

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

**MINUTES OF MEETING**

- Date: Monday, March 11, 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  
Peter J. Shoji, O.D.  
Elmira K.L. Tsang, Deputy Attorney General ("DAG")  
Sandra Matsushima, Executive Officer ("EO")  
Jennifer Fong, Secretary
- 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 8:30 a.m.
  2. Additions/  
Revisions to  
Agenda: None.
  3. Approval of  
Board Meeting  
and Executive  
Session Minutes  
of January 28, 2013: It was moved by Ms. Chang, seconded by Dr. Shoji, and unanimously carried to approve the minutes of the January 28, 2013 meeting as circulated.

4. 94<sup>th</sup> ARBO Annual Meeting: EO Matsushima reported that Vice Chair Saito is unable to attend this year's Association of Regulatory Boards of Optometry ("ARBO") Annual Meeting which will be held June 23 – 25 in San Diego.

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

5. Continuing Education: a. Continuing Education Course Report

Dr. Loo moved to approve the following continuing education courses:

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
13-012	52 <sup>nd</sup> Annual Heart of America Contact Lens & Primary Care Congress Heart of America Contact Lens	50	31
13-015	Ocular Symposium: Pearls in Ocular Diagnosis Ocular Symposium	24	24
13-016	Pain Management in the Optometric Practice Pennsylvania College of Optometry/ Review of Optometry	2	2

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

6. Applications: a. Ratification List

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

Approved for Optometrist License

- BROWN, Dean (OD 768)
- HUYNH, Taylor (OD 770)
- RADLIFF, Jerome (OD 769)

Approved for TPA Certification

- RADLIFF, Jerome (OD 769)

7. New Business: a. Inquiry regarding "Certification of Eye Examination" form

Dr. Shoji reported that he had a patient who requested certification for her driver's license renewal. He gave his patient the form that he normally gives out. The patient reported that the form was rejected and they were given the "Certification of Eye Examination" form for completion by the person assisting her at one of the Honolulu Division of Motor Vehicle ("DMV") locations. He expressed concern regarding the section of the form that states "Recommended restrictions or comments: Qualified to drive?" and whether or not it is within the OD's scope of practice to answer such a question.

Chair Lui said he felt that there is no mandate for anyone to answer all of the questions, however, he believes it is understood that the person that fills out the questionnaire is doing so only in the context of their own profession.

The Board also reviewed forms provided by Kauai and Maui counties which did not include a similar question.

EO Matsushima reported that the office had contacted the customer service department of the Honolulu DMV asking where they could find the form that an optometrist/ophthalmologist can fill out in lieu of taking the eye test. A response was received from Jacqueline Windrath, Supervising Driver License Clerk which stated "We do not provide any form. Your eye specialist will need to provide you with a written certification stating that your eye exam was performed within six months and that you meet our minimum requirements of 20/40 visual acuity and 70 degrees or greater on your peripheral vision."

After discussion, it was determined that the question on the form "Qualified to drive?" was not within the scope of practice for a licensed optometrist to consider or to answer.

8. Old Business: a. Report from DAG Tsang regarding federal laws on board certification

DAG Tsang reported that she reviewed the case referenced in the September 2012 Optometry Times article "Board certification in optometry: a former insider's view from the outside." She said that the case only relates to the federal law and doesn't bar individual states from using the term "board certified".

EO Matsushima added that using any name in connection with the licensee's practice other than the name under which the licensee is licensed to practice is a violation of §459-9, HRS.

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

10. Adjournment: With no further business to discuss, Chair Lui adjourned the meeting at 9:07 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

3/22/13

[ ] Minutes approved as is.

[  ] Minutes approved with changes; see minutes of July 1, 2013.