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

MINUTES OF MEETING

Date:	February 10, 2025
Time:	9:00 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/84327053409?pwd=xbehP7S7dsO5WkjbjtqxfHZ086cy75.1
Zoom Recording Link	https://youtu.be/HgI_R_1pQvg
Present:	K. Paul Chin, O.D., Chairperson ("Chair") Peter Clayton Searl, O.D., Vice-Chairperson ("VC") Gayle Chang, Public Member Wallace Kojima, O.D (Virtual)
Excused:	None
Staff:	Andrew I. Kim, Deputy Attorney General ("DAG") Kerrie Shahan, Executive Officer ("EO") Dawn Lee, Secretary Johnny Li, Tech Support
Guests:	
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.
1. Call to Order:	Chairperson Chin welcomed everyone to the meeting and proceeded with a roll call of the Board members. Board members joining via Zoom confirmed that they were present and alone. There being a quorum present, Chair Chin called the meeting to order at 9:08 a.m.

2. Approval of Board Minutes Of November 18, 2024

Chair Chin inquired if anyone would like to provide public testimony regarding the agenda item for approving the Board Meeting Minutes. Since no one came forward, he then asked the Board members if they had any corrections or amendments to the minutes. With no corrections offered, he requested a motion to approve the minutes. It was moved by Ms. Chang and seconded by Vice Chair Searl. The motion to approve the open session Board meeting minutes from November 18, 2024, as circulated, was without objections. The motion was unanimously carried.

3. Applications

a. Ratifications

Approved for DPA Certification

OD1047	ELISA HEARN
OD1048	SARA FRYE
OD1049	JERRY NAVE
OD1050	YANLEI WU

Approved for TPA Certification

OD290	JON SAKUDA
OD1047	ELISA HEARN

License Restoration

Chair Chin inquired if anyone would like to provide public testimony regarding the agenda item concerning the approval of DPA and TPA Certifications. Since there were no objections, he requested a motion to ratify the approved applications. The motion was moved by Vice Chair Searl and seconded by Ms. Chang. He then asked if there were any objections. As there were no objections, the motion to ratify the applications was approved.

4. Request for CE Program Approval

a. New Course Request

Chair Chin inquired if anyone would like to provide public testimony regarding the agenda item concerning the request for approval of these Continuing Education "CE" programs. Since there were no objections, he requested a motion to approve the CE programs. The motion was moved by Ms. Chang and seconded by Dr. Kojima. He then asked if there were any objections. As there were no objections, the motion to approve the following CE programs:

INDEX #	PROGRAM TITLE	SPONSOR'S NAME	DATE	LOCATION	HOURS REQUESTED	TPA HOURS REQUESTED
25-001	Review of Cataract Surgery and Advancements in Intraocular Lens Options	Jenkins Eye Care	10.24.2024	Honolulu/Zoom	1	1
25-002	Updated Options in Keratoconus	Aloha Laser Vision	01.08.2025	Honolulu/Zoom	1	1
25-003	17th Annual Optometric CE in Paradise	Jenkins Eye Care	11.21.2024	Honolulu	2	2
25-004	VSP Premier Edge +PECAA – Mahalo 2025	VSP Vision	5.8.2025	Kapolei	4	3

b. Email from Hawaii Vision Specialists

Chair Chin stated that Hawaii Vision Specialists contents that an application and check were previously sent in for a course to be offered on July 25, 2024; however, due to loss or another issue, the Board did not receive it. According to Hawaii's law, the Board has 45 days to approve applications, but due to our meeting schedule, that 45-day period can pass quickly. As a result, they have submitted a request and have re-applied for the hours. He does not remember all the details.

Ms. Shahan stated that the class entitled "Interventional Glaucoma Advances: Eye Stent and Eye Dose" was offered by Hawaii Vision Specialist on July 25.

