

## DISPENSING OPTICIAN PROGRAM

Professional and 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: Wednesday, February 17, 2010

Time: 10:00 a.m.

Place: PVL Examination Room  
Room 330, 3<sup>rd</sup> Floor  
HRH King Kalakaua Building  
335 Merchant Street  
Honolulu, HI 96813

Present: Brenda M. Kimura, DIO, Chair  
Doss K. Tannehill, DIO  
Amy Endo, DIO  
David Webber, Deputy Attorney General  
Candace Ito, Executive Officer

Excused: Gary K. Kai, Public Member

Call to Order: There being a quorum present, the meeting was called to order by Ms. Kimura at 10:00 a.m.

Additions to Agenda: None.

Approval of the April 13, 2006 Meeting Minutes: It was moved by Ms. Endo, seconded by Mr. Tannehill, and unanimously carried to approve the minutes of the April 13, 2006 meeting as circulated.

Election of Officers: The floor was opened for nominations for the office of Chairperson. Ms. Kimura nominated Mr. Tannehill as Chairperson. The nomination was seconded by Ms. Endo. There were no other nominations for Chairperson. Mr. Tannehill was elected Chairperson by acclamation.

The floor was opened for nominations for the office of Vice Chairperson. Ms. Endo nominated Ms. Kimura as Vice Chairperson. The nomination was seconded by Mr. Tannehill. There were no other nominations for Vice Chairperson. Ms. Kimura was elected Vice Chairperson by acclamation.

Legislation:                    House Bill No. 2029 H.D.1 Relating to Professions and Occupations

This bill proposes to repeal licensure for various professions, including dispensing opticians. The House Consumer Protection and Commerce Committee ("CPC") held a hearing for H.B. No. 2029 on February 8, 2010. Mr. Tannehill appeared before the CPC (in his individual capacity) and testified in opposition. Ms. Kimura, Ms. Endo (in their individual capacities) and other dispensing opticians also submitted testimony in opposition. CPC voted to amend this bill, among other amendments, to restore licensure of dispensing opticians.

On February 16, 2010, the House Finance Committee ("FIN") held a hearing for H.B. No. 2029 H.D.1 and decided to defer this measure. Unless FIN schedules a decision making before the first decking deadline (February 25, 2010) this bill will no longer be considered for adoption during this legislative session.

After a discussion, the Committee came to a consensus to strongly oppose the repeal of licensure of dispensing opticians for the following reasons: (1) Consumers will be at a disadvantage health wise because there will no longer be minimum competency requirements for a person to fit eyeglasses and contact lenses. Dispensing opticians do fall within the realm of healthcare providers and as such, there is concern for the protection of the consumer's health and safety. Dispensing opticians work in conjunction with the consumer's eye and vision, an essential body part and function therefore, it is imperative that a practitioner possess an adequate level of knowledge and experience; (2) Contact lenses are medical devices which are placed directly on the cornea of the eye, a sensitive complex membrane which protects the inner structures of the eye, refracts, and is permeable to medications. An improperly fitted contact lens has the potential to damage the cornea and may even result in vision loss. Therefore, the practitioner needs to have knowledge of contraindications. Requiring a person to at least pass the national opticianry and contact lens examinations and to have supervised work experience or academic training will provide assurance that a person will have basic knowledge to avoid harming a consumer; (3) Consumers routinely spend hundreds of dollars for eyeglasses or

contact lenses. If the consumer's eyeglasses or contact lenses are not properly fitted, the consumer's health and welfare is not properly protected; and (4) Some eyeglasses manufactured in foreign countries do not meet the U.S. federal standards for product safety. Eyeglasses that do not meet the federal specifications may shatter upon impact and cause injury to the eye. A person dispensing eyeglasses needs the proper education and training to be able to evaluate and recognize those eyeglasses that do not meet the federal standards for safety.

#### House Bill No. 1906 Relating to Taxation

This bill proposes to require holders of professional and vocational licenses to provide to the Department of Commerce and Consumer Affairs ("DCCA") a tax clearance issued by the department of taxation as a condition to license issuance or license renewal. The CPC held a hearing for H.B. No. 1906 on January 25, 2010 and decided to defer this measure. This bill will no longer be considered for adoption during this legislative session.

#### House Bill No. 1926 Relating to the Department of Business, Economic Development, and Tourism

This bill proposes to establish the DBEDT Special Fund which will be used to operate DBEDT. The money for this special fund is to be collected from various departments, including the DCCA. Among other things, this bill proposes that DCCA add a \$20 surcharge fee for every professional and vocational license application, issuance, renewal or re-issuance. This bill has passed the House Economic Revitalization, Business and Military Affairs Committee (with amendments) and is scheduled for a hearing before FIN on February 18, 2010.

#### Correspondence: Inquiry on Foreign Education and Experience

The Committee reviewed Rola Egan's letter and inquiry regarding education and experience that was earned in Egypt. After discussion, the Committee came to a consensus on the following:

- (1) A Cairo dispensing optician license does not meet the requirement of HRS section 458-6.5(b)(3) because it is not a current and valid dispensing optician license as a dispensing optician in another state or territory of the United States; and
- (2) The associate degree earned at the University of Cairo does not meet the requirement of HRS section 458-6.5(b)(2)

because the University of Cairo is not accredited by the Commission on Opticianry Accreditation.

- (3) Graduation from Wadi Hof High School in Cairo would be considered as equivalent to a high school education. It appears that Ms. Egan would be able to apply for a license pursuant to HRS section 458-6.5(1) by submitting evidence of two years of opticianry work experience under the direct supervision of a dispensing optician, optometrist or ophthalmologist licensed in the United States and passage of the National Opticianry Competency Examination and the National Contact Lens Registry Examination.

The Committee believes that experience earned under the direct supervision of a dispensing optician, optometrist or ophthalmologist licensed in the United States is consistent with the route of licensure set forth in HRS section 458-6.5(b)(3).

The October 2009 issue of "The High Road" and the January 2010 issue of "OpenLine" were distributed to the members for their information.

Next Meeting Date:

To be determined.

Adjournment:

There being no further business to discuss, it was moved by Ms. Kimura, seconded by Ms. Endo, and unanimously carried to adjourn the meeting at 10:45 a.m.

Taken and recorded by:

/s/ Candace Ito  
Candace Ito  
Executive Officer

Cl:fn

3/11/10

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