

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

MINUTES OF MEETING

Date: Monday, May 6, 2019

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.
Darek Sato, Public Member
Daniel Jacob, Deputy Attorney General ("DAG")
Christopher Fernandez, Executive Officer ("EO")
LaJoy Lindsey, Secretary

Excused: Scott Kubota, Public Member

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. Approval of Board Meeting Minutes of March 4, 2019: Chair Shoji asked if there were any comments or concerns regarding the Board minutes of the March 4, 2019 meeting. There being none, upon a motion by Dr. Au, seconded by Dr. Loo, it was unanimously carried to approve the minutes of the March 4, 2019, meeting as circulated.

Dr. Loo was recognized for his service on the Board since this will be his last meeting.

Executive Session: At 9:03 a.m., it was moved by Vice Chair Shoji, seconded by Dr. Loo, and unanimously carried to move into Executive Session in accordance with HRS, §92-5(a)(1) and (4), "To consider and evaluate personal information relating to

individuals applying for professional or vocational licenses cited in section 26-9 or both;” and “To consult with the board’s attorney on questions and issues pertaining to the board’s powers, duties, privileges, immunities, and liabilities” to discuss application.

EXECUTIVE SESSION

At 9:06am the Board came out of Executive Session upon a motion by Dr. Loo, seconded by Dr. Chin, and carried by unanimous vote.

3. Applications:

a. Kristy Remick-Waltman, OD

Upon a motion by Vice Chair Shibayama, seconded by Dr. Loo it was unanimously carried to defer Dr. Remick-Waltman’s TPA license application until she is able to provide proof of having passed part III of the National Board Examinations, as required pursuant to HRS §459-7(b):

“Every candidate who passes all examinations required by the board and who has met all requirements for licensure shall receive from the board a license to practice optometry.”

And, Hawaii Administrative Rules §16-92-19:

“Examination requirements for license. (a) Each applicant shall be required to take and pass the following:

- (1) All parts of the NBEO written examinations; and
- (2) The NBEO practical (Patient Care) examination.

Subjects covered in the above examinations shall be established by the NBEO

(b) An applicant who is registered and licensed under the laws of another state or jurisdiction who wishes to be licensed in Hawaii shall meet the requirements of subsection (a).”

b. Ratifications

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

1) Approved for Optometrist License

- OD MOY, Alexa J.
- OD 905 FEE, Nicole T.S.
- OD 906 CHOI, Sara

2) Approved for TPA Certification

- OD 885 DELGADO, Lizeth
- OD 899 LITVIN, Inna
- OD 904 MOY, Alexa J.

4. Board Approval
of Trade Name

- a. “The Eye Place” on Moloka’i requested by Melissa Almarales, OD 869.
Business registration indicates that she registered name on August
17, 2018.

After due consideration of the information received, and upon a motion by Dr. Shibayama, seconded by Dr. Loo, it was unanimously carried to approve use of the trade name “The Eye Place”.

5. Executive
Officer’s Report:

- a. Update from NBEO on the National Center of Clinical Testing in Optometry:

EO Fernandez reported that the National Board of Examiners in Optometry (NBEO) sent out a notice regarding the clinical test in optometry.

- b. Research

- i. Telemedicine

The EO Fernandez updated the Board on telemedicine research. He stated that he would like to email the telemedicine and telehealth statutes of the Hawaii Board of Medicine so that members could review possible model language to be prepared if a bill is introduced to legislature in upcoming sessions.

- ii. Continuing Education Requirements and Bi-annual Audit

EO Fernandez reported that he reviewed the Board minutes since 2004 and noted a long conversation regarding OE tracker. It appears that it has not fit with our statutes since its inception. He said that he is working on cleaning up a rule change draft which could possibly be used to introduce new CE language.

DAG Jacob asked EO Fernandez what draft he was on.

EO Fernandez replied that it’s still the first draft due to multiple draft errors by the drafter. He wants to provide the Board with a clean copy to review before presenting it. As mentioned at the last meeting, it won’t be affecting this biennium’s CE requirement and

that he is working on a system for the receipt and review of CE at the end of the year. He's been looking and what could possibly be done to simplify process. He is considering the creation of a TPA course review form, specific for the ODs, because the form currently in use is primarily designed for providers of CE. This is much different purpose from what an Optometrist who has taken a course would provide. He would like to do this before the next meeting, so all can provide input as to what should be on the form.

Dr. Shibayama asked for clarification that the Board would still have to review each of the CE submissions to screen for TPA courses.

