

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

MINUTES

Date: Wednesday, January 27, 2021

Time: 2:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/94975245354>

Present: Craig Nishimoto, D.V.M., Chairperson  
Robert Jordan, D.V.M., Vice-Chairperson  
Leianne K. Lee Loy, D.V.M., Member  
Alicia Maluafiti, Member  
Aileen Wada, Member  
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)  
Candace Ito, Supervising Executive Officer, PVL, DCCA  
Chelsea Fukunaga, Executive Officer  
Alan Taniguchi, Executive Officer  
Leanne Abe, Secretary  
Rochelle Araki, Secretary

Excused: Clayton Matchett, D.V.M., Member

Guests: Inga Gibson, President & Policy Director,  
Pono Advocacy  
Hoala Davis, Executive Director, Molokai  
Humane Society  
Kasey Carter, D.V.M., Chief Veterinarian,  
Hawaiian Humane Society  
Dave Hunt, D.V.M.  
Steph Kendrick, Public Policy Advocate,  
Hawaiian Humane Society  
Scott Harada  
Kathy Goeggel, President & Founder, Animal  
Rights Hawaii

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 2:05 p.m. by Chairperson Nishimoto.

Chairperson Nishimoto proceeded with roll call. All Board members were present, with the exception of Ms. Maluafiti and Dr. Matchett.

Approval of the  
Minutes of the  
November 9, 2020  
Board Meeting:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

DAG Wong requested for amendments on:

Page 5, second to the last paragraph:

“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 **laws governing** Veterinary [Statute] Medicine, HRS **Chapter** 471.”

Page 5, last paragraph

“Executive Officer Fukunaga inquired if specific Board members needed to be [~~elected~~] **designated** to the PIG. DAG Wong answered in affirmative.”

Page 8, paragraph 4

“DAG Wong stated that the next legislative session would be focused on COVID-19 related measures and that a statute amendment **regarding non-COVID or budget matters** would most likely not [~~have~~] **be a** priority.”

“~~[DAG Wong stated that for an unknown amount of time,]~~ **Absent a statutory amendment**, the Board [~~may~~] **would** be accepting something that is currently not recognized by law.”

Page 12, paragraph 2

“Executive Officer Fukunaga explained that [~~the Board’s former interpretation of~~] this section [~~, which allowed~~] **was apparently misunderstood to allow** out-of-state veterinarians to provide relief coverage under a licensed Hawaii veterinarian’s sponsorship [~~, was incorrect~~].

After discussion, it was moved by Ms. Wada, seconded by Vice-Chairperson Jordan, and unanimously carried to approve the minutes of the November 9, 2020 meeting, with the aforementioned revisions (with new material underscored in bold and repealed material bracketed and stricken through).

Executive Officer’s Report:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. American Association of Veterinary State Boards (“AAVSB”)

1) Call for Nominations

Executive Officer Fukunaga stated that the Nominating Committee of the AAVSB announced they are accepting nominations for the 2021-2022 leadership year. The nominations are due by June 3, 2021. She stated that Board members can submit nominations to her, which she will then submit on the Board’s behalf.

2) Board Basics & Beyond Interactive Regulatory Board Training

Executive Officer Fukunaga informed the Board that this year’s AAVSB Board Basics & Beyond Interactive Regulatory Board Training will be held virtually in Spring 2021. She asked Board members to let her know if anyone would be interested in attending.

3) 2021 Annual Meeting & Conference

Executive Officer Fukunaga informed the Board that the 2021 Annual Meeting & Conference will be held in Denver, Colorado, from September 29 – October 2.

Two delegates from the Board are eligible to have the conference registration and reasonable travel expenses covered by the AAVSB. She asked Board members to let her know if anyone is interested in attending.

