

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

MINUTES OF MEETING¹

Date: July 26, 2021

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar

Present: Robb Shibayama, O.D., Chairperson (“Chair”)
K. Paul Chin, O.D., Vice Chairperson (“VC”)
Seulyn L. Au, O.D.
Wallace Kojima, O.D.
Peter Clayton Searl, O.D.

Staff: Daniel Jacob, Deputy Attorney General (“DAG”)
Kerrie Shahan, Executive Officer (“EO”)
Christopher Fernandez, Executive Officer (“EO”)
Erin Emerson, Secretary
Christine Dela Cruz, Tech Support
LaJoy Lindsey, Tech Support

Excused: None

Guests: M. Dash / D. Tannehill

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by section 92-7(b), of the Hawaii Revised Statutes (“HRS”).

A short video was played to explain the meeting procedure and how members of the public could participate in the virtual meeting.

1. Call to Order: Chair Shibayama welcomed everyone to the meeting and proceeded with a roll call of the Board members. All Board members confirmed that they were present.

Chair Shibayama welcomed the Board’s newest member, Dr. Peter Clayton Searl, O.D., to the meeting and thanked him for volunteering his time.

There being a quorum present, Chair Shibayama called the meeting to order at 9:06 a.m.

¹ Comments from the public were solicited on each agenda item. If no public comments were given, the solicitation for and lack of public comment are not explicitly stated in these minutes.

2. Approval of Board Meeting Minutes of May 24, 2021:

Chair Shibayama asked the Board members if there were any comments or concerns regarding the Board meeting minutes of May 24, 2021. There were none.

Upon a motion by Chair Shibayama, seconded by Dr. Au, it was moved and unanimously carried to approve the meeting minutes of May 24, 2021.

3. Executive Officer's Report

EO Shahan advised there were no disciplinary actions to report.

EO Shahan informed the Board that the topic of the upcoming Continuing Education ("CE") Renewal Audit will be on the agenda for the next meeting; the discussion will include possible dates for the Board to meet in November and December to perform the audit.

EO Shahan pointed out that the Board no longer has any public members and urged everyone to inquire with any members of the public, that are not optometrists, to gauge interest in serving on the Board. EO Shahan welcomed anyone wishing to participate to reach out to her.

a. ARBO Annual Meeting Report

EO Shahan advised that she attended the Association of Regulatory Boards of Optometry ("ARBO") 2021 Annual Meeting in June. At the meeting, ARBO urged Boards to sign up for their CE Tracker. EO Shahan did not feel that it would be fiscally possible at this time, but did not rule it out in the future.

Other notable information provided at the meeting included:

- Council on Optometric Practitioner Education ("COPE") approved courses will be recognized by the Accreditation Council for Continuing Medical Education ("ACCME") and the Joint Accreditation for Interprofessional Continuing Education starting January 2022.
- All 2020 graduates have had the opportunity to take all parts of the National Board of Examiners in Optometry ("NBEO") exam, as they have caught up on their backlog, due to the COVID-19 pandemic.
- Part III of the NBEO exam will be changing from the Clinical Skills Exam ("CSE") to the Patient Encounters and Performance Skills Exam ("PEPS"). EO Shahan advised that if any of the Board members had any questions, she could connect them with the appropriate contacts.

b. Hawaii Administrative Rule 16-92 Revisions Update

EO Shahan informed the Board that the Hawaii Administrative Rule ("HAR")

revisions passed at the last meeting are currently in step two (2) of the multi-step process. She advised that this item would remain on the agenda throughout the process in order for her to keep the Board apprised.

4. Applications: Ratifications

It was moved by Chair Shibayama, seconded by VC Chin, and unanimously carried to ratify approval of the following DPA Certification, TPA Certification and New License After Forfeiture:

Approved for DPA Certification

OD-950 AMBROSIA K S L MAKINI
 OD-951 MARIEM ABDOU
 OD-952 DIANA DE DIOS
 OD-953 JENNIFER WAI QIN KWOCK

Approved for TPA Certification

OD-948 BRITNEY H KOEHLER

Approved for New License After Forfeiture

OD-591 ANDREW RUMMEL

5. Request for CE a. New Course Request

Program

Approval:

Chair Shibayama asked if the Board had any comments or concerns regarding the list of new applications for CE courses. There were none.