EO Fernandez confirmed and mentioned how the process can be convoluted, so perhaps he could develop a flow chart in order to better orient the members to what they would be required to do and in what order.

Dr. Au commented that until the Board reduces the 100 percent audit, there is a lot of CE for the Board to review.

Dr. Au asked if the approved providers (associations) CEs must come before the Board if they are automatically approved?

EO Fernandez replied that it must come before the Board if they are requesting TPA as he does not have the authority to approve that.

Dr. Au also asked, during the actual audit, how would the Board know which courses have been approved or not?

EO Fernandez replied that he and the secretary would screen the lists before submitting to the Board. This is what he did for his recent Psychology audit and it seemed to work well.

6. Request for
CE Program

Upon a motion by Dr. Au, seconded by Mr. Sato it was unanimously carried to approve the following CE programs:

<u>Index #</u>	<u>Program Title (Sponsor)</u>	<u>CE</u>	<u>TPA Hours</u>
19-013	Improving the Identification and Care of Patients with Diabetic Retinopathy...(State University of NY) (Hawaii Optometric Association)	6	6
19-014	Tropical CE – Hawaii 2019 (Tropical CE)	19	19

19-015	Minimally Invasive Glaucoma Surgery (Professional Eye Care Associates)	1	1
19-016	Ophthalmic Update Question and Answer Session 2019 (Hawaiian Vision Specialists)	1	1
19-017	Interesting Cases and Conundrums (Professional Eye Care Associates)	1	1

7. Old
Business:

There was no old business.

8. New
Business:

a. Letter from Dr. Sarah Yi: Request to waive PA continuing education

Dr. Sarah Yi addressed the Board stating that she is a practicing optometrist of 5 years who graduated in 2012. She shared her prior work experience indicating the states in which she is approved to practice and cited that she has not had action against her licensure. She applied for and received her Hawaii optometry license and TPA certification in January 2019. Dr. Yi stated that she wrote to the Board asking for clarification regarding her specific CE requirements and what she could do to meet them.

Having been issued her Hawaii TPA license in January 2019, she is concerned that it may be impossible for her to meet the requirement. She said that she currently has 17 hours between HOA Winter seminar and online courses. Dr. Yi stated that as she was completing her online courses she realized that although they were COPE approved, they weren't listed on the PVL website.

Vice Chair Shibayama advised that the Board is unable to make exceptions and must rely on the statutes state; they can only make determinations by what's there. Dr. Yi understood. He offered that the courses she submits, although not immediately approved or pre-approved, are reviewed by the Board. He assured her that there is still a lot of time and quite a bit of opportunity still for her to meet her CE requirements. If she were found to be deficient, she would be given a window of time to remediate.

DAG Jacob advised the Board that the statute allows someone to request an extension, and that it is within the Board's discretion to approve.

Dr. Au asked if she would be unable to practice after January 1, 2020, knowing that she is deficient.

DAG Jacob cited HRS 459-7 in support according to which, she can practice as long as she complies within the deadline established by the Board. He further stated that the extension may only be granted for good cause, which Dr. Yi would have to show.

Dr. Chin suggested that even if she is unable to find the courses on island, it would behoove her to look off-island as well.

Dr. Yi replied that her current circumstances prevent her from traveling.

Dr. Au suggested that she monitor online courses as classes do pop-up, especially when it comes to the end of the cycle. More doctors will be presenting classes.

Dr. Yi asked if there is a formal process for requesting an extension and what the timeframe is.

The Board suggested that she get her request in in time for the meeting prior to the deadline (December 2019). Pursuant to Hawaii Administrative Rules (“HAR”) 16-92-42:

“Any licensee seeking 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. The board shall consider each case on an individual basis and may extend the time for compliance of the requirements based on the following:

- (1) Health, as certified by a medical doctor currently licensed in accordance with chapter 453, HRS, or licensed in the state or jurisdiction in which the applicant was treated; or
- (2) Military service on extended active duty with the armed forces of the United States. [Eff and comp 4/21/97; am and comp 7/23/99...”

Vice Chair Shibayama asked if she is a member of the Hawaii Optometric Association, which she is. He mentioned that Charlotte [Nekota-Executive Director of HOA] would be a good source to ask of what’s available.

Chair Shoji explained to Dr. Yi that COPE approved courses are automatically approved as are courses from accredited universities, national and state associations. He’s certain she’ll be able to find what she needs.

Dr. Yi thanked the Board.

b. Vision to Learn: Program introduction by Mr. Damian Carroll

Damien Carroll, the National Director of Vision to Learn, provided the Board with a presentation about the organization.

