

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

MINUTES

Date: Monday, November 9, 2020

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/93939902000>

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  
Aileen Wada, Member  
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)  
Chelsea Fukunaga, Executive Officer  
Kedin C. Kleinhans, Executive Officer  
Leanne Abe, Secretary  
Ahlani K. Quogue, Supervising Executive Officer, PVL,  
DCCA  
Karyn Takahashi, Secretary to Catherine P. Awakuni Colón,  
Director, DCCA  
Terry Akasaka-Toyama, Secretary to Jo Ann M. Uchida  
Takeuchi, Deputy Director, DCCA

Excused: Alicia Maluafiti, Member

Guests: Jill Yoshicedo, Executive Vice-President of Hawaii  
Veterinary Medical Association (“HVMA”)  
Lei Fukumura, Special Deputy Attorney General (“SDAG”),  
PVL

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 2:03 p.m. by Chairperson Nishimoto.

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

Election of Officers:

Executive Officer Fukunaga referenced HRS section 436B-6(a), which states:

*Immediately upon the qualification and appointment of the original members, and annually thereafter, the board shall elect one member as chair and one member as vice-chair. In the absence of both the chair and the vice-chair to preside at a meeting, the members present shall select a chair pro tem.*

Executive Officer Fukunaga stated that the Board is required to hold an election of officers annually. The previous Chairperson and Vice-Chairperson may serve again, however a nomination must be made.

Chairperson Nishimoto requested that Board members could either indicate their interest in or nominate member(s) for the position of Board Chairperson.

Chairperson Nishimoto moved to nominate himself for the position of Board Chairperson and nominate Vice-Chairperson Jordan for the position of Vice-Chairperson. Vice-Chairperson Jordan seconded the motion, and it was unanimously carried to elect Chairperson Nishimoto as Board Chairperson and Vice-Chairperson Jordan as Board Vice-Chairperson.

Approval of the  
Minutes of the  
August 19, 2020  
Board Meeting:

After discussion, it was moved by Ms. Wada, seconded by Vice-Chairperson Jordan, and unanimously carried to approve the minutes of the August 19, 2020 meeting as circulated.

Chapter 91, HRS  
Adjudicatory  
Matter:

Chairperson Nishimoto called for a recess from the meeting at 2:11 a.m. to discuss and deliberate on the following adjudicatory matter pursuant to Chapter 91, HRS (Board members and staff entered into Microsoft Teams):

A. In the Matter of the License to Practice Veterinary Medicine of Samantha L. Judge, D.V.M.; VET 2019-12-L

After discussion, it was moved by Vice-Chairperson Jordan, seconded by Ms. Wada, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order; Exhibits "1"- "2"; Declaration of Samantha L. Judge, D.V.M.

Following the Board's review, deliberation, and decision on these matters pursuant to Chapter 91, HRS Chairperson Nishimoto announced that the Board reconvene to its regular Chapter 92, HRS meeting at 2:17 p.m. Board members and staff returned to the Zoom meeting.

Applications:

At 2:19 p.m., it was moved by Vice-Chairperson Jordan, seconded by Dr. Matchett, 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 Vice-Chairperson Jordan, seconded by Ms. Wada, and unanimously carried for the Board to return to the open meeting at 2:25 p.m. Board members and staff returned to the Zoom meeting.

A. Ratification of Issued License

After discussion, it was moved by Vice-Chairperson Jordan, seconded by Ms. Wada, and unanimously carried to ratify the following issued license:

- 1) BUNTZ, Robert G.
- 2) FITZPATRICK, Jennifer
- 3) GREENSTEIN, Amanda K.
- 4) HOSKINSON, James J.
- 5) ISA, Chelsea A.
- 6) JANG, Jessica T.Y.

- 7) JOHNSON, Jonnel K.C.
- 8) KANG, Jun Gu
- 9) ORNELLAS-WALSH, Norine Marie Yuen
- 10) SUGANUMA, Allyse B.
- 11) TAN, Si Min Bena
- 12) TORRES, Angelo R.

New Business:

A. Legislative Delegation for the 2021 Legislative Session

After discussion, it was moved by Chairperson Nishimoto, seconded by Ms. Wada, and unanimously carried to designate Dr. Lee Loy and Vice-Chairperson Jordan as the legislative delegation for the 2021 Legislative Session.

B. Permitted Interaction Group to Discuss Veterinary Telemedicine

Discussion ensued on the creation of a Permitted Interaction Group ("PIG") to address telemedicine for Veterinarians in the state.

Chairperson Nishimoto inquired on how to create a ("PIG").

Executive Officer Fukunaga referenced HRS section 92-2.5(b)(1)(A), which states:

*(b) Two or more members of a board, but less than the number of members which would constitute a quorum for the board, may be assigned to:*

*(1) Investigate a matter relating to the official business of their board; provided that:*

*(A) The scope of the investigation and the scope of each member's authority are defined at a meeting of the board;*

Executive Officer Fukunaga stated that the scope of the investigation and the scope of each member's

authority must be defined so that the ("PIG") may conduct its investigation.

