

**HAWAII BOARD OF VETERINARY MEDICINE**  
Professional and Vocational Licensing Division  
Department of Commerce and Consumer Affairs  
State of Hawaii

MINUTES

Date: Wednesday, August 19, 2020

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/94439479016>

Present: Craig Nishimoto, D.V.M., Chairperson  
Robert Jordan, D.V.M., Vice-Chairperson  
Leianne K. Lee Loy, D.V.M., Member  
Clayton Matchett, D.V.M., Member  
Alicia Maluafiti, Member  
Aileen Wada, Member  
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)  
Chelsea Fukunaga, Executive Officer  
Kedin C. Kleinhans, Executive Officer  
Leanne Abe, Secretary  
Charlene L.K. Tamanaha, Licensing Administrator,  
Professional and Vocational Licensing Division (“PVL”),  
Department of Commerce and Consumer Affairs  
Ahlani K. Quiogue, Supervising Executive Officer, PVL,  
DCCA  
Salvatore L. Nicosia, Senior Systems Engineer, State Office  
of Enterprise Technology Services  
Karyn Takahashi, Secretary to Catherine P. Awakuni Colón,  
Director, DCCA  
Terry Akasaka-Toyama, Secretary to Jo Ann M. Uchida  
Takeuchi, Deputy Director, DCCA

Excused: None.

Zoom Webinar Guest(s): Lei Ana Green  
Spike Denis

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).

A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order:

There being a quorum present, the meeting was called to order at 9:06 a.m. by Chairperson Nishimoto.

Chairperson Nishimoto proceeded with roll call. All Board members were present.

Welcoming of New Board Members:

Chairperson Nishimoto welcomed new Board members, Dr. Matchett and Ms. Wada, to the Hawaii Board of Veterinary Medicine.

Approval of the Minutes of the January 15, 2020, & February 6, 2020 Board Meeting:

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Maluafiti, and carried by a majority, with the exception of Ms. Wada, who recused herself from voting, to approve the minutes of the January 15, 2020 and February 6, 2020, meetings as circulated.

New Business:

A. Email Regarding Telemedicine and VCPR (Veterinarian-Client-Patient Relationship)

Dr. Lee Loy mentioned that she has had an increase in telemedicine due to the current COVID-19 pandemic. She asked if the other practicing veterinarians were also getting an increase in virtual connections with their clients. She wanted clarification of VCPR within the clinic/hospital. If a veterinarian who has a VCPR is not there, can colleagues within the clinic/hospital write a prescription for that patient?

Chairperson Nishimoto stated that telemedicine is permissible pursuant to Governor Ige's Proclamation Related to the COVID-19 Emergency. He asked Executive Officer Fukunaga to confirm whether this is accurate.

Executive Officer Fukunaga stated that Governor David Y. Ige's Tenth Proclamation Related to the COVID-19 Emergency dated July 17, 2020, suspends "[s]ection 471-10, HRS, refusal to grant and revocation or suspension of license, to the extent necessary to enable veterinarians to engage in telehealth without a

previously existing Veterinarian-Client-Patient-Relationship or physical examination of the patient.”

Discussion ensued regarding VCPR. Chairperson Nishimoto stated that he interprets VCPR to be extended to all veterinarians within the same veterinarian practice or hospital.

Vice-Chairperson Jordan stated that he believed that if the patient was a client of the practice, then that veterinarian practice-client relationship superseded the veterinarian-patient relationship.

Dr. Matchett agreed with Vice-Chairperson Jordan’s comments, and stated that if the patient is part of the practice and an associate veterinarian is able to review the record, then the VCPR should carry over from the original attending veterinarian to the associate veterinarian.

DAG Wong asked the licensed members of the Board if their comments are based on their professional ethics and standards of the industry.

Chairperson Nishimoto answered in the affirmative.

To clarify, DAG Wong stated that, the comments made by the Board members are their interpretation of the American Veterinary Medical Association’s (“AVMA”) professional ethics and standards; it is not in reference to, or an interpretation of, Governor Ige’s Tenth Proclamation Related to the COVID-19 Emergency.

B. Email Regarding Cannabis

Dr. Lee Loy stated that she does a lot of holistic care and many clients are asking about the use of cannabis. She requested to defer this topic for discussion since the AVMA and American Association of Veterinary State Boards (“AAVSB”) are holding conferences that cover topics regarding cannabis. She plans to attend the conferences before bringing this topic back to the Board for discussion.