Vision to Learn is a 501(c)3 non-profit, dedicated to ensuring that no student should go without the glasses that they need to succeed in school and life. Founded in Los Angeles in 2012, and their organization provides students access to local state-licensed optometrists who provide vision services directly at schools and community organizations. Vision to Learn also works with school districts in low-income communities. They have found that a very high percentage of students of these schools do not access the vision care services that they need.

Mr. Carroll explained that Vision to Learn first came to Hawaii in 2015, beginning with a kick off at Kalihi Waena Elementary, attended by Governor Ige. In the beginning, their non-profit was partnered with Project Vision Hawaii, which together with Hawaii keiki nurses, Lions clubs and Rotary members, provided initial screenings that identify students in need for the program. Through a memorandum of understanding with the Hawaii Department of Education, Vision to Learn offers exams to students who have failed a vision screening, and whose parents have consented to a service. Students receive exams on a mobile clinic at their school and students who are prescribed glasses may choose from a wide selection of frames on the clinic. Approximately three weeks later, Vision to Learn's optician returns to the school to individually fit each student's glasses. To date, Vision to Learn has provided 2,445 Hawaii students with vision exams and 1,552 with glasses.

Mr. Carroll stated that Vision to Learn is not a long-term optometric service for students. Instead, they introduce students to optometric care and educate them about the need for a lifetime of good eye health. Their hope is that the families will understand the value and seek out a local eye care provider in the future. To strengthen the tie to local long-term eye care, they identify students who need additional follow-up care and provide educational materials to encourage them to seek it out. At the same time, Vision to Learn seeks out established optometrists in the area who accept Medquest, and who are willing to accept referrals for students who need additional optometric care. To date, twenty-one percent (21%) of their exams have involved referring students to follow-up care.

This year, with major support from Hawaii foundations including the Harold Castle Foundation, Kamehameha Schools Atherton Foundation, First

Hawaiian Bank Foundation, and the Clarence T.C. Ching Foundation, Vision to Learn is committed to provide vision exams and glasses as needed to over 3,000 students in Hawaii Title I schools. As their program serves more students in Hawaii, they are eager to partner with the Hawaii optometric community to connect their service to local optometrists. Mr. Carroll stated that he welcomes the advice and counsel from the Board of Optometry for ways to improve their service to students. He then thanked the Board for their time and introduced keiki Nurse Practitioner Melissa Owens to offer her perspective.

Ms. Owens introduced herself as a Nurse Practitioner at Dole Middle School in Kalihi and stated that Dole has a reputation that she feels certainly precedes her. It is a Title I school, meaning it is in the bottom three percent (3%) in the nation. It has a population pre-dominantly consisting of Micronesian and a very high percentage of students who receive free or reduced lunch.

Pertaining to the subject at hand, Ms. Owens informed the Board that she conducted a vision screening on November 2, 2018. At that time, there were nearly 100 students who needed to be referred for vision care. To initiate the process, she sent a letter home with each student who failed the screening explaining the situation to their parents and included a list of local optometrists that they could visit within walking distance or a short bus ride. She stated that she thought families would take her up on the offer since the optometrists on the list took Medquest, and she took pains to inform those without insurance that they would be given certificates that would cover the cost of glasses.

Ms. Owens went on to say that despite also mailing letters to families and doing follow-ups, she received no responses. She stated that she practically begged parents for three months to do something, but nothing was done. Then she found out about Vision to Learn. She explained how beneficial having an onsite clinic was. She stated that the kids were excited because, despite failing the eye exam, they were able to pick out really fashionable frames right then and there. A few weeks later when the glasses came in after that first clinic, the students were greeted by various politicians and it was a great event. She opined that this would not have happened if the service had not come to the school. She stated that she appreciates seeing the kids walking around with their glasses.

Chair Shoji thanked Mr. Carroll and Ms. Owens stating that although it's not within the Board's purview to offer advice or endorsement on this matter, he wished Mr. Carroll well and thanked the organization for caring for those students in need. He mentioned that there are optometrists that give out free eye exam certificates, and that the Lions club gives money to help

cover eyecare costs, but there is nothing like the service they are providing.
Mr. Carroll left business cards and thanked the Board.

9. Next Board Meeting: July 29, 2019
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, upon a motion by Dr. Chin, seconded by Dr. Sato, it was unanimously carried to adjourn the meeting at 10:00 a.m.

Taken by:

/s/ LaJoy Lindsey

LaJoy Lindsey
Secretary

Reviewed by:

/s/ Christopher Fernandez

Christopher Fernandez
Executive Officer

6/5/19

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