Chair Chin stated that the CE program is for two hours of TPA credit. The discussion focuses on the fact that this situation has occurred before, and in the past, the board has granted requests after conducting due diligence for various reasons. Chair Chin noted that the 45-day timeline can be challenging; often, by the time one figures everything out. This might be a topic for the board to revisit at a later date regarding the 45-day deadline. Chair Chin then requested a motion to approve this CE programs for two hours with Hawaii Vision Specialists. The motion was moved by Vice Chair Searl and seconded by Dr. Kojima. He then asked if there were any objections. As there were no objections, the motion to approve this CE was approved.

c. Email from Jan Murray Executive Officer, Kansas Board of Examiners in Optometry

Chai Chin stated that the Board received a letter from the Kansas Board of Examiners regarding the eight hours of DEA training, confirming that it can count towards continuing education (CE). After some research, it was found

that the DEA classes are equivalent to COPE classes, and in fact, they do accept COPE classes for DEA certification. He asked the other Board members if they had any thoughts or discussions on this matter. After digging deeper, he noted that since the DEA accepts COPE hours, it seemed plausible to move forward, although approvals would likely be handled on a case-by-case basis. It is important to mention that there is not an official transcript for these hours. In his opinion, the process would be similar assessing individual courses, such as Jenkins, where hours are reviewed on a case-by-case manner based on the sponsoring organization. Since organizations like the AMA, COPE, NURSYS sponsor these courses, the acceptance would depend on who is sponsoring the training. He does not foresee any issues with this approach. Chair Chin emphasized the importance of remaining open to changes, as the profession is evolving. He noted that in some states, possessing an opioid DEA registration is now a requirement for continuing education. He does not want to hinder current progress by rejecting these opportunities now, especially as circumstances may change in the future. Chain Cin request Board Member to share any thoughts or discussion points, as they have asked us to draft a letter.

Ms. Shanhan confirmed Chair Chin's statement that the Kansas Board of Examiners and Optometry is inquiring whether we would accept those hours. A letter will be drafted informin the Kansas Board on this Boards determination.

Vice Chair Searl inquired whether the individual completing the course would submit documentation confirming their participation in the DEA training related to opioids.

Chair Chin confirmed the statement and mentioned that he does not view the situation as significant because it is Kansas that is making the request, not us. He indicated that while it might arise again in the future, it would be beneficial for our board to address it now.

Dr. Kojima believes that decisions should be made case-by-case, similar to any other courses, provided that the Board receives a syllabus detailing their activities.

Chair Chin requested a motion to approve the DEA opioid classes for continuing ed on a case-by-case basis, going forward. The motion was moved by Dr. Kojima and seconded by Vice Chair Searl. He then asked if there were any objections. As there were no objections, the motion to approve the DEA opioid classes for continuing ed on a case-by-case basis.

Staff was directed to send a letter to the Kansas Board of Optometry with this information.

d. 2025 Optometrists Renewal Information for Website

A draft of the continuing education for renewal was distributed to Board members for review and approval.

Dr. Kojima stated that for COPE Categories, the PH, Pharmacology under DPA should be classified under the TPA.

Ms. Shahan agreed with Dr. Kojima that it was placed in the wrong column. The PH, Pharmacology and SD, Systemic Diseases should be listed under TPA.

Vice Chair Searl inquired whether the NO, Neuro-Optometry should also be in the TPA column and also wondered if concussion was considered Nero at all.

Ms. Shahan confirmed that the Board has consistently categorized Neuro-Optometry under TPA. She is uncertain whether Neuro-Optometry specifically covers concussions; however, the Board has previously discussed concussions and brain injuries and determined that these topics would be approved as a TPA course (even if it was listed as general optometry, if it related to concussions, the board determined that they would use it for TPA). Ms. Shahan asked the Board if the corrections regarding pharmacology and systemic diseases were properly categorized. If everything else looks satisfactory, we can proceed with posting the information on the website.

Chair Chin acknowledged it was acceptable to proceed and thanked Dr. Kojima for pointing that out.