Examinations:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. Results of the State Veterinary Licensing Examination Administered on January 17, 2020:

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

Results of the State Veterinary Licensing Examination Administered on February 21, 2020:

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

Results of the State Veterinary Licensing Examination Administered on June 19, 2020:

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

Results of the State Veterinary Licensing Examination Administered on July 17, 2020:

Candidates Eligible:	3
Exams Administered:	3
Successful:	3
Failed:	0

No Shows: 0

Results of the State Veterinary Licensing Examination  
Administered on August 20, 2020:

Candidates Eligible: 7  
Exams Administered: 7  
Successful: 6  
Failed: 1  
No Shows: 0

Results of the State Veterinary Licensing Examination  
Administered on September 18, 2020:

Candidates Eligible: 7  
Exams Administered: 4  
Successful: 4  
Failed: 0  
No Shows: 3

Results of the State Veterinary Licensing Examination  
Administered on October 16, 2020:

Candidates Eligible: 6  
Exams Administered: 0  
Successful: 0  
Failed: 0  
No Shows: 6

Results of the State Veterinary Licensing Examination  
Administered on November 20, 2020:

Candidates Eligible: 5  
Exams Administered: 3  
Successful: 1  
Failed: 2  
No Shows: 2

Results of the State Veterinary Licensing Examination  
Administered on December 18, 2020:

Candidates Eligible: 1  
Exams Administered: 1  
Successful: 1

Failed: 0  
No Shows: 0

**Ms. Maluafiti entered the meeting.**

New Business:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. DCCA – PVL Exam Branch

1) January 11, 2021 Letter – Examination Candidate Review

The Board was provided with a copy of a letter from an examination candidate who challenged two questions from the State written exam.

After discussion, it was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan, and unanimously carried to accept the answer of Question #18 and deny the answer of Question #30 queried by the examination candidate from the State written exam.

Correspondence:

A. Email from Inga Gibson dated January 15, 2021, regarding the Board's November 9, 2020 interpretation of Hawaii Revised Statutes ("HRS") section 471-2(5) sponsorship exemption of out-of-state veterinarians.

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item.

Chairperson Nishimoto recognized Ms. Inga Gibson, and advised her that she may provide public testimony on this agenda item.

Ms. Gibson introduced herself and stated that she was recently made aware of the sponsorship situation on Molokai regarding Dr. Dave Hunt. Ms. Gibson stated that Dr. Hunt is an out-of-state veterinarian who was planning to practice under the sponsorship of a Hawaii state licensed veterinarian, Dr. Kimy Ross, at the Molokai Humane Society. Ms. Gibson stated that this sponsorship arrangement has

been a very common practice across the state for many years. Ms. Gibson indicated that non-profit organizations across the state rely on the exemption in HRS section 471-2(5) to bring in out-of-state veterinarians to assist with the treatment and care of shelter animals.

Ms. Gibson expressed her surprise that the Board had voted that relief veterinarians are not covered under this exemption, stating that the Board needed to go through the proper channels of either the legislative or rule making process to add new conditions or terms. Ms. Gibson related that these types of decisions cannot be made in one Board meeting without public involvement, cautioning that the Board's decision would have far-reaching negative implications on the animal welfare community.

Ms. Gibson requested that the Board reconsider their November 9, 2020 clarification of HRS Section 471-2(5). Ms. Gibson expressed her concern over the Board's reference to two terms, "specialist" and "relief" that were not present in statute or administrative rules. Ms. Gibson suggested that further dialogue and discussion were needed to have either term added to the statute or administrative rule.

Chairperson Nishimoto recognized Stephanie Kendrick and advised her that she may provide oral testimony on this agenda item.

Ms. Kendrick introduced herself as the Public Policy Advocate for the Hawaii Humane Society ("HHS") and was representing the CEO of the HHS, Anna Neubauer. Ms. Kendrick stated that the HHS routinely employs mainland veterinarians and are the only open admission shelter on the island of Oahu, caring for thousands of animals per year. The HHS relies on mainland veterinary support to address staffing issues that are exacerbated by animal cruelty cases and natural disasters. Ms. Kendrick urged the Board to reconsider its November 9, 2020 vote, adding that this clarification will have a profound impact on not only the HHS's operations, but on all other animal welfare non-profits in Hawaii.

Dr. Jordan inquired as to how many out-of-state veterinarians were brought in by the HHS on a regular basis. Dr. Jordan

also queried as to why none of these veterinarians have ever applied for a temporary permit, like most veterinarians applying for licensure do.

Ms. Kendrick stated that she would be able to provide a better response after some research. She stated that many of the veterinarians who are brought in through the sponsorship process, often do pursue licensure. For example, the current Chief Veterinarian of the HHS was initially brought in as a relief veterinarian for an animal cruelty case.