C. Email Regarding Embryo Transfer in Cattle by Non-Veterinarian

Members reviewed an email dated August 6, 2020, from Dr. Jenee S. Odani, regarding whether a non-veterinarian experienced animal scientist can transfer embryos' in cattle that are privately owned by a Hawaii Producer.

Vice-Chairperson Jordan stated that the Board would need more clarification since there are several parts to this equation, such as: the actual embryo transfer; the steps proceeding and after the embryo is removed; the termination of pregnancy; the sterile infertility of the host; and possible anesthesia, etc.

Dr. Matchett stated that ranch owners are allowed to do synchronization per veterinarian instruction. He is not sure if they are doing the embryo transfers surgically or transcervical. There are individuals who are licensed and allowed to do artificial insemination (non-surgical). He stated that the description of the procedure they are performing would be an important aspect in determining whether it is appropriate or not.

Chairperson Nishimoto inquired if anyone knew whether other state boards regulate embryo transfer in cattle by non-veterinarians.

Executive Officer Fukunaga stated that she was not sure, but would perform the research and provide it to the Board at a later time.

Dr. Lee Loy stated that AVMA has a policy for embryo transfer and advanced reproductive technological procedures. She briefly summarized this AVMA policy, which states:

Embryo transfer and advanced reproductive technological procedures are functions of veterinary practice. The procedures require diagnosis, use of legend drugs or bio-similars, and the potential for extra-label drug use and may require surgery. Embryo transfer and

advanced reproductive technological procedures demand a licensed veterinarian's extensive knowledge in anatomy, physiology, pharmacology, biochemistry, endocrinology, and sterile surgical procedures. Non-veterinarians or embryo transfer technicians should work under the direct supervision of a licensed veterinarian.

Dr. Lee Loy stated that the Oklahoma Veterinary Board's ("Oklahoma Board") Practice Act includes criteria for this matter. The Oklahoma Board's laws state that an individual has to be trained under certain guidelines and organizations. She suggested that the Board may want to set up guidelines before they respond to this email inquiry.

Vice-Chairperson Jordan stated that the California Veterinary Medical Board has a legal opinion on non-surgical embryo transfer, which states:

Since there are procedures involved with bovine embryo transfer that constitute the practice of veterinary medicine, an unlicensed person would be prohibited from conducting an embryo transfer independent of a licensed veterinarian.

Executive Officer Kleinhans referenced HRS section 471-2(6), which states:

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 Hawaii board of veterinary medicine; provided, that nothing in this chapter prevents or prohibits the following:

- (6) Any farmer from giving to another farmer the assistance customarily given in the ordinary practice of animal husbandry.

Executive Officer Kleinhans recommended that the Board consider: defining “animal husbandry” in its statutes; making a determination on what is required for animal husbandry; and whether it relates to embryo transfer in cattle.

Discussion followed. By consensus, the Board deferred this matter, and instructed its Executive Officer to obtain more detailed information on the type of procedures being performed (surgical or non-surgical) and whether there will be a licensed veterinarian supervising the procedure before they respond with an official opinion on this topic.

Executive Officer Fukunaga requested that the Board revise its agenda to place “Applications Review Committee”, which is under agenda item 5. Executive Officer’s Report, to the more appropriate agenda topic, 4. New Business. The agenda will reflect the following change:

**4. New Business**

**D. Applications Review Committee**

~~[5. Executive Officer’s Report~~

~~A. Applications Review Committee]~~

It was moved by Ms. Maluafiti, seconded by Dr. Lee Loy, and unanimously carried to approve the revision to the agenda as referenced above.

**Ms. Wada left the meeting at 9:40 a.m. Ms. Wada returned to the Microsoft Teams meeting at 9:45 a.m.**

D. Applications Review Committee

Executive Officer Fukunaga stated that due to the Board meeting remotely and infrequently, there have

been applications requiring the Board's review that have been pending for months. She asked the Board members if they would consider establishing an Applications Review Committee to address this issue. The approval of these applications (by the Applications Review Committee) would be subject to ratification at a subsequent meeting.

Chairperson Nishimoto agreed that the Board should establish an Applications Review Committee.

After discussion, it was moved by Ms. Maluafiti, seconded by Dr. Lee Loy, and unanimously carried to establish an Applications Review Committee. The composition of said Committee shall be one (1) veterinarian member.

At this time, Dr. Lee Loy will serve on the Applications Review Committee.

