

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

MINUTES OF MEETING

Date: Wednesday, April 16, 2014

Time: 10:02 a.m.

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

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

Guests: Dawn Kubota, PVL Exam Branch Chief

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 10:02 a.m. by Chairperson Kaya.

Additions/
Revisions
to Agenda: Executive Officer Bhanot requested the following addition to the agenda:

5. NEW BUSINESS

B. April 15, 2014 Email From Will Coleman, D.V.M.
Re: Visiting Veterinary Surgeon

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

Approval of
Minutes of the
January 29, 2014
Board Meeting:

After discussion, it was moved by Mr. Kita, seconded by Dr. Yuen, and unanimously carried to approve the minutes of the January 29, 2014 Board meeting.

At 10:05 a.m., it was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with Hawaii Revised Statutes ("HRS") section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 11:02 a.m., it was moved by Dr. Kaufman, seconded by Dr. Yuen, and unanimously carried to move out of executive session.

Applications:

A. Approval for State Board Examination

After discussion, it was moved by Dr. Kaufman, seconded by Dr. Yuen, and unanimously carried to approve William G. Masters, III for state board examination.

B. Ratification of Issued Temporary Permit

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

(1) VAN DE WETERING, Andrea G.

C. Ratification of Issued License

After discussion, it was moved by Dr. Yuen, seconded by Mr. Kita, and unanimously carried to ratify the following issued licenses:

- (1) BAUER, Penny M. L.
- (2) BENNETT, Lisa G.
- (3) BUTEL, Michael G.
- (4) BYRD, Suzanne M.
- (5) CHOY, Heidi J.W.

- (6) JOHNSON, Lane W.
- (7) MERKER, Jay H.
- (8) TREMAIN, Eve

New Business: A. Exam Questions

Discussion ensued on the exam questions and the reference materials utilized; citing the reference material with page number(s) for each exam question was suggested, Dr. Odani volunteered to look into the reference list for the NAVLE. Trade names versus drug names cited in exam questions were also discussed.

B. April 15, 2014 Email From Will Coleman, D.V.M.
Re: Visiting Veterinary Surgeon

Discussion ensued on an email inquiry received from Dr. Coleman who inquired whether relief work by "Dr. Stanley Kim BVs, MS, Diplomate of the American College of Veterinary Surgeons", who is an "Australian national and does not hold a US license" would be allowed.

After discussion, it was moved by Dr. Woltmon, seconded by Ms. Mah, and unanimously carried to informally opine that the specific exemption that applies to Dr. Coleman's inquiry is described in HRS section 471-2(5), which states, in pertinent part, that nothing in the licensing statute prevents or prohibits:

"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;" (emphasis added.)

In accordance with Hawaii Administrative Rules section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and thus, is not to be viewed as binding on the Board.

Legislation:

A. H.B. No. 2106, Relating to Pharmacists

Executive Officer Bhanot provided a brief summary of House Bill No. 2106, Relating to Pharmacists – to require pharmacists to complete a training program approved by the board of pharmacy to dispense veterinary prescriptions; and informed the Board that the Committee on Health recommend that the measure be deferred.

B. H.B. No. 1930, Relating to Veterinary Medicine

Executive Officer Bhanot provided a brief summary of House Bill No. 1930, Relating to Veterinary Medicine – which prohibits pet animal owners and owners' employees from performing surgical procedures on pet animals, with certain exceptions. It also establishes intentionally or knowingly performing a surgical procedure on a pet animal while violating section 471-2, HRS, as a misdemeanor; and stated that no hearings were scheduled, and thus the bill died.

C. S.B. No. 2129, Relating to Veterinary Medicine

Executive Officer Bhanot provided a brief summary of Senate Bill No. 2129 (companion Senate Bill to House Bill No. 1930), Relating to Veterinary Medicine – which prohibits pet animal owners and owners' employees from performing surgical procedures on pet animals, with certain exceptions. It also establishes intentionally or knowingly performing a surgical procedure on a pet animal while violating section 471-2, HRS, as a misdemeanor; and stated that no hearings were scheduled, and thus the bill died.

D. H.B. No. 2105, Relating to Veterinary Technicians

Executive Officer Bhanot provided a brief summary of House Bill No. 2105, Relating to Veterinary Technicians – which establishes requirements for the practice and registration of veterinary technicians, requires the Board of Veterinary Examiners to adopt rules; to be effective July 1, 2014; and informed the Board that the Committee on Health recommend that the measure be deferred.

E. S.B. No. 2502, S.D. 1, Relating to Veterinary Technicians

Executive Officer Bhanot provided a brief summary of Senate Bill No. 2502, S.D. 1, (companion Senate Bill to House Bill No. 2105), Relating to Veterinary Technicians – which establishes requirements for the practice and registration of veterinary technicians, requires the Board of Veterinary Examiners to adopt rules; to be effective July 1, 2014. She informed the Board that the Senate Draft was adopted on February 11, 2014; passed second reading with amendments (additional language), and has been referred to the Ways and Means Committee.