Dr. Nishimoto recognized Dr. Casey Carter and advised him that he may provide oral testimony on this agenda item.

Dr. Carter introduced himself as the Chief Veterinarian at the HHS. Dr. Carter stated that he himself was brought in by the HHS as a relief veterinarian for an animal cruelty case in which 350 dogs had been seized overnight. The previous CEO at the time, Pam Burns, had contacted the shelter where Dr. Carter worked in Denver to request help. A total of six out-of-state veterinarians have been brought in for two-week increments to perform high volume spay/neuter work.

Dr. Carter explained that although the HHS does try to utilize on-island veterinarians first, the HHS will look to out-of-state veterinarians for additional assistance as needed. Dr. Carter stated that it has been difficult to find veterinarians who are able to actually perform the job, which includes 50-plus surgeries per day. Dr. Carter requested that the Board look at the language of HRS section 471-2(5) and perhaps consider adding language that includes, "animal welfare", "humane society", and "high-quality, high-volume spay and neuter".

Dr. Lee Loy inquired as to the job duties of out-of-state veterinarians who are being sponsored. Dr. Carter replied that the sponsored veterinarians are scheduled for either a surgery shift or a medicine shift for the day. The surgery shift consists mainly of spay or neuter procedures but may also include dental extractions, with a recent shift towards mass removals, eye surgeries for "cherry eyes", soft-tissue procedures, and amputations. The surgery shift may also include responsibilities in the public spay/neuter clinic or the



Community Spay/Neuter Center, which cares for public animals, owned animals, and free-roaming cats. The medicine shift involves treating all of the shelter animals for all the conditions that are present. This may include anything from ringworm to upper respiratory infections. The HHS sees more than 15,000 animals annually.

Dr. Lee Loy inquired whether the out-of-state veterinarians who are being sponsored are handling any controlled drugs. Dr. Carter stated that the sponsored veterinarians are not handling the controlled drugs directly. Dr. Carter explained that either the technicians or veterinary service assistants handle the controlled substances. The technicians and veterinary service assistants are a mixture of certified and non-certified technicians who are authorized by Dr. Carter to handle controlled substances under his Drug Enforcement Administration (“DEA”) license. Dr. Carter stated that in cases where an animal had a major surgery, a sponsored out-of-state veterinarian may prescribe a drug in the shelter for that animal, if the animal were to experience pain as a result of the procedure.

Dr. Lee Loy inquired whether the out-of-state sponsored veterinarians had any interactions with the public. Dr. Carter replied that the sponsored veterinarians have little to no interaction with the public. Dr. Carter indicated that there was a period of time where the sponsored veterinarians would handle the public spay/neuter clinic, but that 99 percent of the interactions with the public were handled by the Spay/Neuter Clinic Coordinator or volunteers.

Dr. Nishimoto inquired whether the out-of-state veterinarians were practicing under direct or indirect supervision. Dr. Carter stated that for the five days he works a week, the sponsored veterinarian would be under direct supervision. Dr. Carter clarified that even though he may not be in the facility, the sponsored veterinarian would be under the direct supervision of one of the other veterinarians on staff.

Dr. Nishimoto inquired as to whether there were any certifications that would enable a veterinarian to specialize in high quality/high volume spay/neutering. Dr. Carter replied that high volume, high quality spay/neutering does not require any type of specialized training. Dr. Carter stated that shelter

medicine certification exists, but it is very rare to have. Most shelter veterinarians gain their spay/neuter experience through on-the-job training.

Dr. Nishimoto inquired whether the HHS conducted any criminal background checks or verified whether the visiting veterinarian had any encumbrances on their licenses in other states. Dr. Carter replied that they do have the out-of-state veterinarians sign a contract, but that they do not conduct any background checks. He admitted that this was something that they should do that in the future.

Dr. Nishimoto recognized Ho'ala Davis and advised her that she may provide oral testimony on this agenda item.

Ms. Davis introduced herself as the Executive Director at the Molokai Humane Society. Ms. Davis stated that the Molokai Humane Society is the sole source of veterinary care on the island of Molokai. Ms. Davis explained that the island is severely limited with resources pertaining to veterinary care. Ms. Davis stated that they rely on outside veterinarians frequently and have used the sponsorship exemption to bring in multiple veterinarians for high volume spay and neuter clinics.

