

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

MINUTES OF MEETING

Date: Wednesday, February 3, 2016

Time: 10:36 a.m.

Place: King Kalakaua 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
Alan Kaufman, D.V.M., Member
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
Susan Reyes, Secretary

Guests: Sam Geiling, Windward Community College Veterinary
Technology instructor, Hawaii Veterinary Technician
Association

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 10:36 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: 7. LEGISLATION
* * *

C. Senate Bill No. 3041, Relating to Health Care
Professionals

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
October 14, 2015
Board Meeting:

DAG Wong requested for an amendment to the Board's minutes, to correct a typographical error, last paragraph of page four (4), third sentence; corrected word underlined to replace misspelled word bracketed and stricken, to read as follows:

""North Carolina constituted an anticompetitive and unfair method of competition", when they issued official [~~cease and desist~~] cease and desist letters to nondentist teeth whitening service providers and product manufacturers."

After discussion, it was moved Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to approve the minutes of the October 14, 2015 Board meeting as amended.

The Board's consensus was to change the order of the meeting and take up the following Agenda items (#7, Legislation) at this time:

Legislation:

- A. House Bill No. 1955, Relating to Veterinary Technicians
- B. Senate Bill No. 2671, Relating to Veterinary Technicians

Executive Officer Bhanot expressed the surprise she felt when House Bill No. 1955, Relating to Veterinary Technicians and its companion bill, Senate Bill No. 2671 were introduced in the 2016 Legislative session. She commented that at the 2015 legislative session, similar bills (Senate Bill No. 751 and its companion bill, House Bill No. 733) had been deferred by the Senate and the House with suggestions to the presenters of the bills to collaborate on agreeable language with all parties involved. At the October 14, 2015 Board meeting, Dr. Ako (presenter representing Hawaii Veterinary Medical Association) had then commented that a new (revised) bill would not be introduced in the 2016 legislative session, as parties involved were in the sharing/fact finding stage.

Executive Officer Bhanot commented that when the bill (House Bill No. 1955) got scheduled for a hearing, she contacted Dr. Ako to ask what happened. Dr. Ako said he met with Representative Mark J. Hashem who said the bill will be introduced as a "vehicle" to get the Regulated Industries Complaints Office ("RICO") to assist with enforcement language.

Sam Geiling, Windward Community College Veterinary Technology instructor, informed the Board that a meeting

was held with Dr. Ako and Senator Rosalyn H. Baker about the proposed bills and Senator Baker was okay with the proposal if the Board was in agreement.

Chairperson Dr. Kaya commented that the bill does not seem to have significant changes from last year's bills; seems to have been rearranged but no significant change.

It was noted that last year, the Board was in support of the concept to register veterinary technicians, but were not able to support the deferred bills as written.

Ms. Geiling commented that this bill is modeled after the laws of California governing veterinary technicians. She also commented that RICO has not given them guidance nor feedback on the prior bills. DAG Wong commented that RICO may not have responded because they do not provide legal advice/counsel to others outside the department. DAG Wong inquired if they had their own counsel to assist with the drafting of the bill.

Lengthy discussion ensued with the Board expressing concerns on the definition of the "practice of veterinary technology"; Vice-Chairperson Mah expressed her concern with "inducing anesthesia". DAG Wong questioned direct and indirect supervision.

Ms. Mah left the meeting at 11:35 a.m.

Suggestions to the current bills included the following:

- Page 4, omit lines 9 to 10;
- Page 5, line 1 to omit the bracketed and stricken and add the underlined and to be read as: [~~Inducing~~ Monitoring anesthesia means to evaluate patient health by tracking vital signs via physical examination and multi-parameter monitors in order to recognize abnormalities while the animal is under anesthesia;
- Page 5, line 3 to omit the bracketed and stricken and to be read as: (3) Performing dental cleaning [~~and simple extractions~~];
- Page 5, omit lines 4 to 5;
- Page 5, omit lines 9 to 11; and
- Page 5, line 18 to add the underlined and to be read as: in the practice of veterinary technology, without the direct or indirect supervision of a licensed veterinarian, either gratuitously or;

After discussion, it was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to reiterate that the Board is in support of the concept to register veterinary technicians but are not able to support the bills as written, recommended changes were discussed but the Board will hold its full support until such time that a revised bill may be presented to the Board.

Applications:

A. Ratification of Issued Temporary Permit

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

- (1) BOULOY, Raymond
- (2) CASUGA, Ryan K.
- (3) DUFFY, Todd C.
- (4) PLANT, Jonathan D.

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) ASAY, Gabrielle A.
- (2) BEYER, Melissa M.
- (3) CASUGA, Ryan K.
- (4) GRIM, Katharine C.
- (5) GUERRA VASQUEZ, Juan C.
- (6) MAHER, Edward R., Jr.
- (7) OHM, Jeff D.
- (8) OKANO, Janel A.
- (9) SHELLEY, Melissa E.

New Business:

A. Hawaii Veterinary Medical Association

This agenda item had been discussed through Agenda item #7, Legislation. Executive Officer Bhanot commented that Dr. Ako was not physically on this Island; thus not able to attend today's meeting.

