

CHAPTER 471
VETERINARY MEDICINE

SECTION

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§471-1 Definitions. As used in this chapter:

"Animal" means any animal except human beings;

"Board" means the board of veterinary examiners of the State;

"Continuing education courses" means courses approved by the board of veterinary examiners, the Hawaii Veterinary Medical Association, the American Association of Veterinary State Boards' Registry, or other board-approved organizations.

"Credit hour" means, except as otherwise provided, the value assigned to fifty minutes of instruction.

"Practice of veterinary medicine" means the diagnosis or treatment for the prevention, cure, or relief of, or the giving of advice concerning, a disease, pain, injury, deformity, or other physical condition of an animal, or a change of a physical characteristic of an animal for cosmetic or utility purposes. It includes medical, surgical, and dental care of animals;

"Veterinarian" means a person duly licensed in the State to engage in the practice of veterinary medicine.

§471-2 License required. No person shall practice veterinary medicine, either gratuitously or for pay, or shall offer to so practice, or shall announce or advertise, publicly or privately, as prepared or qualified to so practice, or shall append the letters "Dr." or affix any other letters to the person's name with the intent thereby to imply that the person is a practitioner of veterinary medicine, without having a valid unrevoked license obtained from the board of veterinary examiners; provided, that nothing in this chapter prevents or prohibits the following:

- (1) Any person from gratuitously treating animals in case of emergency;

- (2) The owner of any animal or animals and the owner's full-time, regular employees from caring for and treating any animals belonging to the owner;
- (3) Any student enrolled in any veterinary school or college or any employee of a veterinarian from working under the direct supervision of a veterinarian;
- (4) Any person from practicing veterinary medicine in the employ of the United States government while engaged in the performance of the person's official duties;
- (5) Any person licensed to practice veterinary medicine in any state, or any certified scientist or professional in animal care, from practicing in this State when in actual consultation with or under the sponsorship of veterinarians of this State; provided that the person licensed from another state, or the certified scientist or professional in animal care, shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State;
- (6) Any farmer from giving to another farmer the assistance customarily given in the ordinary practice of animal husbandry; or
- (7) Any applicant who meets the licensing requirements of practicing veterinary medicine under a veterinarian by permit; provided the applicant applies for and takes the first examination scheduled by the board. A permit shall not be renewed.

§471-3 Board of examiners; appointment and removal; qualifications. A board of veterinary examiners, consisting of seven members, four of whom shall be residents of the city and county of Honolulu and three of whom shall be residents of counties other than the city and county of Honolulu, shall be appointed, and may be removed, by the governor.

Five of the members of the board shall be veterinarians who have been licensed to practice for at least five years and shall be actively engaged in the practice of veterinary medicine or, if not active at the time of appointment, shall have been previously so engaged for ten years and two shall be public members.

§471-4 REPEALED.

§471-5 REPEALED.

§471-6 REPEALED.

§471-7 Power to investigate. The board of veterinary examiners or any member thereof, or any person designated by the board for the purpose, may investigate any violation or suspected violation of this chapter. Each member of the board may administer oaths in connection with any such investigation.

§471-8 Examinations; qualifications of applicants. (a) No person shall be licensed to practice veterinary medicine unless the person has passed an examination of the qualifications and fitness to engage in the practice of veterinary medicine given by the board of veterinary examiners. Before any applicant shall be eligible for examination under this chapter the applicant, at least sixty days before the date set for examination, shall file an application in the form as shall be prescribed by the board, pay to the department of commerce and consumer affairs application and examination fees, and furnish proof satisfactory to the board that the applicant:

- (1) Is eighteen or more years of age; and
- (2) 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.

(b) Examinations shall be given by the board twice each year except when there are no applications pending. They shall be composed of written questions, a part of which shall consist of those aspects of veterinary medicine common to the State on toxic substances, parasite diseases, unique soil conditions, and quarantine standards. The same questions shall be given to each person being examined during a particular examination. The subject matter of the examinations shall embrace the subjects and demonstrations of practical ability normally covered in the curricula of American veterinary colleges. The form of the examination shall be determined by the board. Applicants shall certify on the application that they have read, understood, and agree to comply with the laws and rules that the board determines are required for licensure.

The requirements imposed by this section shall not be a bar to renewal, reissuance, or restoration of any license issued prior to May 13, 1949.

§471-9 Licenses. (a) Except as otherwise provided in this chapter, the board of veterinary examiners shall issue a license to engage in the practice of veterinary medicine to all persons meeting the requirements of this chapter upon payment of a license fee.

(b) All licenses issued by the board shall expire on June 30 of each even-numbered year next following the date of issuance. Failure to renew the license on or before June 30 of each even-numbered year shall automatically constitute a forfeiture of the license; provided that the license shall be restored upon the submission of a written application, a renewal fee, a penalty fee, and proof of completing the applicable continuing education credits to the board.