5. New Business

a. Request for Trade Name – Ratification

i. Reynolds Optometric
Geoffrey Reynolds, OD-491

Chair Chin inquired if anyone would like to provide public testimony regarding the agenda items concerning new business. No requests for testimony were made. The first item on the agenda is a request for trade name ratification for "Reynolds Optometric" submitted by Dr. Geoffrey Reynolds. The Board then requested to consult with DAG Kim.

It was moved by Ms. Chang, seconded by Vice Chair Searl, and unanimously carried to enter into executive session at 9:23 a.m., pursuant to HRS §92-5(a)(1), to consider and evaluate personal information relating to individuals applying for professional licenses cited in HRS §26-9 and, pursuant to HRS §92-5 (a)(4), to consult with the Board's attorney on questions and issues

pertaining to the Board's powers, duties, privileges, immunities and liabilities. (Note: Board members and staff entered the Zoom Breakout Room).

EXECUTIVE SESSION

At 9:34 a.m. Board members and staff returned to the main Zoom meeting. All Board members confirmed that they were present and alone.

Chair Chin stated that the Board sees no problem with the request from Reynolds Optometric. The motion was made by Dr. Kojima and seconded by Vice Chair Searl. Chair Chin asked if there were any objections. As there were no objections, the motion to ratify "Reynolds Optometric" was passed.

b. Email from Inna Litvin, OD-899

   i. Are TPA-certified optometrists allowed to use Low-Level Light (LLLT) Therapy for dry eye management?

   ii. Are TPA-certified optometrists allowed to use IPL (MDelite/Infinity Pro) to treat dry eye?

   iii. Are TPA-certified optometrists allowed to use the Allerfocus allergy testing kits to test for allergic conjunctivitis?

Chair Chin explained that the Board has not established guidelines for every treatment, diagnostic procedure, or new machine that emerges. Traditionally, when there are no specific guidelines available, the Board has operated under the principle that "our rules are silent on these procedures." Chair Chin then asked if any other Board members wished to discuss the matter further.

Dr. Kojima expressed his agreement with Chair Chin's statement, as in the previous meeting, the Rules tend to remain silent on many issues. He mentioned that most topics would be acceptable unless they were examined in great detail. Additionally, Dr. Kojima has consistently received injections and other treatments outside of school.

Chair Chin requested a motion to send a letter to the licensee addressing her questions about low-level life therapy and allergy testing. The motion was moved by Dr. Kojima and seconded by Vice Chair Searl. He then asked if there were any objections. As there were no objections, the motion was

6. 2025 Legislature a. SB1373: Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

Chair Chin noted that the relevant section of SB1333 is found in section one on page 50. Staff provided testimony to the Senate Consumer Protection Committee on behalf of the Board on February 4th which stated that while the Board had not yet reviewed the bill, in the past the Board has been supportive of measures that protect the public interest and welfare. The bill has been passed, with amendments which have not yet been posted.

Ms. Shahan noted section 21 of SB1373 specifies that, notwithstanding any contrary laws, the Board of Optometry shall automatically revoke a license or deny any application to renew, restore, or reinstate a license under the following conditions:

- If the licensee has been convicted in any court, whether within or outside the state, of an offense that would place them on the sex offender registry.
- If the licensee is required to register as a sex offender, the Board will not renew, restore, reinstate, or will revoke the license of that individual.

This represents a shift from current practice. Currently, if there are concerns about someone's license, they have the opportunity for a contested case hearing, and their license remains active throughout that process, which can be time consuming. This is justified because individuals have a property interest in their licenses. However, the proposed bill states that if someone is in a profession where they may be alone with a person in an enclosed space, or if their services require physical contact with a person, and they are registered as a sex offender, the safety of the public takes precedence over the individual's license concerns. The person's license can be revoked immediately, but they can later request reinstatement after the Board assesses whether they should retain their license based on their conviction status.

Ms. Shahan provided this testimony before the Senate Committee before the Board had the opportunity to meet. She did not confirm that the Board either supports or opposes the bill. Instead, she mentioned that in the past, the Board has supported legislation that protects consumers. She is seeking guidance from the Board on how to present their position when the bill is discussed again in the next hearing.

