

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

MINUTES OF MEETING

Date: Thursday, May 14, 2012

Time: 8:30 a.m.

Place: Queen Liliuokalani 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
Geoffrey Reynolds, O.D.
Joy Shimabuku, Public Member

Members Excused: Jere H.E. Loo, O.D.
Timothy Moon, O.D.

Staff Present: 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**

The Chair announced that Sandra Matsushima, the Board's Executive Officer ("EO") was unable to attend the meeting.

He reported that the EO gave him a copy of the National Board of Examiners in Optometry ("NBEO") Ethics Policy. He informed the Board that the policy development was in response to previous exam breeches. He gave the Board a short synopsis of the policy which describes all facets of the zero-tolerance policy toward cheating, as well as the required candidate conduct regarding circumstances related to NBEO examinations, before, during and after the exams.

Additions/Additional Distribution

Upon a motion by the Vice Chair, seconded by Ms. Chang, it was voted on and unanimously carried to add the following items to the agenda:

Additions

6. Old Business
 - a. The use of ambiguous or misleading titles to identify the licensee or in connection to their practice – Chair’s Written Recommendation

The Chair announced that the following was distributed to the Board members as additional distribution:

3. Executive Officer's Report
 - a. Legislative Update – HB 2257, H.D. 1, S.D. 1 and HB 2258, H.D. 2, S.D. 1 – Chair’s Written Comments
4. Correspondence
 - a. Request from Roy Kodani regarding hiring an optometrist as an employee of an optical company – Draft Response to Mr. Kodani

Approval of the Previous Minutes – March 15, 2012

Upon a motion by Dr. Reynolds, seconded by Ms. Shimabuku, it was voted on and unanimously carried to approve the minutes of the March 15, 2012 meeting as circulated.

Executive Officer’s Report:

Legislative Update – HB 2257, H.D. 1, S.D. 1 and HB 2258, H.D. 2, S.D. 1

After some discussion, it was the consensus of the Board to defer discussion on this matter to its July 30, 2012 meeting.

Correspondence:

Request from Roy Kodani regarding hiring an optometrist as an employee of an optical company

The Board reviewed the request from Mr. Kodani regarding hiring an optometrist as an employee of an optical company.

Executive Session:

At 8:45 a.m., upon a motion by Ms. Shimabuku, seconded by the Vice Chair, 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 8:55 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.

After some discussion, it was the consensus of the Board to direct the EO to work with the DAG to respond to Mr. Kodani's inquiry.

New Business:

Association of Regulatory Boards of Optometry ("ARBO") Request for Member Board Report

The Board reviewed an email from ARBO requesting the completion of Hawaii's Member Board Report including the Board's response to questions that will be discussed during the contemporary issues session of the upcoming ARBO Annual Meeting in June.

After some discussion, it was the consensus of the Board to respond to ARBO's questions as follows:

1. How does your Board approve continuing education? Please describe your process.

Board's Response: The Board reviews each course based on the information submitted and utilizes their rules to determine whether it meets the appropriate guidelines as approved continuing education for non-Therapeutically certified optometrists and TPA certified optometrists.

2. Does your Board approve continuing education providers or continuing education courses?

Board's Response: Yes. Please see the Board's response to question #4 for more information.

3. Does your board follow any standards for commercial support (COPE, ACCME, etc.) when approving continuing education?

Board's Response: No. The Board reviews each course based on the information submitted on the provider and course content.

4. What do your rules or code say about the review/approval of continuing education?

Board's Response: Provide citation of §16-92-39, HAR.

Old Business:

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

The Chair provided his recommendation on a Board position to give licensees guidance in advertising post-licensure certifications:

1. Justification for policy: This Board is concerned about optometrists representing themselves as being "Board Certified". The public could be misled into thinking it represents a higher level of expertise than other licensed optometrists, or that it may even be a requirement to practice.
2. This Board recognizes there are various organizations offering post-licensure programs conferring among other things, "board certification", "maintenance of competence certification" and "fellowship status". This Board recommends all of these entities be referred to as Post-Licensure Certifications under this policy.
3. This Board recognizes Board Certification is traditionally specialty-based and represents significant additional training and expertise. Some optometric "Board Certifications", however, do not fit this definition of certification in training in a specialty. Inasmuch as these certifications have no bearing on Hawaii State licensure, this Board will not at this time determine the validity of any of these certifications. Furthermore, this Board makes no endorsement of post-licensure certifications.
4. If an optometrist wishes to advertise a post-licensure certification, he or she must identify the entity issuing the certification. Identification by acronym (ABO, COVD, FAAO, etc.) is acceptable.
5. The optometrist must be able to provide verification he or she has achieved any post-licensure certification. Should this Board or any member of the public request information on or clarification of the certification, the optometrist must be able to provide a complete description of the certification and the process to attain it.
6. The optometrist can make no claim a post-licensure certification makes he or she "better, superior, or more advanced" than other licensed optometrists in Hawaii.
7. The Board does not deem passage of written examinations given by the NBEO to be a post-licensure certification. Rather, it is viewed as a typical means of meeting state licensure requirements. Indeed, 1998 NBEO

Board policy states that *"Passing any current National Board examination, including the TMOD examination, or any combination of current National Board examinations, is not equivalent to 'board certification'."*

He asked the members what their thoughts were regarding his policy recommendation.

Executive Session:

At 9:08 a.m., upon a motion by Dr. Reynolds, seconded by the Vice Chair, 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 9:23 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.

After discussion, upon a motion by Ms. Chang, seconded by the Vice Chair, it was voted on and unanimously carried to adopt the Chair's recommended policy as the Board's Policy on Advertising Post-Licensure Certifications.

Upon a motion by Ms. Chang, seconded by Ms. Shimabuku, it was voted on and unanimously carried to amend the policy to add a notation that the policy is pursuant to §16-92-52(3) and (6), HAR and §459-9(3) and (6), HRS.

Continuing Education: **Continuing Education Course Report**

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

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
11-043	Presentations from the 2010 West Coast Glaucoma Symposium University of Alabama School of Optometry	2	2
12-007	2012 Cornea Procedure Updates John D. Olkowski, M.D.	3	3
12-011	Bust the Bugs: Ocular Bacterial and Viral Infections State University of New York College of Optometry	2	2
12-012	Update on Diabetic Retinopathy and Age-Related Macular Degeneration Cataract and Vision Center of Hawaii	2	2

<u>Index #</u>	<u>Program Title/Sponsor</u>	<u>CE</u>	<u>TPA Hours</u>
12-014	Case Studies in Glaucoma Hawaiian Eye Center	2	2
12-015	Ocular Manifestations of Systemic Disease Hawaiian Eye Center	2	2
12-016	Premium Lens Implants Hawaiian Eye Center	2	2
12-017	Introduction to Descemet's Stripping Automated Endothelial Keratoplasty Arlene Ratanasit, M.D.	1	1
12-018	Introduction to Eye Banking Arlene Ratanasit, M.D.	1	1

Ms. Shimabuku seconded the motion, it was voted on and unanimously carried.

Applications:

Ratification List

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

APPROVED FOR TPA CERTIFICATION

- YU, CHERYL C (OD 690)

Applications

None.

Next Meeting:

Monday, July 30, 2012
8:30 a.m.
King Kalakaua 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 9:41 a.m.

Taken by:

/s/ Jennifer Fong

Jennifer Fong
Secretary

Reviewed by:

/s/ Sandra Matsushima

Sandra Matsushima
Executive Officer

SMM:jaf

6/8/12

[] Minutes approved as is.

[] Minutes approved with changes; see minutes of _____.