Ms. Davis stated that several of the veterinarians who have been brought in through the sponsorship process have later sought licensure. One of the sponsored veterinarians is their current veterinarian, Dr. Kimy Ross. Ms. Davis explained that the long process of licensure makes it difficult for veterinarians to get licensed. Ms. Davis expressed her concern about the future repercussions for staffing. The primary concern for her organization is to stop the overpopulation of animals on Molokai by providing low-cost and frequent spay and neuter surgeries. The COVID-19 pandemic has further exacerbated this problem when it forced the closure of the spay and neuter facility. Ms. Davis requested that the Board redefine what constitutes a "specialist" and add a clause for non-profits, humane societies, and shelters. Ms. Davis added that many shelters do not have the luxury of obtaining specialists and must make-do with veterinarians who are willing and available.

Dr. Jordan inquired as to why Dr. Hunt did not attempt to obtain licensure or a temporary permit, if he was on the island for several months. Was he not aware that this was an option? Ms. Davis replied that Dr. Hunt's intention was not just to work. He had offered to come in once a week to assist with spay and neuter surgeries. Dr. Hunt had indicated that he was unsure of whether he wanted to move to Hawaii and was gauging whether Hawaii was a good match.

Dr. Jordan stated that he was concerned that the Dr. Hunt had indicated in his correspondence with the Board that he might perform duties other than what was needed by the Molokai Humane Society. Dr. Jordan inquired whether it was possible to limit Dr. Hunt to just performing spay and neuter procedures and shelter work. Ms. Davis replied that he could be limited to just spay and neuter surgeries. She clarified that Dr. Hunt had meant that if an emergency came up, and his assistance was needed, he would not refuse. Ms. Davis reiterated that the difficulty of securing services and resources often impacts animal owners on the island, precluding many from obtaining further care for their animals.

Dr. Nishimoto recognized Dr. David Hunt and advised him that he may provide oral testimony on this agenda item.

Dr. Hunt introduced himself as a practicing veterinarian for over 30 years. Dr. Hunt indicated that he had served on the Alaska Board of Veterinary Examiners for eight years. Dr. Hunt stated that he read the statutes and knows about statutes. He stated that HRS section 471-2(5) does not state anything about "specialists" or "relief vets". Dr. Hunt stated the he would like to recite the statute so that the Board understands what it says. Dr. Hunt recited,

*"Any person licensed to practice veterinary medicine in any state, or any certified scientist or profession 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, appoint a place to meet, or receive calls within the limits of the state,"*

Dr. Hunt stated that he received a response stating in bold print that “shall not open an office, appoint a place to meet, or receive calls within the limits of the state” as reason his sponsorship exemption request was denied. Dr. Hunt stated that the Board needs to go through the legislature to get this language changed.

Dr. Hunt addressed Dr. Jordan’s previous question as to why he didn’t attempt to obtain a temporary permit. Dr. Hunt stated that Alaska offers a temporary permit, but Hawaii does not. Dr. Hunt stated that he would have obtained a temporary permit if it was offered. He went on to explain that he hired relief veterinarians in Alaska for 26 years. The temporary permit in Alaska has a cost of \$150.00. Dr. Hunt stated that because Hawaii does not offer a temporary permit, the only way to become a relief veterinarian is through the exemption in HRS section 471-2(5).

Dr. Hunt explained that because the licensing process takes four to five months, he wasn’t sure that he wanted to stay in Hawaii and wanted to test the waters. Dr. Hunt stated that if he decided he liked it in Hawaii, then he’d get licensed. Because he is licensed in five other states it would cost over \$2,000.00 to obtain licensure in Hawaii. He also stated that the burden of obtaining a COVID-19 test in order to sit for the exam on Oahu in addition to worrying about bringing COVID-19 back to Molokai was another reason he did not seek licensure.

Dr. Nishimoto inquired whether Dr. Hunt worked exclusively with small animals or whether it was a mix between large and small animals. Dr. Hunt replied that it was a mixture. Dr. Hunt stated that, in his opinion, the way HRS section 471-2(5) is written, it allows for relief veterinarians for both shelters and private practice.

Dr. Nishimoto recognized Asgard, and offered Asgard the opportunity to provide public testimony.

