

**THE BOARD OF EXAMINERS IN OPTOMETRY**  
Professional & Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

**MINUTES OF MEETING**

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

Date: Monday, January 28, 2013

Time: 8:30 a.m.

Place: Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1st Floor  
Honolulu, Hawaii 96813

Present: Kevin K. Lui, O.D., Chair  
Reid Saito, O.D. Vice Chair  
Gayle Chang, Public Member  
Jere Loo, O.D.  
Geoffrey Reynolds, O.D.  
Joy Shimabuku, Public Member  
Elmira K.L. Tsang, Deputy Attorney General ("DAG")  
Sandra Matsushima, Executive Officer ("EO")  
Jennifer Fong, Secretary

Excused: Peter J. Shoji, O.D.

Guests: None.

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

1. Call to Order: There being a quorum present, Chair Lui called the meeting to order at 8:38 a.m.

2. Additions/  
Revisions to  
Agenda: None.

3. Approval of  
Board Meeting  
Minutes of the Chair Lui requested that the sixth paragraph on page 4 be stricken as he feels it does not add anything substantive.

December 3, 2012 Meeting:

It was moved by Dr. Reynolds, seconded by Vice Chair Saito, and unanimously carried to approve the December 3, 2012 Board meeting minutes with following amendment:

- On page 4, the sixth paragraph should be stricken from the minutes:

"Chair Lui noted that the course approval process is difficult, therefore, it might provide hardship for local CE course providers."

4. 2013 Board of Optometry Meeting Schedule:

EO Matsushima reported that she has some scheduling conflicts with the May 20<sup>th</sup> and November 18<sup>th</sup> board meeting dates. For the May 20<sup>th</sup> meeting, she suggested canceling the May and July meetings and add a meeting on June 3<sup>rd</sup>. For the November 18<sup>th</sup> meeting, she suggested changing the meeting date to either Tuesday, November 19<sup>th</sup> or Wednesday, November 20<sup>th</sup>.

After some discussion, it was the consensus of the Board to amend their 2013 Meeting Schedule by canceling the May 20<sup>th</sup>, July 29<sup>th</sup> and November 18<sup>th</sup> meetings and adding meetings on July 1<sup>st</sup> and November 20<sup>th</sup>.

5. 94<sup>th</sup> ARBO Annual Meeting:

EO Matsushima reported that this year's Association of Regulatory Boards of Optometry ("ARBO") Annual Meeting will be held June 23 – 25 in San Diego.

After some discussion, upon a motion by Dr. Loo, seconded by Dr. Reynolds, it was voted on and unanimously carried to appoint Vice Chair Saito as the Board's voting delegate at the 2013 ARBO Annual Meeting in San Diego, California.

6. Continuing Education:

a. Continuing Education Course Report

Ms. Shimabuku moved to approve the following continuing education courses:

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
13-009	Lumps & Bumps: Evaluation of Eyelid Lesions Hugo Higa	1	1
13-010	Diagnosis & Treatment of Common Eyelid Disorders Hugo Higa	2	2
13-011	2013 Island Eyes Conference Pacific University College of Optometry	22	20

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
13-013	Montana Optometric Association 2013 Winter Educational Symposium Montana Optometric Association	13	13

Dr. Reynolds seconded the motion, it was voted on and unanimously carried.

7. Applications: a. Ratification List

Upon a motion by Dr. Reynolds, seconded by Dr. Loo, it was voted on and unanimously carried to ratify the following:

Approved for TPA Certification

- MATSUJURA, Marjorie

8. Correspondence: a. Letter from Kenneth J. Fischer, O.D. regarding patient referrals

The Board reviewed and discussed Dr. Fischer's letter regarding a private business arrangement between an optometrist and ophthalmologist, as well as a second private business arrangement between ophthalmologists.

Executive Session:

At 8:55 a.m., it was moved by Ms. Chang, seconded by Ms. Shimabuku, and unanimously carried to enter into executive session to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

At 8:58 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Reynolds, and unanimously carried to move out of executive session.

After some discussion, upon a motion by Chair Lui, seconded by Vice Chair Saito, it was voted on and unanimously carried to inform Dr. Fischer that the Hawaii Board of Examiners in Optometry ("Board") enforces HRS chapter 459, and Hawaii Administrative Rules ("HAR") title 16, chapter 92. As such, the Board has no enforcement authority over the matter.

This is an informal interpretation for informational and explanatory purposes only and is not an official opinion or decision, and therefore is not to be viewed as binding on the Board.

9. New Business: a. RICO Request for Approval of Franklin Lau, O.D. to RICO Optometric Advisory Committee

After some discussion, upon a motion by Dr. Reynolds, seconded by Dr. Loo, it was voted on and unanimously carried to approve Dr. Franklin Lau's

appointment to the RICO Optometric Advisory Committee.

- b. Article from September 2012 Optometry Times – “Board certification in optometry: a former insider’s view from the outside”

The article was distributed to the Board for their information.

Executive Session:

At 9:05 a.m., it was moved by Ms. Chang, seconded by Vice Chair Saito, and unanimously carried to enter into executive session to consult with the Board’s attorney on questions and issues pertaining to the Board’s powers, duties, privileges, immunities, and liabilities in accordance with Section 92-5(a)(4), HRS.

At 9:12 a.m., it was moved by Ms. Shimabuku, seconded by Dr. Loo, and unanimously carried to move out of executive session.

The Board requested that DAG Tsang research federal laws on board certification.

By consensus, the Board deferred discussion on this matter.

10. Next Meeting: Monday, March 11, 2013  
8:30 a.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

11. Adjournment: With no further business to discuss, Chair Lui adjourned the meeting at 9:13 a.m.

Taken by:

/s/ Jennifer Fong

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Jennifer Fong  
Secretary

Reviewed by:

/s/ Sandra Matsushima

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Sandra Matsushima  
Executive Officer

2/12/13

[  ] Minutes approved as is.

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