

BOARD OF VETERINARY EXAMINERS
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Wednesday, July 15, 2015

Time: 10:07 a.m.

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

Present: John K. Kaya, D.V.M., Chairperson
Wendy L. Mah, Vice-Chairperson
Jenee Odani, D.V.M., Member
Michael O. Woltmon, D.V.M., Member
Shari Wong, Deputy Attorney General ("DAG")
Lynn Bhanot, Executive Officer
Lori Nishimura, Secretary

Guests: None

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

Call to Order: There being a quorum present, the meeting was called to order at 10:07 a.m. by Chairperson Dr. Kaya.

Additions/
Revisions
to Agenda: Executive Officer Bhanot requested for the Board to add the following agenda item as follows:

Add: 6. CORRESPONDENCE
* * *
F. July 9, 2015 Email From Jennifer Paugh, D.V.M.
Re: Hawaii DVM License

After discussion, it was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to approve the aforementioned addition to the meeting agenda.

Approval of
Minutes of the
April 29, 2015
Board Meeting: After discussion, it was moved by Dr. Woltmon, seconded by Dr. Kaufman, and unanimously carried to approve the minutes of the April 29, 2015 Board meeting.

Election of Board Vice-Chairperson: Chairperson Dr. Kaya requested that Board members could either indicate their interest in or nominate member(s) for the position of Board Vice-Chairperson. It was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to nominate and elect Ms. Mah for the position of Board Vice-Chairperson. Ms. Mah expressed her interest in the position. No further members expressed an interest and no further nominations were made for the position of Board Vice-Chairperson; thus, Ms. Mah was elected as Board Vice-Chairperson by unanimous vote.

Applications:

A. Ratification of Issued Temporary Permit

After discussion, it was moved by Dr. Odani, seconded by Vice-Chairperson Mah, and unanimously carried to ratify the following issued temporary permits:

- (1) KORTH, Kelly M.
- (2) MCFLY, Sean T.
- (3) WALLACE, Jenna M.

B. Ratification of Issued License

After discussion, it was moved by Dr. Woltmon, seconded by Dr. Odani, and unanimously carried to ratify the following issued license:

- (1) CONSTANTARAS, Marika E.
- (2) DOGAN, Hilal
- (3) GODDARD, Nathan S.
- (4) MALINOWSKI, Carolyn M.
- (5) LEAPER, Jerob A.

Correspondence:

A. June 5, 2015 Email From Michael Wong, D.V.M.
Re: Question Regarding Controlled Substance Use

Executive Officer Bhanot stated that an email inquiry was received from Dr. Wong asking whether veterinary technicians/assistants are allowed to push (administer) controlled substances if the veterinarian is present within the building. After discussion, the Board by consensus, stated that besides what is defined as direct supervision in Hawaii Administrative Rules ("HAR") section 16-101-2, veterinarians are subject to comply with other State and Federal regulations pertaining to administering of controlled substances that are beyond the scope of the Board's jurisdiction.

B. June 9, 2015 Email From Avis Onaga
Re: Confidentiality of Veterinary Medical Records

Executive Officer Bhanot stated that an email inquiry was received from Ms. Onaga requesting for the "Veterinary Board to determine if veterinary medical records are considered confidential, much like how human medical records disclosure is protected under HIPAA".

Dr. Kaufman commented that veterinary medical records are confidential but if it concerns a criminal case, it can be turned over to the proper authorities. After further discussion, the Board by consensus, believed that HIPAA does not apply to veterinary medical records and that Ms. Onaga should consult with the Department of Agriculture's Deputy Attorney General.

C. June 10, 2015 Letter From Priority Press, Ltd.
Re: New Edition of Legal Consents for Veterinary Practices and RACE Approved Online CE Courses

Executive Officer Bhanot stated the Board received from Priority Press, Ltd., a copy of the fifth edition of Legal Consents for Veterinary Practices and RACE Approved Online CE courses, as a reference for its library. The book contains forms of written consents for various procedures.