Applications:

At 9:44 a.m., it was moved by Dr. Lee Loy, seconded by Ms. Maluafiti, and unanimously carried to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with 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

It was moved by Dr. Lee Loy, seconded by Vice-Chairperson Jordan, and unanimously carried for the Board to return to the open meeting at 10:20 a.m. Board members and staff returned to the Zoom meeting.

Chairperson Nishimoto proceeded with roll call. All Board members were present.

A. Approval to Sit for State Board Licensing Examination

After discussion, it was moved by Dr. Lee Loy, seconded by Vice-Chairperson Jordan, and

unanimously carried to approve the following application:

1) JOHNSTON, Nicole Worshum

Discussion followed. Members requested to enter executive session to seek advice from DAG Wong.

At 10:32 a.m., it was moved by Dr. Lee Loy, seconded by Vice-Chairperson Jordan, and carried by the majority to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with 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

It was moved by Dr. Lee Loy, seconded by Ms. Wada, and unanimously carried to return to the open meeting at 10 :48 a.m. The Board members and staff returned to the Zoom meeting.

Chairperson Nishimoto proceeded with roll call. All Board members were present.

2) SMITH, Jodi Lynn

It was moved by Dr. Lee Loy to approve the above application to sit for the State Board licensing examination. The motion was seconded by Ms. Maluafiti. A vote was taken and recorded as follows:

Chairperson Nishimoto: no;  
Vice-Chairperson Jordan: no;  
Dr. Lee Loy: no;  
Dr. Matchett: no;  
Ms. Maluafiti: yes;  
Ms. Wada: no.

As the vote was five (5) noes and one (1) yes, the motion did not carry.



A second motion was called for. It was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan, and unanimously carried, with the exception of Ms. Maluafiti who opposed the motion, to deny the following application for approval to sit for the State Board licensing examination:

2) SMITH, Jodi Lynn

The Board based its decision on the following grounds, which find factual support in the records and files of Dr. Smith's application:

HRS section 471-10:

(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.

\* \* \*

- (1) Professional misconduct, gross negligence, or manifest incapacity;
- (6) Any fraudulent, dishonest, or deceitful act in connection with the practice of veterinary medicine;
- (8) Revocation, suspension, or other disciplinary action by another state of a license or certificate for reasons as provided in this section; and
- (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.

The Board considers Dr. Smith's conduct extremely concerning and contrary the recognized standards of ethics as adopted by the American Veterinary Medical Association (AVMA), and believes that DR. Smith failed to uphold the following AVMA Principles of Medical Ethics:

1. A veterinarian shall be influenced only by the welfare of the patient, the needs of the client, the safety of the public, and the need to uphold the public trust vested in the veterinary profession; and shall avoid conflict of interest or the appearance thereof.
3. A veterinarian shall uphold the standards of professionalism, be honest in all professional interactions, and report veterinarians who are deficient in character or competence to the appropriate entities.
  1. Complaints about behavior that may violate the Principles should be addressed in an appropriate and timely manner.
  4. Veterinarians must not defame or injure the professional standing or reputation of other veterinarians in a false or misleading manner. Veterinarians must be honest and fair in their relations with others, and they shall not engage in fraud, misrepresentation, or deceit.
4. A veterinarian shall respect the law and also recognize a responsibility to seek changes to laws and regulation which are contrary to the best interests of the patient and public health.

B. Ratification of Issued License

After discussion, it was moved by Dr. Lee Loy, seconded by Vice-Chairperson Jordan, and unanimously carried to ratify the following issues licenses:

- 1) CABALLERO, Rachel L
- 2) HILLE, Calley
- 3) O'NEIL, Keri M
- 4) PLUSKAT, Suzanne C
- 5) ROSIEK, David Alan
- 6) ZWANZIGER, David

C. Restoration

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Wada, and unanimously carried to approve the following restoration application:

- 1) JUNGMAN, Mary Kathleen

**Ms. Maluafiti left the meeting at 11:00 a.m.**

Next Board Meeting: Wednesday, October 14, 2020  
10:00 a.m.  
Virtual Videoconference Meeting

Adjournment: There being no further discussion, the meeting adjourned at 11:01 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Chelsea Fukunaga

/s/ Leanne Abe

---

Chelsea Fukunaga  
Executive Officer

---

Leanne Abe  
Secretary

CF:la

09/15/20

Hawaii Board of Veterinary Medicine  
Minutes of the August 19, 2020 Meeting  
Page 12

- Minutes approved as is.
- Minutes approved with changes. See minutes of.