Chairperson Nishimoto stated that the scope of the PIG would be regarding the veterinary practice of telemedicine in Hawaii and whether the current Hawaii Administrative Rules need to be revised.

DAG Wong suggested that the PIG could explore the practice of telemedicine by gathering research from other states Boards of Veterinary Medicine or even look at the Medical profession. DAG Wong inquired if the goal was to propose a bill.

Chairperson Nishimoto clarified that the eventual goal of the PIG would be to propose a bill. Chairperson Nishimoto stated that the scope of the proposed PIG would be the following:

- (1) Discuss telemedicine practice within the state of Hawaii;
- (2) Gather information from other states regarding how they define, use, and regulate telemedicine;
- (3) Discuss how the state of Hawaii can utilize and benefit the gathered information
- (4) Propose a bill

After discussion, it was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan, and unanimously carried to approve the creation of the PIG whose purpose is to review gathered information on veterinary telemedicine and discuss if amendments are needed to the Veterinary Statute, HRS 471.

Executive Officer Fukunaga inquired if specific Board members needed to be elected to the PIG. DAG Wong answered in the affirmative.

Chairperson Nishimoto stated that he would like to volunteer to participate in the PIG.

Dr. Lee Loy inquired if only Board members were eligible to be part of the PIG. Executive Officer Fukunaga answered in the affirmative.

Dr. Lee Loy further inquired if there was a deadline date on when the PIG would need to present their findings.

DAG Wong stated that PIG's do not have a term date, however, if the goal is to propose a bill for the upcoming 2021 legislative session, the deadline date has already passed. DAG Wong suggested that the PIG should aim for the 2022 legislative session to introduce a bill and advised that the review process of administrative proposals usually commences in August or September.

Chairperson Nishimoto stated that June 1, 2021 would be the tentative date for the PIG to present their findings.

After discussion, it was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan and unanimously carried to approve the tentative date of June 1, 2021 for the PIG to present their findings.

C. Inquiry from Chair Nishimoto dated October 1, 2020 regarding the Program for the Assessment of Veterinary Education Equivalence ("PAVE")

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony at this time.

Dr. Yoshicedo appeared on behalf of the Hawaii Veterinary Medical Association ("HVMA"). Dr. Yoshicedo stated that the HVMA supports accepting PAVE Certification in Hawaii. Dr. Yoshicedo indicated that the HVMA would be willing to introduce a bill to amend the statute to allow the acceptance of PAVE certification through a legislator. Dr. Yoshicedo also inquired whether the Board would be willing to grant an

interim acceptance of PAVE Certification while applicants await the amendment to the veterinary statute.

DAG Wong referenced HRS section 471-8(a)(2), which states:

*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 Hawaii Board of Veterinary Medicine. Before any applicant shall be eligible for examination under this chapter the applicant, at least sixty days before 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:*

- (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.*

DAG Wong stated that she would prefer to have HRS section 471-8 amended to reflect the acceptance of PAVE Certification. DAG Wong queried if the Board had a position on PAVE.

Dr. Lee Loy replied that the Board has discussed PAVE in the past and the Board had indicated interest in accepting PAVE.

DAG Wong inquired at which meeting this discussion occurred.

Executive Officer Fukunaga stated that at the July 17, 2019 meeting, the Board had fielded inquiries about

whether legislation should be introduced to amend the statute to allow the acceptance of the PAVE Certification. Executive Officer Fukunaga further clarified that the Board did not take a position on this matter.

Dr. Lee Loy inquired whether the Board could make a decision to accept the PAVE Certification in lieu of proposing bill to amend the statute.

DAG Wong questioned whether the Board was in general consensus to support the acceptance of the PAVE Certification. Chairperson Nishimoto, Vice-Chairperson Jordan, Dr. Lee Loy, Dr. Matchett, and Ms. Wada indicated that they were in support of accepting the PAVE Certification.

DAG Wong stated that pre-COVID, past practice would have allowed the acceptance of something that is more generous or advantageous to applicants while the Board is in the process of changing their laws and rules. DAG Wong stated that the next legislative session would be focused on COVID-19 related measures and that a statute amendment would most likely not have priority.

Due to there being no existing bill, DAG Wong expressed concern that a proposed change would not happen until the 2022 legislative session. DAG Wong stated that for an unknown amount of time, the Board may be accepting something that is currently not recognized by law.

Dr. Yoshicedo inquired whether it would be helpful for the HVMA to introduce the bill via a legislator for the 2021 legislative session.

DAG Wong asked if the HVMA has any proposal drafted.

Dr. Yoshicedo stated that there was nothing drafted yet, but that it would be a simple amendment to Hawaii Administrative Rules ("HAR") section 16-101-6, which states:



*An applicant who is a graduate of a foreign college of veterinary medicine, other than a college of veterinary medicine accredited by the AVMA, shall submit with the application proof of having successfully completed the requirement established by the AVMA, Educational Commission for Foreign Veterinary Graduates (ECFVG).*

Dr. Yoshicedo indicated that they would simply add the PAVE Certification to this rule.

