

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 8, 2018
- 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")
Jennifer Fong, Secretary
- Excused: Gayle Chang, Public Member
- 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 9:09 a.m.
 - 2) Additional Distribution: None.
 - 3) Approval of Board Meeting Minutes of December 11, 2017: Chair Saito asked if there were any comments or concerns regarding the board minutes of the December 11, 2017 meeting.

There were none.

Upon a motion by Vice Chair Shoji, seconded by Dr. Au, it was voted on and unanimously carried to approve the minutes of the December 11, 2017 meeting as circulated.

4) Executive Officer's Report:

a. 2017 License Renewal Update

EO Kobashigawa reported that 440 licenses were eligible for renewal. As of 12/27/17, 370 licenses have been renewed which is 84.1% of eligible licenses. 364 of those licenses were renewed online.

b. Department of Commerce and Consumer Affairs ("DCCA") Disciplinary Actions for November 2017

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

c. FTC Workshop on Contact Lens Proposal

Information regarding the American Optometric Association's upcoming workshop regarding the FTC's Contact Lens Rule Proposal on March 7th was distributed to the Board. The mandate would force about 50,000 eye doctors to obtain from each contact lens patient for each new prescription a signed document indicating receipt. The mandate also requires doctors keep such documents for at least three years to aid in investigations.

d. Possible Rescheduling of the May 14, 2018 Board Meeting to May 7, 2018

After some discussion, by consensus, the Board changed the date of its May meeting from May 14, 2018 to May 7, 2018.

5) Old Business:

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

After some discussion, the Board agreed by consensus to defer this matter.

b. Request from Kevin Lui, O.D. for Board reconsideration of non-acceptance of Association of Regulatory Boards of Optometry ("ARBO") Certificate of Completion

EO Kobashigawa stated at their last meeting, the Board reviewed a request from Dr. Lui which asked for the Board to reconsider not accepting ARBO certificates of completion. Dr. Lui's request stated that he does not dispute the CE certificate stipulations in HAR Chapter 92, however, he feels since the Board has accepted the ARBO certificates in the past, the Board has an onus to inform licensees if there are any changes to accepted documents. The

Board deferred the matter to allow DAG Jacob to conduct additional legal research.

DAG Jacob stated that the current rules are what they are and based on the language in the rules, the Board cannot accept the ARBO certificates of completion. The Board can amend their rules to allow for acceptance of the ARBO certificates or other documents such as the ARBO Course History.

By consensus, the Board directed EO Kobashigawa to inform Dr. Lui that the Board's current rules do not allow acceptance of the ARBO Certificate as it does not meet the requirements of Hawaii Administrative Rules ("HAR") §16-92-40(a).

At 9:32 a.m., Vice Chair Shoji left the room.

Chair Saito said he would like the rules amended to accept documents from ARBO.

DAG Jacob stated that he would work with EO Kobashigawa to come up with proposed language to present to the Board.

c. Request from Jeffrey Coleman, O.D. for Board consideration of CE Transcript from the Texas Optometry Board in lieu of CE certificates

EO Kobashigawa stated that at their last meeting, the Board reviewed Dr. Coleman's request for the Board to accept a CE transcript from the Texas Board with the Board Seal in lieu of his CE certificates. The Board deferred the matter pending receipt of the CE Transcript with the Texas Board seal for review. The Board has received a letter from Mr. Chris Kloeris, Executive Director of the Texas Optometry Board with the Texas Board Seal with a course detail attached on December 14, 2017.

At 9:40 a.m., Vice Chair Shoji returned.

DAG Jacob stated that the rules do not allow acceptance of a letter from another jurisdiction in lieu of the required certificates. He noted that HAR §16-92-40(b) does allow the Board to accept certified copies of certificates of continuing education in lieu of originals

By consensus, the Board directed EO Kobashigawa to inform Dr. Coleman that the Board is unable to accept the letter with attached course detail in lieu of the certificates of continuing education which are required pursuant to Hawaii Administrative Rules ("HAR") §16-92-40.

- 6) New Business: a. Request for Trade Name Approval from Kellen Kashiwa, O.D. for Hale Maka`Ike LLC to use the trade name "Dr. Kellen Kashiwa O.D."

DAG Jacob informed the Board that he worked with the Business Registration Division's attorneys and was able to take care of this matter

- 7) 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>
18-002	2018 Island Eyes Conference <i>Pacific University College of Optometry</i>	26	18
18-003	Eye Emergencies and their Management and Cornea Update <i>Hawaiian Eye Center</i>	2	2
18-004	Ocular Surface Disease <i>Hawaiian Eye Center</i>	2	2
18-005	Intro to Neuro-Ophthalmology and Ocular Manifestations of Systemic Disease <i>Hawaiian Eye Center</i>	2	2
18-006	What's New in Glaucoma and How I Manage Glaucoma Patients <i>Hawaiian Eye Center</i>	2	2

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

- 8) Chapter 91, HRS – Adjudicatory Matters: At 9:53 a.m., Chair Saito recessed the Board's meeting to discuss the following adjudicatory matter pursuant to Chapter 91, HRS:

- a. In the Matter of the Application for a Therapeutic Pharmaceutical Agent Agent Certification of Martin Zebzda, O.D., OPT-LIC-2014-001 – Transmittal; Findings of Fact, Conclusions of Law, and Recommended Order Following the June 7, 2017 Remanded Hearing; Respondent's Written Exceptions to Hearings Officer's Findings of Fact, Conclusions of Law, and Recommended Order Following the June 8, 2017 Remanded Hearing; Petitioner's Statement in Support filed 9/25/17; Petitioner's Statement in Support filed 10/23/17; Board's Final Order (Draft)

It was moved by Vice Chair Shoji, seconded by Dr. Loo, and unanimously carried to defer this matter and request from the Office of Administrative

Hearings a copy of the exhibits used by the Hearings Officer to make his Recommended Order.

At 10:07 a.m., the Board came out of Chapter 91, HRS, and returned to its regular order of business.

- 9) Next Board Meeting: March 19, 2018
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 10:09 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ James Kobashigawa

James Kobashigawa
Executive Officer

2/1/18

[] Minutes approved as is.

[✓] Minutes approved with changes; see minutes of March 19, 2018.