

**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: February 13, 2023

Time: 9:09 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.

Excused: Gayle Chang, Public Member

Staff: John Cole, Deputy Attorney General (“DAG”)  
Kerrie Shahan, Executive Officer (“EO”)  
Chiara Latini, Secretary  
Lausei Taua, 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 9:09 a.m.

2. Approval of Board Minutes of November 28, 2022 Chair Shibayama asked the Board members if there were any comments or concerns regarding the Board meeting minutes of November 28, 2022; there were none; it was moved by Dr. Kojima, seconded by Dr. Au to correct typographical error on page 4 paragraph 8; change “He atgreed” to “He agreed”; and unanimously carried to approve the Board meeting minutes of November 28, 2022 as amended.

3. Chapter 91, HRS Adjudicatory Matters Chair Shibayama called for a recess from the meeting at 9:12 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Note: Board members and staff entered the Microsoft Teams meeting).

- a. Settlement Agreement in the Matter of the Optometrists License of Nidha Nathani, O.D.; OPT 2022-7-L

On or about September 14, 2022, the Nevada Board of Optometry issued a Stipulation for Settlement of Complaint against Respondent’s optometrist’s license in Nevada.

The Nevada Stipulation alleged that the Respondent failed to directly supervise an assistant and issued an eyeglass prescription without having personally examined the patient.

The foregoing allegations, if proven at an administrative hearing before the Board, would constitute violation of Hawaii Revised Statutes section 436B-19(13) (disciplinary action by another state or federal agency).

The Respondent does not admit to violating any law or rule but acknowledges that RICO has sufficient cause to file a Petition for Disciplinary Action against Respondent’s license.

Respondent agrees to pay an administrative fine in the amount of \$750.00.

After discussion, it was moved by Dr. Searl, seconded by Vice Chair Chin, and unanimously carried to approve the above Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board’s Final Order.

4. Applications: a. Ratifications

Following the Board’s review, deliberation, and decision on these matters pursuant to Chapter 91, HRS, Chair Shibayama announced that the Board reconvenes to its Chapter 92, HRS, meeting at 9:25 a.m. Board members and staff returned to the Zoom meeting.

Approved for DPA Certification

OD997 IVY KHA  
 OD998 AKSHAY PATIL  
 OD999 TU BAHN  
 OD1000 JAMES THOMPSON

Approved for TPA Certification

OD990 CAMERAN DRAKE  
 OD991 GOLIE KEOVAN

It was moved by Vice Chair Chin, seconded by Dr. Au, and unanimously carried to ratify the above licenses and certifications.

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

INDEX #	PROGRAM TITLE	SPONSOR'S NAME	DATE	LOCATION	HOURS REQUESTED	TPA HOURS
23-001	2022-Holiday CE in Paradise	Jenkins Eye Care	12/7/2022	Oahu Country Club	.5	1.5
23-002	Interesting Cataract and Refractive Surgery Cases	Aloha Laser Vision	12/15/2022	Zoom	1	1
23-003	Optometric CE in Paradise: Kona	Jenkins Eye Care	11/17/2022	Four Seasons	1	1
23-004	Retinal Detachment Management	Hawaii Vision Specialists	3/22/2023	Hilo, HI	2	2

6. New Business:

- a. Email Inquiry – Maritza Mora, Legal and Compliance Project Manager, SenderraRX.com  
 Do optometrists in Hawaii have the authority to prescribe self-injectable medications?

Following a discussion of the pertinent statutes, Dr. Searl made the motion, seconded by Vice Chair Chin, and unanimously carried to respond to the inquiry that Hawaii Revised Statutes (“HRS”) and Hawaii Administrative Rules (“HAR”) are silent on the topic of

optometrist prescribing self-injectable medication and to provide the language of HAR section 16-92-2 regarding therapeutic pharmaceutical agents which states:

Therapeutic pharmaceutical agents" or "TPAs" means ingested oral agents, or topical solutions, suspensions, and ointments applied to the surface of the eye or adjoining tissues. Therapeutically certified optometrists are authorized to use and prescribe therapeutic pharmaceutical agents specifically formulated for ophthalmic use, as approved by the Food and Drug Administration, and with the exception of any controlled substance as defined in chapter 329, HRS (Uniform Controlled Substance Act).

b. For Informational Purposes Only – NBEO 2023 Changes and Announcements

Information from the National Board of Examiners in Optometry was shared with Board members.

7. Executive Officer Report

a. ARBO 2023 Annual Meeting – June 18-20 – Alexandria, Virginia

EO Shahan reported that the Association of Regulatory Boards of Optometry (ARBO) will be holding its annual meeting in Alexandria, Virginia, June 18-20. She stated that the Hawaii Board of Optometry is a member board of ARBO. Rooms for the event are being held at the Old Town Hotel in Alexandria at a group rate. She further stated that there are two stipend/scholarships available to defray the costs.

8. Next Board Meeting:

Monday, May 22, 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 9:38 a.m.

Taken by:

S/ Chiara Latini

Chiara Latini  
Secretary

Reviewed by:

s/ Kerrie Shahan \_\_\_\_\_  
Kerrie Shahan  
Executive Officer

2.16.2023

Minutes approved as is.

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