B. Public Member Representation on PVL Boards/ Commissions

Executive Officer Bhanot stated that the Board received a request from Senator Baker and the Director of the

Department of Commerce and Consumer Affairs for an informal discussion on whether or not the Board thinks public member representation should be increased, and if so, the reasoning. After discussion, the consensus of the Board was to keep it status quo.

Scope of Practice: A. November 13, 2015 Email Inquiry From Lindsey Gilmour, D.V.M., Regarding Telemedicine Consulting Laws

Executive Officer Bhanot stated that an email inquiry was received from Dr. Gilmour asking whether veterinary radiologist boarded in another state is allowed to read radiographs remotely and provide ongoing teleradiology consultations for veterinarians/clients/patients in this State. Also if there are any limitations or other details regarding state laws on this matter. After discussion, the Board by consensus, stated that pursuant to HRS section 471-2(5), the statute would not limit the practice in this State when in actual consultation with or under the sponsorship of veterinarians of this State, provided that she shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State.

B. January 28, 2016 Email Inquiry From Kevin Salazar, Regarding Reporting Drug Losses

Executive Officer Bhanot stated that an email inquiry was received from Kevin Salazar who inquired if the Board required veterinarians to report controlled drug losses in addition to reporting to the DEA. After discussion, the Board by consensus, stated that the inquiry is beyond the scope of the Board's jurisdiction and suggested Mr. Salazar should verify with the Narcotics Enforcement Division, Public Safety.

Legislation: A. House Bill No. 1955, Relating to Veterinary Technicians

This agenda item had been previously discussed.

B. Senate Bill No. 2671, Relating to Veterinary Technicians

This agenda item had been previously discussed.

C. Senate Bill No. 3041, Relating to Health Care

Executive Officer Bhanot informed the Board of Senate Bill No. 3041, Relating to Health Care, that proposes to

require health care professionals to take a continuing medical education course in health issues unique to Hawaii, in addition to any other continuing education requirements already required for renewal. Discussion ensued on the type of infectious diseases mentioned in the bill, which Dr. Woltmon commented that three (3) out of the five (5) mentioned diseases does not apply to veterinarians. Executive Officer Bhanot stated that the Department is in opposition to this bill and summarized the Department's testimony in response to a hearing that has been scheduled on February 5, 2016. She further stated that Board members may submit their own testimony; testimonies do not need to be from the Board.

Continuing Education:

A. 2016 Renewals

Executive Officer Bhanot stated that all current licenses will expire June 30, 2016; thus, the renewal process will take place this year. She also stated that notice was given on the 20 hours of continuing education required and earned during the biennium from July 1, 2014 to June 30, 2016.

Executive Officer's Report:

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

- (1) December 10, 2015 NAVLE Focus Group Summary Report

After discussion, Executive Officer Bhanot was instructed to email the December 10, 2015 NAVLE Focus Group Summary Report to the members of the Board.

- (2) January 14, 2016 NBVME Practice Analysis Survey

Executive Officer Bhanot reported that the NBVME will be sending the practice analysis survey to a selected sample of veterinarians in the U.S. and Canada and if selected to please respond. It will be launched in early March 2016 and the results will be shared when they are available.

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

- (1) December 2015 Veterinary Regulation News

The December 2015 Veterinary Regulation News was circulated to the Board.

(2) December 11, 2015 Call for Bylaws Amendments

The December 11, 2015 Call for Bylaws Amendments was circulated to the Board.

(3) December 18, 2015 Call for Nominations for Upcoming Open Positions

The December 18, 2015 Call for Nominations for upcoming opening positions to AAVSB was circulated to the Board.

Examinations: A. Results of the State Veterinary Licensing Examination Administered on October 16, 2015

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

Results of the State Veterinary Licensing Examination Administered on November 20, 2015

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|----------------------|---|
| Candidates Eligible: | 6 |
| Exams Administered: | 4 |
| Successful: | 4 |
| Failed: | 0 |
| No Shows: | 2 |

Results of the State Veterinary Licensing Examination Administered on December 18, 2015

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|----------------------|---|
| Candidates Eligible: | 4 |
| Exams Administered: | 2 |
| Successful: | 2 |
| Failed: | 0 |
| No Shows: | 2 |

Results of the State Veterinary Licensing Examination Administered on January 15, 2016

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|----------------------|---|
| Candidates Eligible: | 2 |
| Exams Administered: | 2 |

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|-------------|---|
| Successful: | 2 |
| Failed: | 0 |
| No Shows: | 0 |

Executive Officer Bhanot announced that the Professional and Vocational Licensing Branch's Exam Branch Chief, Dawn Kubota, left the Department in November 2015.

Executive Officer Bhanot reiterated that the Board does have two seats open; one public and one veterinarian. She encouraged the Board to recruit prospective volunteers to apply on-line to the Boards and Commission of the Governor's website.

Next Board Meeting: Wednesday, April 20, 2016
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 12:44 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lynn Bhanot

Lynn Bhanot, Executive Officer

LB:ln

03/04/16

Minutes approved as is.

Minutes approved with changes. See Minutes of April 20, 2016.