

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

**MINUTES OF MEETING<sup>1</sup>**

Date: November 28, 2022

Time: 9:02 a.m.

Place: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Virtual Videoconference Meeting – Zoom Webinar  
<https://dcca-hawaii-gov.zoom.us/j/98001222368>

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

Excused: None

Staff: Benjamin Creps, Deputy Attorney General (“DAG”)  
Kerrie Shahan, Executive Officer (“EO”)  
Chiara Latini, Secretary  
Mia Hoang, Tech Support  
Johnny Li, Tech Support

Guests: None

Agenda: The agenda for this meeting was posted on the State electronic calendar as required by HRS section 92-7(b).

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

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<sup>1</sup> 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.

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

There being a quorum present, Chair Shibayama called the meeting to order at 9:02 a.m.

2. Approval of Board Minutes of September 26, 2022: Chair Shibayama asked the Board members if there were any comments or concerns regarding the Board meeting minutes of September 26, 2022; there were none; it was moved by Vice Chair Chin, seconded by Ms. Chang and unanimously carried to approve the Board meeting minutes of September 26, 2022.

3. Executive Officer's Report & Disciplinary actions through October 31, 2022 Ms. Shahan advised there were no disciplinary actions to report, and that the rules revisions were still being reviewed by the legislative review board.

4. Applications:
  - a. Ratifications

Approved for DPA Certification

OD994 CREIGHTON WOO  
OD995 CHIA YU CHEN  
OD996 RACHEL KANETA  
OD831 RICKY HARTON (new license after forfeiture)

Approved for TPA Certification

OD987 JENNY NGUYEN  
OD994 CREIGHTON WOO  
OD988 BENJAMIN TAUTGES  
OD986 JULIE KOMO  
OD995 CHIA YU CHEN

It was moved by Dr. Kojima, seconded by Dr. Au, and unanimously carried to ratify the above licenses, certifications, and restoration.

5. Request for CE Program It was moved by Dr. Searl, seconded by Dr. Chin, and unanimously carried to approve the following CE programs:

Approval:

INDEX #	PROGRAM TITLE	SPONSOR'S NAME	DATE	LOCATION	HOURS REQUESTED	TPA HOURS
22-013	Management of Ocular Trauma	Hugo Higa, MD	9/21/2022	1600 Kapolani Blvd, Honolulu	1	1
22-014	Keratoconus: Diagnosis and Management	Drew Parlin, MD	9/12/1022	1600 Kapolani Blvd, Honolulu	1	1
22-015	Glaucoma – Management and When to Refer	James Pitts, MD	9/21/2022	1600 Kapolani Blvd, Honolulu	1	1
22-016	Hawaii Optometric Pacific Rim Conference	Hawaii Optometric Association	11/6/2022	Honolulu Country Club	8	8
22-017	MIGS Update	Hawaii Vision Specialists	11/16/2022	Hilo	2	2
22-018	Surgical Technology Update	Hawaii Vision Specialists	12/7/2022	Hilo	2	2

6. New Business:

a. Scope of Practice

- i. **September 29, 2022 Email from Lisa Fennell, ARBO**  
**Can an optometrist adjust a light adjustable lens (LAL) cataract lens after it has been implanted by an ophthalmologist?**

Chair Shibayama relayed that a request had been received from Lisa Fennell from ARBO. She asked, via email, whether the Light Adjustable Lens (LAL) is within the Hawaii Board of Optometry’s scope of practice.

Chair Shibayama proceeded to explain that Ms. Shahan replied to Ms. Fennel explaining that the use of LAL would be outside the scope of practice of Hawaii-licensed optometrists citing §459-1, HRS §459-1.5; HRS §459-7.4. Specifically:

“any procedure in which human tissue is cut, altered, or otherwise infiltrated by mechanical or laser means”

Chair Shibayama went on to explain that a subsequent email was received from Ms. Fennel clarifying her question to ask if a Hawaii-licensed optometrist would be able to adjust an ocular lens after it had been implanted by an ophthalmologist

using the instrument that emits UV light to affect the power of the lens. He went on to state that our current rules and statutes are silent on the matter as they do not acknowledge this type of treatment.

DAG Creps asked whether the adjustment affects the eye tissue or calibrates the lens itself. Chair Shibayama confirmed that the LAL adjusts the power of the implant non-invasively but confirms that there is nothing in the Hawaii statutes that addresses this application as it is a new technology.

As ocular tissue is not altered, DAG Creps confirmed that the LAL adjustment does not fall under the definition of surgery.

Ms. Chang inquired if additional training was required of an optometrist and if training was currently offered in schools. Chair Shibayama confirmed that additional training would be required and that it is probably taught in school. He went on to suggest that this topic should be added to the next revision of rules.

Dr. Kojima asked whether the rules and the statutes would need to be changed.

Ms. Shahan questioned whether this topic is being taught in schools to all optometrists or if it is only being taught to students who specialize in the Treatment and Management of Ocular Disease (TMOD). She went on to say that if LAL adjustment becomes a standard treatment, the rules would not need to change.

Ms. Shahan asked DAG Creps if the Board should compose a letter in which it is stated that the rules and the statutes are silent on the matter. He confirmed that it was an appropriate answer as the rules do not prohibit the procedure, but it is not clear if optometrists are qualified to perform said procedure. He went on to ask the Board if optometrists are qualified to adjust other lenses that need to be adjusted by laser. The Board answered affirmatively.

Chair Shibayama confirmed that it is currently not a standard practice and that there is only one company that offers the technology, and that few ophthalmologists offer this particular implant. He agreed that the letter state that our rules and statutes are silent on the matter.

ii. **September 27, 2022 Email from Connor Flanagan, MediPrint Ophthalmology  
Can an optometrist sell and dispense medicated contacts lenses for  
glaucoma?**

Chair Shibayama stated that optometrists can dispense glaucoma treatments and medication which are inherent in the Board's scope of practice. He proceeded to state that optometrists cannot sell pharmaceuticals. He explained that, like physicians and dentists, optometrists cannot sell prescription medication to prevent conflict of interest to avoid the sale of singular branded medications.

He affirmed that the Board can reply to Mr. Flanagan that they can dispense medication, but they cannot sell it. Ms. Shahan noted that the sale of pharmaceuticals falls under the purview of the Board of Pharmacy.

Ms. Shahan confirmed that she would write a letter informing them that optometrists in Hawaii may dispense medications, however the rules and statutes do not discuss the sale of pharmaceuticals; therefore, their question would have to be posed to the Board of Pharmacy. DAG Creps noted that the rules do not authorize the sale of pharmaceuticals

It was moved by Dr. Chin, seconded by Ms. Chang, and unanimously carried to approve agenda items 6.a.i and 6.a.ii

b. Request for Trade Name Approval

- i. KM Eye Care as a trade name under Monahan OD LLC  
Trevor Monahan (OD-983) and Kim Kylie (OD-982)

It was moved by Dr. Searl, seconded by Ms. Chang, and unanimously carried to approve the trade name.

7. Next Board Meeting:

Monday, February 13, 2023  
9:00 a.m.

In-Person: Queen Liliuokalani Conference Room  
HRH King Kalakaua Building  
335 Merchant Street, First Floor  
Honolulu, Hawaii 96813

Virtual

Participation: Virtual Videoconference Meeting – Zoom Webinar

9. Adjournment:

With no further business to discuss, Chair Shibayama adjourned the meeting at 9:29 a.m.

Taken by:

S/ Chiara Latini  
Chiara Latini  
Secretary

Reviewed by:

s/ Kerrie Shahan  
Kerrie Shahan  
Executive Officer

12/14/22

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