

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

MINUTES OF MEETING¹

Date: January 31, 2022

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/93392390878>

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.

Excused: None

Staff: Bryan Yee, Deputy Attorney General (“DAG”)
Kerrie Shahan, Executive Officer (“EO”)
LaJoy Lindsey, Secretary
Wilma Balon, Secretary
Christopher Fernandez, Tech Support

Guests: None

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.

There being a quorum present, Chair Shibayama called the meeting to order at 9:07 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 Minutes of November 29, 2021: Chair Shibayama asked the Board members if there were any comments or concerns regarding the Board meeting minutes of November 29, 2021. There were none, it was moved by Dr. Kojima, seconded by VC Chin and unanimously carried to approve the Board meeting minutes of November 29, 2021.

3. Executive Officer's Report & Disciplinary actions through December 31, 2021: EO Shahan advised there were no disciplinary actions to report. EO Shahan updated members that a public individual expressed interest in serving on the Board. EO Shahan informed members that the Board is in the process of getting this individual on Board.

a. Hawaii Administrative Rules 16-92 Revisions Update

None.

4. Applications: b. Application Review

Meagan Lincoln

Chair Shibayama asked if there were any members from the public, or Ms. Lincoln, wishing to provide testimony on this matter. There were none.

Chair Shibayama requested the Board move into executive session to discuss Ms. Lincoln's Application for licensure.

It was moved by VC Chin, seconded by Dr. Au, and unanimously carried to enter into executive session at 9:10 a.m. pursuant to Section 92-5(a)(1), HRS, to consider and evaluate personal information relating to individuals applying for professional license cited in Section 26-9, HRS, and pursuant to Section 92-5(a)(4), HRS, to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities and liabilities.

Board members and staff entered into Microsoft Teams.

EXECUTIVE SESSION

At 9:26 a.m. it was moved Dr. Au, seconded by VC Chin, and unanimously carried to move out of executive session.

Roll call was taken and Chair Shibayama, VC Chin, Drs. Au and Kojima and Searl were all present.

a. Ratifications

Approved for DPA Certification

OD-968-0	KHANH NGUYEN
OD-969-0	NOELLE TCHANG
OD-970-0	CHUAN HU
OD-971-0	ALYSSA LYN CHIN
OD-972-0	ROBERT T. KOCEMBO
OD-973-0	NIDHA NATHANI

Approved for TPA Certification

OD-953-0	JENNIFER KWOCK
OD-959-0	JAMIE ARAMBULA

b. Application Review

Meagan Lincoln

It was moved by Dr. Searl, seconded by Dr. Kojima, and unanimously carried to approve the application of Meagan Lincoln and to ratify the above licenses and certifications.

5. Request for CE
Program
Approval:

None.

6. New Business:

a. Request for Trade Name Approval

It was moved by Dr. Searl, seconded by VC Chin, with Dr. Au abstaining to approve the following trade name requests:

- i. "Inspired Vision" requested by Kyle Oroku (OD-698)
- ii. "Kona Optometrists" requested by Khoa Nguyen (OD-850)

b. Approved Continuing Education Discussion – Should Courses in the Following Subjects be Automatically Approved for TPA Certified Optometrist

Chair Shibayama related that currently the Board uses the Association of Regulatory Boards of Optometry ("ARBO") Council on Optometric Practitioner Education ("COPE") classifications as its guideline on whether a course should count toward DPA or TPA continuing education. Chair Shibayama stated that the Board should remain consistent with approving courses and to stick with the

ARBO and COPE approved guidance. He also stated that some conditions are may require the Board's judgement in addition to the COPE classification system and asked the Board to make a determination on those conditions for future reference and guidance.

i. Scleral Lenses

Chair Shibayama explained that currently COPE classifies scleral lenses in contact lens courses. The process in method of fitting Scleral lens would be technically no different than fitting a toric lens or multifocal contact lens. Chair Shibayama further explained that the application makes it unique because although stigmatism may not be the result of a disease, keratoconus is a disease.

Chair Shibayama further explained that although scleral lens is used to manage keratoconus and keratoglobus and other irregular stigmatism or corneal conditions, and because scleral lenses are also used for other applications and most courses are based on the fitting, the Board should consider keeping it as a contact lens course applicable to DPA license and not applicable to TPA certification.

Chair Shibayama reminded members that in the past the Board had never accepted scleral lens courses as TPA course. The Board instead requested course outline and descriptions for those who submitted scleral lenses courses as part of their CE requirement.