D. June 11, 2015 Letter From Bernadette M. Dunham, D.V. M., Ph.D.
Re: FDA Veterinary Feed Directive Final Rule

Executive Officer Bhanot received a letter from Dr. Dunham, Director, Center for Veterinary Medicine at the Department of Health and Human Services asking to verify "whether the statutes, rules, or regulations governing the practice of veterinary medicine in your jurisdiction (1) require a veterinary-client patient relationship (VCPR) for a veterinarian to write a lawful veterinary feed directive (VFD), and if so (2) whether the State defined VCPR contains the key elements" stated in the letter.

Board members commented that there is no commercial production of feed in the State. The Board by consensus, stated HRS Chapter 471 and HAR Chapter 101 do not specifically address and define VCPR.

E. June 26, 2015 Email From Michael O. Woltmon, D.V. M.
Re: Veterinary Record Keeping Requirements

Executive Officer Bhanot received an email inquiry from Dr. Woltmon asking "Do the Federal record keeping laws, which require 2 years retention of records and a Doctor/client/patient relationship, apply to veterinarians in Hawaii". The Board noted HRS Chapter 471 and HAR Chapter 101 do not specifically address retention of records. DAG Shari Wong confirmed Federal law trumps State law; therefore, veterinarians must abide by the Federal record keeping requirement of two years.

F. July 9, 2015 Email From Jennifer Paugh, D.V. M.
Re: Hawaii DVM License

Executive Officer Bhanot stated an email inquiry was received from Dr. Paugh for clarification on the following: "Is a graduate of a veterinary college meeting all the standards established by the American Veterinary Medical Association, or, in lieu thereof, has actively practiced for ten out of twelve years immediately preceding the date of application in a state having standards for licensing comparable to those in this State." After discussion, the Board determined Dr. Paugh could apply for licensure after practicing for an additional two (2) years (to make it a total of 10 years) and she would not need to complete the ECFVG.

Executive
Officer's
Report:

A. National Board of Veterinary Medical Examiners ("NBVME")

(1) May 2015 Quarterly Newsletter of the NBVME

The May 2015 Quarterly Newsletter of the NBVME was circulated to the Board.

(2) June 5, 2015 -NAVLE Bulletin of Information for Candidates

The June 5, 2015 NAVLE Bulletin of Information for Candidates was circulated to the Board.

B. American Association of Veterinary State Boards ("AAVSB")

(1) April 30, 2015 - President's Annual Update

The April 30, 2015 President's Annual Update was circulated to the Board. Chairperson Dr. Kaya stated that the 2015 AAVSB Annual meeting and conference will be held on September 17-19, 2015 in Milwaukee, Wisconsin; he would be attending this meeting as a member of the Veterinary Technician National Examination Committee. Discussion ensued on the AAVSB delegate funding program that would allow one Board member to attend; all expenses to be paid for by AAVSB. No other Board member expressed interest and/or was available to attend. Further discussion ensued on delegating the Board's vote to Chairperson Dr. Kaya. It was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to delegate the Board's voting rights to Chairperson Dr. Kaya.

(2) May 21, 2015 – Recommendations on Proposed Bylaws Amendments

Recommendations on proposed Bylaws amendments was circulated to the Board; voting to take place at the AAVSB meeting in Milwaukee, Wisconsin.

(3) June 2, 2015 – More FDA VCPR Change Info – Updated June 2015

The June 2, 2015 FDA VCPR change info was circulated to the Board.

Examinations: A. Results of the State Veterinary Licensing Examination Administered on April 17, 2015

Candidates Eligible:	3
Exams Administered:	3
Successful:	2
Failed:	1
No Shows:	0

Results of the State Veterinary Licensing Examination Administered on May 15, 2015

Candidates Eligible:	3
Exams Administered:	2
Successful:	2

Failed: 0
No Shows: 1

Results of the State Veterinary Licensing Examination
Administered on June 19, 2015

Candidates Eligible: 2
Exams Administered: 1
Successful: 1
Failed: 0
No Shows: 1

Next Board Meeting: Wednesday, October 14, 2015
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Adjournment: There being no further discussion, the meeting adjourned at 11:16 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lynn Bhanot

Lynn Bhanot, Executive Officer

LB:ln

08/13/15

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____