Upon a motion by Chair Shibayama, seconded by Dr. Searl, it was unanimously voted to approve the following CE programs:

Index #	Course Title	Course Sponsor	Date	Location	DPA Hours	TPA Hours
21-018	Clinical Quandaries Fighting the Fear Factor	Jenkins Eye Care	7/8/2021	Honolulu, HI	2	2
21-019	HOA Live Virtual CE	Hawaii Optometric Association	5/2/2021	Honolulu, HI	4	4
21-020	Eyelid and Brow Ptosis: Diagnosis and Management	Hugo Higa, MD	4/28/2021	Honolulu, HI	1	1
21-021	Introduction to Minimally Invasive Glaucoma Surgery	Aloha Laser Vision	6/17/2021	Webinar	1	1
21-022	HOA Live Virtual CE Seminar	Hawaii Optometric Association	7/18/2021	Honolulu, HI	4	4

6. 2021 License Renewals:

a. Review and approve CE Audit form

Chair Shibayama asked if the Board had any comments or concerns regarding the updated CE Audit form for the upcoming renewal audit. There were none.

Upon a motion by Chair Shibayama, seconded by VC Chin, it was unanimously voted to approve the 2021 CE Audit form for use during the upcoming renewal audit.

7. Communications:

a. Discussion regarding letter from Michael Dash, OD – 07.14.2021

Chair Shibayama asked if there were any members from the public wishing to provide testimony on this matter.

Dr. Michael Dash and Mr. Doss Tannehill greeted the Board.

Dr. Dash explained to the Board that he has been apprenticing in ocularistry with Mr. Tannehill for almost one (1) year; upon Mr. Tannehill's retirement, Dr. Dash would like to continue to provide ocularistry services. Dr. Dash questioned if the Board had any reservations or concerns with him providing ocularistry services.

Chair Shibayama advised that because the HRS and HAR are silent on the subject of ocularistry, the Board does not have a formal opinion.

Dr. Dash queried if that meant that the Board was neutral on the topic and he could move forward with his plan to provide ocularistry services.

Chair Shibayama confirmed that the Board was neutral, which means they cannot provide a formal opinion, either way.

Dr. Dash requested a formal answer on his ability to provide ocularistry services.

Chair Shibayama explained that unless there is wording on ocularistry in the HRS or HAR, the Board cannot provide a formal answer.

EO Shahan clarified to Dr. Dash that because the HRS or HAR are silent on the topic, the Board cannot advise either way; however, because there are no optometry statutes or rules regarding ocularistry, the Board cannot prohibit him from providing the service.

Dr. Dash requested to have this information provided in writing.

EO Shahan confirmed that she would reply to Dr. Dash's email now that the Board has met on the topic.

Mr. Tannehill asked how to request a HAR revision to include wording on ophthalmology.

Chair Shibayama informed Mr. Tannehill that the Board has just finished submitting their most current rule revisions, but they would make note of his request and add it to a list for discussion when the Board completes future rule revisions.

Mr. Tannehill asked if the topic of ophthalmology should be addressed in the HRS or the HAR.

Chair Shibayama advised that to change the HRS, Mr. Tannehill would need to submit legislation. If Mr. Tannehill would like the Board to discuss adding language to the HAR, they would discuss it the next time the Board works on rule revisions.

EO Shahan explained to Mr. Tannehill that there is a multi-step process to making changes to the HAR.

Mr. Tannehill and Dr. Dash experienced technical difficulties.

EO Shahan advised that she would address the process of how the HAR is changed in her email to Dr. Dash.

EO Fernandez noted that ophthalmologists are an exempt profession in the Dispensing Opticians program. He advised that he could provide information from the program's statutes to EO Shahan for her response.

Upon a motion by Dr. Shibayama, seconded by Dr. Kojima, it was unanimously voted to direct EO Shahan to respond to Dr. Dash's letter; noting that the Board does not have a formal opinion on the topic, but will add ophthalmology to a list of items to discuss during future HAR revisions.

8. Next Board Meeting:

Monday, September 27, 2021
9:00 a.m.
Virtual Videoconference Meeting – Zoom Webinar

9. Adjournment:

Dr. Au questioned if the Board would be continuing with virtual meetings.

Chair Shibayama advised that until further notice, the meetings would continue to be virtual. He noted that the Board will need to meet in person to work on the CE audits in November and December, but that more information on this topic would be provided at the September meeting.

With no further business to discuss, Chair Shibayama adjourned the meeting at 9:27 a.m.

Taken by:

/s/ Erin Emerson
Erin Emerson
Secretary

Reviewed by:

/s/ Kerrie Shahan
Kerrie Shahan
Executive Officer

08/03/21

Minutes approved as is.

Minutes approved with changes; see minutes of _____.