Executive Officer Kleinhans clarified that HRS section 471-8(a)(2) requires that graduates to meet standards set forth by the AVMA, and thus, allows the board to accept the ECFVG. Because the PAVE Certification is obtained through the American Association of Veterinary State Boards ("AAVSB"), the Board is unable to recognize the PAVE Certification without a legislative change.

Dr. Yoshicedo indicated that the HVMA would look into introducing a bill for the 2021 Legislative session to amend HRS section 471-8(a)(2).

- D. Email request from Dr. Lee Loy dated October 26, 2020, regarding "Wellness During the Pandemic."

**Dr. Matchett left the meeting at 3:11 p.m.**

Dr. Lee Loy stated that at 2020 AAVSB Virtual Conference, the topic of "Wellness During the Pandemic" was discussed. Dr. Lee Loy inquired if the Board is able to partner or collaborate with other Hawaii organizations that assess individuals in the healthcare industry in order to assist veterinarians.

Dr. Lee Loy recommended that the Board invite Dr. Kristopher Bjornson, Medical Director of Pu'ulu Lapa'au, The Hawaii Program for Health Care Professionals to a future meeting. Dr. Lee Loy stated that she would like for the Board to consider partnering with a program that specializes in helping health care

professionals with mental health or substance abuse issues.

Chairperson Nishimoto inquired whether Dr. Lee Loy's intent was for this partnership to apply only during the pandemic. Dr. Lee Loy clarified that she would like for this collaboration to extend beyond the pandemic.

After discussion, it was moved by Dr. Lee Loy, seconded by Chairperson Nishimoto, and unanimously carried to approve the invitation of Dr. Bjornson to a future Board meeting to discuss the services that his organization provides for struggling medical professionals.

Unfinished Business:

- A. Email request from Dr. Lee Loy dated August 18, 2020, regarding establishing a position on Veterinary-Client-Patient-Relationships (VCPR)

Dr. Lee Loy indicated that this item was previously addressed in the previous topic regarding telemedicine. It was decided that no further discussion was needed.

- B. Email Inquiry from Dr. Lee Loy dated August 18, 2020 regarding whether any comments need to be made on the subject of cannabis.

Dr. Lee Loy stated that she would like to explore how the Board can assist in giving veterinarians the ability to discuss cannabis with their patients without having any negative consequences to their license (i.e. cannabis in the exam room without having any negative effects to license).

By consensus, the Board delegated Executive Officer Fukunaga to research whether veterinarians are legally able to discuss the subject of cannabis in the exam room.

- C. Embryo Transfer in Cattle by Non-Veterinarians

Board members reviewed an email response dated October 1, 2020 from Dr. Jenee S. Odani, regarding

the Board's previous request for more detailed information regarding the procedures being performed and whether a licensed veterinarian would be supervising the procedure.

Chairperson Nishimoto stated that although he does not have any issues regarding a non-veterinarian performing the procedure, but felt that a veterinarian should still be involved if prescription drugs are being used. Chairperson Nishimoto stated that only a veterinarian would be able to establish a VCPR and not a technician and thus, the procedure should involve a veterinarian.

Vice-Chairperson Jordan stated that he was unsure if the Board's previous request for additional information was answered. The email response indicated that the certified animal scientist will work with a licensed veterinarian if prescription drugs are being used. It was still not clear from the email response, whether a veterinarian would be on-site to supervise the procedure.

By consensus, the Board delegated Executive Officer Fukunaga to request from the respondent, clarification of whether a veterinarian will be on-site to supervise the procedure before they respond with an official opinion on this topic.

Executive Officer's  
Report:

A. Clarification on Hawaii Revised Statutes ("HRS")  
section 471-2(5) sponsorship exemption of out-of-  
state veterinarians

Executive Officer Fukunaga referenced HRS section 471-2(5), 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:*

- (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.*

Executive Officer Fukunaga explained that the Board's former interpretation of this section, which allowed out-of-state veterinarians to provide relief coverage under a licensed Hawaii veterinarian's sponsorship, was incorrect.

DAG Wong stated that HRS section 471-2(5) was written with the intent to allow for out-of-state specialists to practice under the sponsorship of a veterinarian licensed; not for the purpose of relief veterinarians.

Chairperson Nishimoto inquired whether there was a term limit for the sponsorship.

DAG Wong stated that the statute does not specify a finite date or specified duration.

By consensus, the Board agreed that relief veterinarians are not covered under HRS section 471-2(5) and that the purpose of this section is to allow for the exemption of out-of-state specialists to practice under the sponsorship of a licensed Hawaii veterinarian.

Hawaii Board of Veterinary Medicine  
Minutes of the November 9, 2020 Meeting  
Page 13

Next Board Meeting: Wednesday, January 27, 2021  
10:00 a.m.  
Virtual Videoconference Meeting

Adjournment: There being no further discussion, the meeting adjourned at  
3:45 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Chelsea Fukunaga

/s/ Leanne Abe

---

Chelsea Fukunaga  
Executive Officer

---

Leanne Abe  
Secretary

CF:la

12/01/20

☐ Minutes approved as is.

☒ Minutes approved with changes. See minutes of January 27, 2021 meeting.