

Approved for TPA Certification

- OD 865 NICHOLAS M KLAUBA

EO Kobashigawa noted that there were several items he would like the Board to discuss. He asked if those items could be added to the agenda.

After some discussion, upon a motion by Vice Chair Shoji, seconded by Dr. Loo, it was voted on and unanimously carried to add the following items to the agenda:

- Under 4. Executive Officer's Report, add "f. Professional and Vocational Licensing ("PVL") Online Status" and "g. Continuing Education Audit for License Renewal".

At this time, Chair Saito took the agenda out of order to discuss the following agenda items:

- 4. Executive Officer's Report, f. Professional and Vocational Licensing ("PVL") Online Status.
- 4. Executive Officer's Report, g. Continuing Education Audit for License Renewal.

4) Executive Officer's Report:

f. Professional and Vocational Licensing ("PVL") Online Status

EO Kobashigawa reported that the PVL Division's website now allows applicants to check on the status of their pending application online. This applies to all initial applications as well as paper renewal applications. This does not apply to online license renewals.

g. Continuing Education ("CE") Audit for License Renewal

EO Matsushima reminded the Board that their rules require all licensees to submit their CE certificates for license renewal. When a licensee renews online, their updated pocket card is automatically ordered and sent to the mailing address of record, regardless of compliance with the CE audit.

Chair Saito asked if the Board was aware that the pocket card is sent out to licensees who renew online without checking on the licensee's compliance with the CE audit.

EO Matsushima said yes, she believes it was previously discussed with the Board.

EO Kobashigawa stated with regards to other options for the CE audit, some Boards do a random audit of a percentage of licensees. The Hawaii Medical Board does a random pre-audit of licensees prior to the renewal period.

Dr. Loo asked what a pre-audit entails.

EO Matsushima said with a pre-audit, selected licensees are notified prior to the renewal period that they were selected. Those licensees would need to submit their CE documents and be approved before they could renew their license online. Generally, this is done several months prior to the license renewal period.

Dr. Loo noted there would still be a possibility that licensees would not comply with the CE audit.

Chair Saito asked if there is any legal issues because of the pocket card being issued prior to confirmation of compliance with the audit.

DAG Jacob said that there is no liability on the Board as the licensee attests that they have complied with the CE audit during the online renewal. If the licensee answers "yes" and they do not provide proof of compliance, the Board has grounds to discipline the licensee.

Chair Saito asked the Board how they feel about the idea of the pre-audit.

Dr. Loo said he does not think it would solve the problem of licensees not complying with the CE audit.

Chair Saito said he thinks pre-auditing would result in the licensee who is pre-audited being penalized more than licensees are when the current auditing procedures are used.

Dr. Loo asked if the current system is efficient.

EO Matsushima said it is most efficient for licensees who only take Board approved courses.

Board members agreed by consensus not to change the current CE audit procedures at this time.

Dr. Shibayama asked if the Board could consider doing a random audit instead of the 100% audit.

EO Kobashigawa said yes, however, if the Board decides to change to a random audit, they would need to amend their administrative rules.

Dr. Shibayama said he feels the Board should follow the majority of the licensing boards with a continuing education requirement. If a majority do a random audit, it may be something the Board should consider.

Chair Saito asked if there is any documentation or information on choosing the percentage of licensees audited.

EO Matsushima said none that she is aware of, however, the Board can look at the requirements of the other licensing boards.

Chair Saito noted that if the Board decides to change their audit requirements, they would need to come up with language to do so. He asked how this would work.

DAG Jacob stated that the Board had three options available to them: 1) forming a Permitted Interaction Group ("PIG"); 2) forming a Rules Committee; or 3) working on the language in a regularly scheduled Board meeting. He explained that the PIG would allow the assigned members to meet without requiring the filing of an agenda whereas the Rules Committee would require filing of an agenda. The PIG would consist of two or more members of the Board, but less than the number of members which would constitute a quorum and may be assigned to investigate a matter relating to the official business of the Board. A PIG can meet as often as they want until their investigation is concluded. In order for the Board to take action on a matter investigated by a PIG, three board meetings must occur. At the first meeting, the Board establishes the PIG and determines the scope of the investigation. After the PIG concludes its investigation, at the second meeting, the PIG reports its findings and recommendations to the Board, but the Board cannot discuss or act on the report at this meeting. At the third meeting, the Board can discuss, deliberate, and/or make any decisions regarding the PIG's report. The Rules Committee, which would also consist of two or more members of the Board, but less than the number of members which would constitute a quorum, would be required to file an agenda and hold a meeting which would be open to the public. The difference between the PIG and the Rules Committee is that the Rules Committee could present its findings and recommendations and the Board could discuss, deliberate and/or make decisions regarding those findings/recommendations at the same meeting. DAG Jacob noted that board

members who are not assigned to the Rules Committee may not be present during their meetings to avoid violations of the Sunshine Law.

Board members agreed by consensus to defer this matter to the Board's next meeting.

The Board returned to their regular order of business.

8) Next Board Meeting: December 11, 2017
9:00 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

9) Adjournment: With no further business to discuss, Chair Saito adjourned the meeting at 10:09 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

11/22/17

Minutes approved as is.

Minutes approved with changes; see minutes of _____.