

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

MINUTES OF MEETING

Date: Thursday, March 15, 2012

Time: 8:30 a.m.

Place: Princess Likelike Conference Room
King Kalakaua Building
335 Merchant Street, 3rd Floor
Honolulu, Hawaii 96813

Members Present: Kevin K. Lui, O.D., Chair
Reid Saito, O.D. Vice Chair
Gayle Chang, Public Member
Timothy Moon, O.D.
Geoffrey Reynolds, O.D.
Joy Shimabuku, Public Member

Staff Present: Sandra Matsushima, Executive Officer ("EO")
Elmira K.L. Tsang, Deputy Attorney General ("DAG")
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").

Call to Order: There being a quorum present, the Chair called the meeting to order at 8:30 a.m.

Chair's Report: **Announcements**

None.

Additions/Additional Distribution

None.

Approval of the Previous Minutes – January 30, 2012

Upon a motion by Ms. Chang, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the minutes of the January 30, 2012 meeting as

circulated.

Executive Officer's
Report:

2012 Association of Regulatory Boards of Optometry ("ARBO") Annual Meeting, June 24-26, 2012, Chicago, Illinois

Upon a motion by Ms. Shimabuku, seconded by the Vice Chair, it was voted on and unanimously carried to appoint the Chair as the Board's voting delegate at the 2012 ARBO Annual Meeting in Chicago, Illinois.

The EO reported that as of February 1, 2012, of the 400 ODs that were eligible for renewal, 364 had renewed their licenses. 321 of those had renewed online.

Correspondence:

Request from Chrissy Kiely regarding Visual Evoked Potential ("VEP")

The Board reviewed the request from Ms. Kiely asking for confirmation that VEP is within the scope of practice for Optometry in Hawaii.

After some discussion, upon a motion by Dr. Reynolds, seconded by the Vice Chair, it was voted on and unanimously carried that VEP is within the scope of practice for Hawaii licensed optometrists.

New Business:

The use of ambiguous or misleading titles to identify the licensee or in connection to their practice

The Board reviewed an email that they received in which a Hawaii licensed optometrist identifies themselves as a "Board Certified Optometric Physician." The Board also reviewed language used in other states to permit the use of the title "Optometric Physician".

The Chair suggested that the Board review this topic as two separate issues: 1) the use of the term "board certified"; and 2) the use of the term "optometric physician".

The Board agreed.

He asked the members what their thoughts were regarding these terms and possibly developing a policy regarding their use.

Executive Session:

At 8:40 a.m., upon a motion by Ms. Chang, seconded by Ms. Shimabuku, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;".

At 9:00 a.m., upon a motion by Ms. Chang, seconded by Ms. Shimabuku, it was voted on and unanimously carried to move out of executive session.

The Chair said use of the term "board certified" may be a case of misinterpretation. Some ODs may feel that the term can be used once they pass the NBEO exam, however, he feels use of the term should be limited to indicate post-licensure certifications.

The Vice Chair agreed.

Dr. Reynolds said he feels the term "post-licensure" is key.

The Chair suggested possibly requiring the licensee maintain verifiable documentation for any post-licensure certification that is declared. He cited the COVD (College of Optometrists in Vision Development) and the ABO (American Board of Optometry) as credible examples of post-licensure certifications. There are others that are not widely recognized. The Chair noted that post-licensure certifications include both board certification and maintenance of competency programs.

Dr. Reynolds said at this point, it would be difficult to be specific because this area will continue to evolve over the next few years. He asked what the process would be if the Board decides to change their laws or rules.

The EO said if they decide on a law change, the changes will have to be submitted to the legislature as a bill. If they decide on a rule change, it does not have to go to the legislature but it is a lengthy process.

The Chair said if the Board puts a policy into the minutes similar to what was done in July, the decision will remain fluid and would allow the Board options in the future.

Ms. Chang asked if it would be appropriate for the Board to contact the Hawaii Optometric Association ("HOA") to find out if they have a policy for the use of the term "board certification" in advertising.

The Chair noted that the Vice Chair is a past President of the HOA.

The Vice Chair said he is not certain, however, he believes that the HOA would possibly be in agreement with the Board's views because no one wants to see erroneous advertising.

Ms. Chang asked if this issue would be something the Board would like to see addressed as a bill during the next legislative session.

The Vice Chair said that because the Board is unsure of what the situation will become, it would be hard to promulgate new rules. It might be best to keep the Board's options open for now.

The Chair said he will try to develop discussion points on the term "board certified" for the Board to review at the next meeting.