(c) Prior to the June 30, 2016, payment deadline for license renewal, and prior to every license renewal thereafter, a licensee shall:

- (1) Pay all required fees, and
- (2) Complete at least twenty credit hours of continuing education within the two-year period preceding the renewal date.

(d) A licensee who has graduated from an accredited veterinary school within one year of the licensee's first license renewal shall not be subject to the continuing education requirement for the first license renewal.

(e) Each licensee shall be responsible for maintaining the licensee's continuing education records. At the time of renewal, each licensee shall certify under oath that the licensee has complied with the continuing education requirement of this section. The board may require a licensee to submit, in addition to the certification, evidence satisfactory to the board that demonstrates compliance with the continuing education requirement of this section.

(f) The board may conduct random audits of licensees to determine compliance with the continuing education requirement. The board shall provide written notice of an audit to a licensee randomly selected for audit. Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with the continuing education requirement established by this section.

(g) Notwithstanding any other provision, no license shall expire while the licensee is serving on active duty in the armed forces of the United States during any emergency declared by the President or Congress and six months after the termination thereof.

§471-10 Refusal to grant and revocation or suspension of license. (a) In addition to any other actions authorized by law, the board may refuse to grant, renew, reinstate or restore a license for any cause which would be ground for revocation of a license under the law.

(b) In addition to any other actions authorized by law, the board may revoke or suspend the license of any veterinarian, fine a licensee, or both, for any cause authorized by law, including but not limited to the following:

- (1) Professional misconduct, gross negligence, or manifest incapacity;
- (2) Violation of this chapter or the rules adopted pursuant thereto or any other law which applies to the licensee as a practicing veterinarian;
- (3) Making any false representations or promises through advertising or otherwise;
- (4) Habitual intemperance in the use of alcoholic beverages or addiction to the use of narcotic or dangerous substances;
- (5) Mental incompetence;
- (6) Any fraudulent, dishonest, or deceitful act in connection with the practice of veterinary medicine;
- (7) Making a false statement on any document submitted or required to be filed by this chapter, including a false certification of compliance with the continuing education requirement;
- (8) Revocation, suspension, or other disciplinary action by another state of a license or certificate for reasons as provided in this section;
- (9) Conviction of or plea of nolo contendere to a penal offense substantially related to the qualifications, functions, or duties of a veterinarian, notwithstanding any statutory provision to the contrary;
- (10) Violation of chapter 329, the uniform controlled substances act, or any rule adopted pursuant thereto;
- (11) Failure to report any disciplinary action taken against the licensee in another jurisdiction within thirty days after the disciplinary action becomes final; or
- (12) Conduct or practice contrary to the recognized principles of medical ethics of the veterinary profession as adopted by the Hawaii Veterinary Medical Association and the American Veterinary Medical Association.

§471-11 Hearings. In every case where it is proposed to refuse to grant, renew, reinstate, or restore a license or to revoke or suspend the exercise of a license for any of the causes enumerated in section 471-10, the person concerned shall be given notice and opportunity for hearing in conformity with chapter 91.

In all proceedings before it, the board of veterinary examiners and each member thereof shall have the same powers respecting administering oaths, compelling the attendance of witnesses and the production of documentary evidence, and examining witnesses, as are possessed by circuit courts. In case of disobedience by any person of any order of the board, or any member thereof, or of any subpoena issued by it, or the member, or the refusal of any witness to testify to any matter regarding which the witness may lawfully be questioned, any circuit judge, on application by the board, or any member thereof, shall compel obedience as in the case of disobedience of the requirements of a subpoena issued by a circuit court, or a refusal to testify therein.

§471-12 REPEALED.

§471-13 Violations; penalties. Any person who violates or fails to comply with any provision of this chapter shall be fined not more than \$5,000 for each violation. Each day that the person is in violation of section 471-2 shall be a separate violation for the purposes of this section.

§471-14 Rules and regulations. The board of veterinary examiners may, in the manner prescribed in chapter 91, adopt, amend, or repeal such rules and regulations as it deems proper to effectuate this chapter and to carry out the purpose thereof, which purpose is hereby stated to be the protection of the general public.

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both.

Additionally, all tools, implements, appliances, medicine, and drugs used in the practice of veterinary medicine by any person convicted of practicing veterinary medicine without a license shall be declared forfeited to the State by the court and turned over to the board for disposition as it may choose to make.

[§471-16] Cumulative penalties. Unless otherwise expressly provided, the remedies or penalties provided by this chapter are cumulative to each other and to the remedies or penalties available under all other laws of this State.