Chair Chin asked if any Board members would like to discuss this.

Dr. Kojima stated that he was for it.

Vice Chair Searl inquired about the Board's authority to revoke licenses, noting that in the past, there may have been a possibility for restoration. He would like to confirm if he is interpreting this correctly.

Ms. Shahan stated that upon part C, upon revocation of the license or denial of an application to renew, restore, or reinstate, the licensee may file a written request for a hearing with the licensing authority within 10 days of the notice. The hearing shall be held within 30 days of the revocation or denial and the proceedings shall be conducted in accordance with Chapter 91. So, the person can ask to have the license reinstated.

DAG Kim stated that, essentially, the licensee would no longer be eligible to practice after receiving a sex offender registration.

Vice Chair Searl was curious about why they would request us to review the matter again.

DAG Kim explained that if they were to have their license revoked, current law allows them to reapply after five years. However, this new law states that their application must be denied. Essentially, this means that their license would be revoked permanently.

Chair Chin stated that he has no issues with it either. The Board's role is to protect the public. He asked Ms. Shahan if she would be seeing them again.

Ms. Shahan informed them that the process will involve several hearings, with this being just the first. Both this bill and HB 1054, the House version of the same bill, have been discussed. They will proceed to additional committee reviews. She needs to gather testimony to present to the board regarding whether it is in support of the bill or wants to provide comments. Please indicate how you would like me to convey your position to the legislature. If the board fully supports the bill with no comments, that can be stated. If there are concerns, this is the opportunity to express that, indicating support while also highlighting specific issues. Please direct her on what you would like the committee to know on behalf of this board.

Chair Chin expressed his inclination to fully support the measure. The Board’s mandate is to protect the public, and additional comments are unnecessary unless another Board member has something to add.
Dr. Kojima concurred.

The Board members confirmed that they supported the measure.

b. HB1054: Relating to Administrative Licensure Actions Against Sex Offenders

Authorizes the Department of Commerce and Consumer Affairs and certain licensing boards to automatically revoke and refuse to renew, restore, or reinstate the professional licenses of registered sex offenders.

Ms. Shahan noted that this is the companion bill to SB 1373 and requested clarification from the Board regarding the direction they are giving her for SB 1373, which is the same direction they have for House Bill 1054.

Chair Chin confirmed that this was accurate for both the Senate and the House.

c. Legislative Liaison(s)

The Board will consider appointing legislative liaisons(s) to provide positions and testify on legislative proposals.

Chair Chin stated that they should consider appointing legislative liaisons. Items like this may arise occasionally. Ms. Shahan is requesting one or two volunteers.

Ms. Shahan confirmed that there will be one or two volunteers involved. She emphasized the importance of keeping the group small to avoid violating the Sunshine Law, which could occur if a quorum is reached. The volunteers are needed to provide feedback; if any significant changes are made in the next version of the document, she can bring them to the board's attention and ask for their input. As the Board won't meet again until May, and with legislation wrapping up around that time, she doesn't anticipate many changes to the bill. However, in case there are significant modifications, she needs someone to consult with for discussion.

Chair Chin announced that he would take the initiative and volunteer, thereby sparing everyone from the hassle. He requested to know if they should get a second, just in case. Vice Chair Searl volunteered.

7. Next Board Meeting: Monday, May 12, 2025
9:00 a.m.
In-Person: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, Third Floor
Honolulu, Hawaii 96813
Virtual

Participation: Virtual Videoconference Meeting – Zoom Webinar

9. Adjournment: With no further business to discuss, Chair Chin adjourned the meeting at 9:47 a.m.

Taken by:

Dawn Lee
Dawn Lee,
Secretary

Reviewed by:

s/ Kerrie Shahan
Kerrie Shahan
Executive Officer

04/14/2025

[X] Minutes approved as is.
[ ] Minutes approved with changes; see minutes of_____.