Regarding the "optometric physician" title, the use of "physician" in conjunction with other professions is a widespread practice nationwide. He cited examples such as "naturopathic physician", "podiatric physician", "holistic physician", and "chiropractic physician".

Dr. Reynolds asked if it is okay for an optometrist to use the term "optometric physician" without consequence.

The Chair said the term is commonly used by anyone with a doctorate level of education in health care. He suggested that the term be used in conjunction with the practitioner using the "O.D." identifier after their name such as "Geoffrey Reynolds, O.D., Optometric Physician." This may help the general public to avoid confusion.

Dr. Reynolds asked if non-TPA certified optometrists may use the term.

The Chair stated that the majority of states that specifically permit optometrists to use the term "optometric physician" make no distinction between TPA and non-TPA certified optometrists.

The Chair asked the Board for a motion to permit Hawaii licensed optometrists to use the term "optometric physician" so long as the optometrist also identifies him or herself pursuant to the applicable statutes and rules.

The EO stated that there is nothing which prohibits ODs from using the term "physician". She asked what the purpose of the motion would be.

The Chair said he feels use of the term in conjunction with the "O.D." identifier after the licensee's name provides greater clarity to the public.

The EO stated that per the rules, the licensee is already required to put "O.D." after their name.

Executive Session: At 9:28 a.m., upon a motion by Ms. Shimabuku, seconded by Dr. Reynolds, it was voted on and unanimously carried to move into executive session pursuant to §92-5(a)(4), HRS, "To consult with the board's attorney on questions and issues pertaining to the board's powers, duties, privileges, immunities, and liabilities;". At 9:31 a.m., upon a motion by Ms. Chang, seconded by Ms. Shimabuku, it was voted on and unanimously carried to move out of executive session.

Upon a motion by Ms. Shimabuku, seconded by Dr. Moon, it was voted on and unanimously carried that a Hawaii licensed optometrist may use the term "optometric physician" pursuant to the Board's laws and rules.

The Board feels that advertising post-licensure certifications without clear identification of the entity issuing the certification would violate §16-92-51(3) and (6), HAR, §459-9(3)(6), HRS and §436B-19(2), HRS. However, the Board feels that new rules do not need to be promulgated at this time.

It was the consensus of the Board to defer the discussion on the term "board certified" to the Board's next meeting.

Continuing Education: **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>
12-004	51 st Annual Heart of America Contact Lens & Primary Care Congress Heart of America Contact Lens Society	57	38
12-005	Montana Optometric Association 2012 Big Sky Conference Montana Optometric Association	13	8
12-006	International Vision Expo & Conference East 2012 Reed Exhibitions/The Vision Council	229	142
12-008	Retina 2012 Michael D. Bennett, M.D.	4.5	3
12-009	MWCO Annual Congress 2012 Mountain West Council of Optometrists	59	53

12-010	The OR Experience: Laser-Assisted Cataract Surgery (LenSx) Tyrie Jenkins, M.D. Inc.	2	2
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Dr. Reynolds seconded the motion, it was voted on and unanimously carried.

Applications:

Ratification List

Upon a motion by Ms. Shimabuku, seconded by Ms. Chang, it was voted on and unanimously carried to ratify the following:

APPROVED FOR OPTOMETRIST LICENSE

- DUONG, HAN L (OD 751)

APPROVED FOR TPA CERTIFICATION

- YOUNG, MICHAEL C (OD 749)
- SOUZA, JANA M (OD 750)

Applications

Request from Elizabeth McLemore, O.D. for Extension of Continuing Education Deadline

After some discussion, upon a motion by Dr. Reynolds, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve Dr. McLemore's request for an extension. Dr. McLemore has submitted additional CE hours which have been reviewed and approved. These CE hours cannot be used towards the next biennium renewal on December 31, 2013.

Request from Walter Kim, O.D. for Extension of Continuing Education Deadline

After some discussion, upon a motion by Ms. Shimabuku, seconded by Dr. Reynolds, it was voted on and unanimously carried to approve Dr. Kim's request for an extension until March 30, 2012. The Board noted that Dr. Kim requested that he be allowed to make up his CE deficiencies by attending the March 3-4 Ocular Disease course given by the Southern College of Optometry, however, he did not include any certificates of completion or course information for the Board to review in order to determine if the course meets the CE requirements, therefore this course has not been approved by the Board. Any course accepted/approved by the Board to fulfill the 2011 CE requirement cannot be used towards the next biennium renewal on December 31, 2013.

Next Meeting: Monday, May 14, 2012
8:30 a.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: With no further business to discuss, the Chair adjourned the meeting at 9:40 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

SMM:jaf

3/27/12

Minutes approved as is.

Minutes approved with changes; see minutes of _____.