Asgard clarified that her name is Cathy Goeggel and introduced herself as the President and Founder of Animal Rights Hawaii. Ms. Goeggel indicated that she read HRS section 471-2(5) and believes that the Board changed the law, and that the Board does not have the authority to change

statutory law or administrative rule without going through the rules-making process with a public hearing or legislative action. Ms. Goeggel stated that several out-of-state veterinarians have been allowed to practice under the sponsorship exemption in the past for unspecified periods of time and this denial seems to be arbitrarily decided and not based on the law. Ms. Goeggel explained that Molokai is struggling. Ms. Goeggel closed with the following quote,

*“I will strive to promote animal health and welfare, relieve animal suffering, protect the health of the public and the environment,”*

At 3:05 p.m., it was moved by Chairperson Nishimoto, seconded by Vice-Chairperson Jordan, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses, to consider sensitive matters related to public safety or security, to deliberate or make a decision upon a matter that requires the consideration of information that must be kept confidential pursuant to a state or federal law, or a court order in accordance with HRS sections 92-5(a)(1),(6), and (8), 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 4:08 p.m., it was moved by Ms. Maluafiti, seconded by Ms. Wada, and unanimously carried for the Board to move out of Executive Session.

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

The Board reviewed 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 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;*

After careful consideration of its statutes and testimony provided by interested parties, the Board came to a consensus to affirm its November 9, 2020 clarification 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."

Dr. Nishimoto stated that even if an out-of-state veterinarian does not open their own office or personally schedules appointments, the Board believes that an out-of-state veterinarian who meets with and/or treats patients or receives calls while they are within the limits of the State, they will not be in compliance with HRS section 471-2(5).

Dr. Jordan stated that the Board and the Attorney General's Office was unaware that this misunderstanding of HRS section 471-2(5) was occurring prior to the November 9, 2020 meeting. Having been brought to the Board's attention, the Board cannot ignore the continued misapplication of this statute. The Board plainly reads the statute as, "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.” The Board feels that the Legislature was clear in its intent and language when this exemption was written.

Ms. Maluafiti stated that, while the Board and the Attorney General’s Office may be sympathetic to the concerns raised by the non-profit and animal sheltering community, the resolution of this matter required further discussion and should not be rushed. Ms. Maluafiti suggested the possibility of establishing a Committee to work with all interested stakeholders towards a solution.

Unfinished Business:

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

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

Executive Officer Fukunaga stated that as a follow-up to the discussion at the previous meeting, she provided Board members with information from the Food and Drug Association (“FDA”), the Department of Health, Food and Drug Branch, and the American Veterinary Medical Association (“AVMA”) regarding the subject of cannabis. To date, the FDA has approved one cannabis-derived product and three cannabis-related drug products. Executive Officer Fukunaga also stated that currently, Hawaii law prohibits adding any cannabis-derived substances to food, beverages or cosmetics for manufacture, distribution, or sale. She stated that there are currently no statutes in place that would address the subject of cannabis-use for animals.

By consensus, the Board delegated Executive Officer Fukunaga to research how veterinarians are legally able to [discuss the subject of cannabis in the exam room] use cannabis for animals? in other states, specifically California.

B. Embryo Transfer in Cattle by Non-Veterinarians

Chairperson Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Executive Officer Fukunaga stated that she confirmed with Dr. Odani that there would not be a veterinarian on-site to supervise the non-surgical embryo transfer.

After discussion, it was moved by Dr. Lee Loy, seconded by Chairperson Nishimoto, and unanimously carried to allow non-veterinarians who are certified by an accepted program to perform non-surgical embryo transfer in cattle, but any procedures involving prescription drugs, or anything else that involves veterinary medicine needs to have an established Veterinary-Client-Patient-Relationship and be under the direction or supervision of a veterinarian.

Next Board Meeting: Wednesday, April 14, 2021  
10:00 a.m.  
Virtual Videoconference Meeting

Adjournment: There being no further discussion, the meeting adjourned at 4:32 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Chelsea Fukunaga

/s/ Leanne Abe

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Chelsea Fukunaga  
Executive Officer

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Leanne Abe  
Secretary

CF:la

2/25/21

[ X ] Minutes approved as is.

[ ] Minutes approved with changes. See minutes of.