Chair Shibayama stated that if the course description included eye disease, the Board had approved the course for TPA because it was not just a course on how to fit the lens. With that said, he recommended the Board continue accepting scleral lens courses for DPA licenses and that if a licensee objects, the Board should request a course outline for further review.

ii. Trauma/Concussion

Chair Shibayama stated that eye trauma requires a medical treatment and concussion being a traumatic brain injury also requires medical treatment, as such recommends that any courses regarding trauma or concussion should be considered as TPA course.

iii. Pregnancy

Chair Shibayama stated that although pregnancy is not a disease or an illness it certainly has medical implications.

Chair Shibayama further stated that changes in vision can occur during pregnancy, as such recommended any courses in pregnancy should be accepted as TPA credits.

iv. Nutrition/Supplements

Chair Shibayama stated that the current treatment for dry macular degeneration is supplements. He further states that nutritional supplements are considered a medical therapy in treating certain eye conditions.

Chair Shibayama recommended that because treatment using supplements involves systemic absorption in vulnerability of nutrients, any courses in nutrition and supplement should be considered as TPA courses.

v. Strabismus

Chair Shibayama stated that strabismus often times requires surgical treatment and management in addition to prismatic treatment.

Chair Shibayama recommended that these courses count toward DPA continuing education, but if an individual contested the course that the Board should request the course description for Board review.

vi. Amblyopia

Chair Shibayama stated that amblyopia is also known as lazy eye and can be treated with vision therapy which is not considered TPA. However, amblyopia can also be treated by cycloplegic or using atropine to paralyze the combination of the dominant eye or good eye in hopes of doing a medical eye patch therapy to enhance vision or neurological connection between the eye and the brain for the amblyopic eye, which is considered as a TPA.

Chair Shibayama recommended that the Board request the course description for any amblyopia course in order to determine if the course includes discussion which would be considered TPA.

After discussion, it was moved by VP Chin, seconded by Dr. Kojima, and unanimously carried to approve the Chair's DPA and TPA course approval recommendations concerning scleral lenses, trauma/concussion, pregnancy, nutrition/supplements, strabismus, and amblyopia.

After the motion, Chair Shibayama advised members to consider adding to the first motion adopting the Association of Regulatory Boards of Optometry (“ARBO”) and Council on Optometric Practitioner Education (“COPE”) as part of the Board’s rules and statutes to remain consistent in its decision in approving courses.

EO Shahan explained that legislation would be required to change the current language of the HRS.

EO Shahan further explained that if there was a desire it could amend the first motion.

After further discussion, it was moved by VP Chin, seconded by Dr. Searl, and unanimously carried to amend the first motion to state that the Board will continue using the COPE classifications as a guideline until such time as COPE categories are included as part of the Board rules.

c. Request for Additional Time – Continuing Education Audit

i. Sam Berne, OD-736

The Board reviewed the letter submitted by Dr. Berne requesting that the Board grant him an extension to complete CE credits required for the renewal of his license.

Chair Shibayama indicated that Dr. Berne explained in his letter that due to COVID-19 Pandemic he was unable to travel to live conferences to earn credits.

Chair Shibayama informed members that Dr. Berne earned 44 webinar courses of cope approved credits and stated Dr. Berne was not aware of the requirement for” live” interactive online webinar courses.

EO Shahan explained to the Board that Dr. Berne was notified on December 9, 2021 that he was 24 hours short of the required 36 hours of continuing education.

Following discussion, it was moved by Dr. Searl, seconded by Dr. Kojima, and unanimously carried to deny Dr. Berne’s request for additional time to earn CE credits as his request did not apply to the exemptions allowable pursuant to HRS §.16-92-42.

Chair Shibayama asked EO Shahan to draft a letter to Dr. Berne

informing him that the Boards rules and statutes do not make exception to the CE requirement therefore, his license is deemed forfeited and thus, Dr. Berne is required to reinstate his license.

DAG Wong reiterated that the letter should also include the section of unlicensed activities.

7. Correspondence: None.
8. Next Board Meeting: Monday, March 28, 2022
9:00 a.m.
Virtual Videoconference Meeting – Zoom Webinar
9. Adjournment: With no further business to discuss, Chair Shibayama adjourned the meeting at 9:55 a.m.

Taken by:

/s/ Wilma Balon
Wilma Balon
Secretary

Reviewed by:

/s/ Kerrie Shahan
Kerrie Shahan
Executive Officer

02/14/22

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