

**HAWAII BOARD OF OPTOMETRY**  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

- Date: Monday, November 26, 2018
- Time: 9:00 a.m.
- Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813
- Present: Peter J. Shoji, O.D., Chair  
Robb Shibayama, O.D., Vice Chair  
Seulyn L Au, O.D.  
K. Paul Chin, O.D.  
Jere H.E. Loo, O.D.  
Scott Kubota, Public Member  
Darek Sato, Public Member  
Daniel Jacob, Deputy Attorney General ("DAG")  
Christopher Fernandez, Executive Officer ("EO")  
LaJoy Lindsey, 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 Shoji called the meeting to order at 9:00 a.m.
  2. Agenda: None.  
Additions  
and Revisions:
  3. Approval of  
Board Meeting  
Minutes of  
September 24,  
2018: Chair Shoji asked if there were any comments or concerns regarding the Board minutes of the September 24, 2018 meeting. There being none, upon a motion by Dr. Au, seconded by Dr. Shibayama, it was unanimously carried to approve the minutes of the September 24, 2018, meeting as circulated.

4. Board Member Disaster/Emergency Preparedness: The Board viewed the Avoid/Deny/Defend training video developed by Advance Law Enforcement Rapid Response Training (ALERRT™).
5. Executive Officer's Report:
  - a. DCCA Disciplinary Actions (through September 2018):

EO Fernandez advised the Board that there were no disciplinary actions regarding Optometry during this period. The report was circulated to the members for their information.
  - b. Association of Regulatory Boards of Optometry (ARBO) – Advocacy vs. Regulatory

EO Fernandez shared a brief summary from an ARBO article that offered the perspective that, generally speaking, advocacy organizations protect the profession and Regulatory organizations protect the public. However, ARBO wished to avoid portraying advocacy and regulation as mutually exclusive, and rather promote the profession and protection of the public collaboratively. EO Fernandez mentioned that he could forward a copy if requested.
  - c. American Optometric Association (“AOA”) First Look – AOA President seeks to Expand Scope of Practice

EO Fernandez shared that the newly elected AOA President, Dr. Pierce seeks to broaden optometric scope of practice throughout the country. In the article, he is quoted as saying, “For there to be a future profession, it must continue to evolve and change, and this means the expansion of procedures available to an O.D. to offer to their patients”. He went on to say, “And so, what I want to do is to make sure the AOA is standing ready to assist states in any way possible to accomplish expanded scope of practice.”
6. Old Business:
  - a. Discussion on Telemedicine

Dr. Au mentioned that legislation was passed and questioned who does it impact and how does it impact? DAG Jacob stated that he is aware of the medical statute which states that a patient/doctor relationship must initially be set up face-to-face and thereafter telemedicine would be appropriate. He went on to ask if anyone had specific questions, as it would be better for him to take back (to the office) and report back to the Board at the next meeting. For example, he asked what was the purpose of the conversation regarding telemedicine. Dr. Au shared a scenario where a business allows an optician to refract, yet the doctor who owns the license

is out of state. The O.D. does not log-in at real time, but rather logs in after the procedure, just to sign off on the prescription; making it a legitimate prescription. She added that the O.D. does hold a Hawaii license. The DAG shared that it wouldn't be unlicensed practice per se as the O.D. is licensed (in Hawaii). Chair Shoji mentioned that our laws are archaic and need to be updated. Dr. Au suggested that they mirror what the medical field is doing, without having to reinvent the wheel. DAG Jacob advised that telemedicine is a statute that states that the doctor/patient relationship must first be set up face-to-face. The DAG will see if it is appropriate for the Board to mirror the statute. Dr. Shibayama added that the Board should definitely address this as there are some companies such as 1-800-CONTACTS where you can renew your prescription without going in for an appointment. Dr. Au suggested that this practice was not in the best interest of the patient. DAG Jacob stated that he would research the subject before the next meeting.

7. New Business:                      b.        Request from Michael Van Langeveld, O.D., to use trade names InSpecs and InSpecs Eyewear.

Upon a motion by Dr. Shibayama, and seconded by Dr. Loo, the Board unanimously carried to approve the request use the trade names InSpecs and InSpecs Eyewear.

8. Request for CE Program Approval:                      Upon a motion by Dr. Loo, seconded by Dr. Chin and unanimously carried to carried to approve the following continuing education ("CE") courses.

<u>Index #</u>	<u>Program Title (Sponsor)</u>	<u>CE</u>	<u>TPA Hours</u>
18-024	OCOS Annual Pathology Symposium Society (Orange County Optometric Society)	6	6
18-025	Holiday CE in Paradise 2018 (Tyrie Jenkins and Jeffrey Peterson)	2	2
18-026	Academy 2018 San Antonio -Lectures and Workshop Program (American Academy of Optometry)	300	125
18-027	Academy 2018 San Antonio – Scientific Program (American Academy of Optometry)	12.75	10.75
18-028	Michigan Optometric Association Fall Seminar (Michigan Optometric Association)	21	16
18-029	Pacific Rim Optometric Conference (Hawaii Optometric Association)	8	8

Relating to the subject of CE approvals, Dr. Au questioned what was within the Board's regulatory power if a course provider doesn't want to pay the fee accompanying the application. Also, what security would the Board have regarding approvals of CEs during the biennial renewal when they are due, if a CE is used by licensee and approved by the Board having not getting pre-approval of the course provider prior?

Dr. Au was referring to Hawaii Administrative Rules §16-92-39(c) which states: "All courses sponsored by persons or organizations other than those outlined above shall be submitted to the board for approval on a form as provided by the board, unless the course is approved by the Council on Optometric Practitioner Education. Forms shall be submitted to the board no more than forty-five days after the course is completed."

DAG Jacob recommended that further general discussion regarding continuing education be put on the agenda for the next meeting. However, to the extent that the Board has questions regarding what approval is required for CE programs and how that approval works including the powers of the Board, He thought those questions are appropriate under the title request for CE program approval.

Mr. Kubota suggested that the Board enter executive session if they were consulting with DAG Jacob about their, immunities, powers and duties.

Executive Session:

At 9:40 a.m., upon a motion by Mr. Kubota, seconded by Dr. Au, it was unanimously carried to enter into Executive Session pursuant to HRS §92-5(a)(1) to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9, and pursuant to HRS §92-5(a)(4), to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

At 9:55 a.m., upon a motion by Mr. Kubota, seconded by Dr. Au, it was unanimously carried to exit Executive Session.

9. Applications:

a. Ratifications

Upon a motion by Dr. Loo, seconded by Dr. Chin, it was unanimously carried to ratify the following:

- 1) Approved for Optometrist License
  - OD 898 O'DOWD, Daniel P.
- 2) Approved for TPA Certification

- None

10. Next Board Meeting: January 7, 2019  
9:00 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, Hawaii 96813

11. Adjournment: With no further business to discuss, upon a motion by Dr. Chin, seconded by Dr. Loo, it was unanimously carried to adjourn the meeting at 10:10 a.m.

Taken by:

/s/ LaJoy Lindsey

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LaJoy Lindsey  
Secretary

Reviewed by:

/s/ Christopher Fernandez

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Christopher Fernandez  
Executive Officer

12/24/18

[ x ] Minutes approved as is.

[ ] Minutes approved with changes; see minutes of \_\_\_\_\_.