Ms. Bhanot commented that this Senate draft version will be accompanying the sunrise review, and thus the Board should consider other factors that may not have been included such as grandfather provisions. Discussion ensued on the grandfathering of candidates in the State of Alaska.

Chairperson Dr. Kaya commented on the possibility of adding veterinary technicians as members to the Board. DAG Wong commented that the total Board member count should be an odd number to address quorum issues. After further discussion, the Board was in favor of maintaining the total seven (7) members, but proposed to amend the number of public members from two (2) to one, which would thereby allow for one veterinary technician member to be represented.

Further discussion ensued on the board member qualifications of a veterinary technician. The consensus of the Board was that they were in favor of allowing for grandfathering in of veterinary technicians.

F. H.C.R. No. 66, Requesting the State Auditor to Conduct a Sunrise Review of the Regulation of Veterinary Technicians and the Practice of Veterinary Technology

Executive Officer Bhanot reiterated that the consensus of the Board was that a sunrise review of the regulation of veterinary technicians is required by law and that the Board has always supported good measures to increase the level of professionalism. She informed the Board that on

April 15, 2014, the Committee on Commerce and Consumer Protection recommended that the measure be passed, unamended.

G. S.C.R. No. 46, Requesting the State Auditor to Conduct a Sunrise Review of the Regulation of Veterinary Technicians and the Practice of Veterinary Technology

Executive Officer Bhanot stated that this is an identical senate version of the House Concurrent Resolution which the consensus of the Board was that a sunrise review of the regulation of veterinary technicians is required by law and that the Board has always supported good measures to increase the level of professionalism. No hearing was scheduled.

Executive Officer Bhanot provided the Board with copies of H.C.R. No. 66 and S.C.R. No. 46, for their review. She commented that legislation to regulate veterinary technicians may occur even if the sunrise review by the State Auditor concludes no regulation is needed.

At 11:55 a.m., DAG Wong left the meeting.

Continuing Education:

A. Application Form for Approval of Continuing Education

Executive Officer Bhanot provided copies of the application form for approval of continuing education utilized by the Hawaii State Board of Chiropractic Examiners, as a basis/example as to what this Board will need for its' continuing education sponsors.

At 12:00 p.m., Dr. Odani left the meeting.

Discussion ensued on the application fees sponsors pay for review and approval; comments that AAVSB fees are costly, while HVMA is free. Dr. Kaufman requested for the Executive Officer to review other Board's application, such as the Medical Board, for differences; possibly to add factors included in their application to help create this Board's application.

Chairperson's Report:

A. Comments on the Veterinary Technician Bill

Chairperson Dr. Kaya had no further comment/report.

B. September 2014 Visit to Kansas City for the Veterinary Technician National Examination ("VTNE")

Chairperson Dr. Kaya gave a brief summary of his upcoming visit to Kansas City for the VTNE.

Executive Officer's Report:

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

(1) March 2014 Quarterly Newsletter of the NBVME

The March 2014 Quarterly Newsletter of the NBVME was circulated to the Board.

(2) February 3, 2014 – NAVLE State Letter of Agreement

The NAVLE State Letter of Agreement was circulated to the Board.

(3) February 3, 2014 – Opportunity to View the NAVLE

Executive Officer Bhanot stated that the Board has the opportunity to view/take the NAVLE.

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

(1) February 14, 2014 Call for Resolutions

The February 14, 2014 Call for Resolutions was circulated to the Board.

(2) 2014 AAVSB Annual Meeting & Conference – September 11-13, 2014 in St. Petersburg, Florida at Vinoy Renaissance St. Petersburg Resort & Golf Club

Executive Officer Bhanot reiterated to the Board that the 2014 AAVSB Annual meeting and conference will be held on September 11 – 13, 2014 in St. Petersburg, Florida at Vinoy Renaissance St. Petersburg Resort & Golf Club. Discussion ensued on the AAVSB delegate funding program that would allow one Board member to attend; all expenses to be paid for by AAVSB. After discussion, the consensus of the Board was to approve Dr. Yuen as the Board's delegate.

C. American Veterinary Medical Association ("AVMA")

- (1) March 11, 2014 Accreditation Decisions of the AVMA Council on Education

The March 11, 2014 Accreditation Decisions of the AVMA Council on Education was circulated to the Board.

Examinations: A. Results of the State Veterinary Licensing Examination Administered on January 17, 2014

Candidates Eligible:	4
Exams Administered:	4
Successful:	4
Failed:	0
No Shows:	0

Results of the State Veterinary Licensing Examination Administered on February 21, 2014

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

Results of the State Veterinary Licensing Examination Administered on March 21, 2014

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

Next Board Meeting:

Wednesday, July 23, 2014
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
12:25 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

05/15/14

Minutes approved as is.

Minutes approved with changes. See Minutes of _____