

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

MINUTES

Date: May 27, 2021

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/99681489064>

Present: Craig Nishimoto, D.V.M., Chairperson  
Leianne K. Lee Loy, D.V.M., Member  
Aileen Wada, Member  
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)  
Ahlani K. Quiogue, Licensing Administrator, PVL, DCCA  
Candace Ito, Acting Supervising Executive Officer,  
PVL, DCCA  
Chelsea Fukunaga, Executive Officer  
Kerrie Shahan, Executive Officer  
Leanne Abe, Secretary  
Christine Dela Cruz, Office Assistant  
Stephanie Karger, Officer Assistant

Excused: Clayton Matchett, D.V.M., Member  
Robert Jordan, D.V.M., Vice-Chairperson

Guests: Chi-ya Chen  
David Gans  
Erika Sox Burns, Associate Medical Director and Co-  
Founder, Veterinary Emergency + Referral Center of  
Hawaii  
Inga Gibson, President and Policy Director, Pono Advocacy  
Jenee Odani  
Jill Yoshicedo, Executive Vice-President, Hawaii Veterinary  
Medical Association  
Ruth Parkin  
Shawna Darrin, Director, Veterinary Emergency + Referral  
Center of Hawaii  
Steph Kendrick, Public Policy Advocate, Hawaiian Humane  
Society

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: The meeting was called to order at 10:13 a.m. by Chair Nishimoto.

Chair Nishimoto proceeded with roll call. All Board members were present, with the exception of Dr. Matchett and Vice-Chair Jordan. There being no quorum, the Board was not able to deliberate or vote on any matters.

Out-of-State Veterinarians: Chair Nishimoto asked if any members of the public would like to provide oral testimony on this agenda item.

1. Receipt of testimony/discussion of correspondence regarding Specialty Vets from:
  - A. Erika Sox dated 2/26/2021, 5/6/2021, and 5/10/2021
  - B. Angela Armenta dated 4/30/2021
  - C. Wendy Suka dated 5/7/2021

Chair Nishimoto recognized Dr. Sox Burns and advised her that she may provide public testimony on this agenda item.

Dr. Sox Burns introduced herself as the Associate Medical Director and Co-Founder of Veterinary Emergency + Referral Center of Hawaii. She stated that she is one of the first veterinary specialists on island and believes she has been an integral part of bringing specialty medicine to Hawaii. She is speaking on behalf of Veterinary Emergency + Referral Center of Hawaii and others who are affected by the change in the ability to sponsor specialist veterinarians to allow in-person practice in Hawaii and what it has done to the services that are provided on the islands. Hawaii is a very isolated community and many veterinarians cannot provide the services that Veterinary Emergency + Referral Center of Hawaii offers. The sponsorship clause was previously used to allow vets licensed in other states to temporarily fill in for Hawaii-licensed veterinarians when on leave. This avoided lapses in care and elevated the level of care in Hawaii. In her

opinion, the individuals who worked on the sponsorship clause in 1987 and the intent of the Committee Report was clear on allowing specialists to practice in the state of Hawaii.

Dr. Sox Burns stated that Dr. Chen is an out-of-state veterinary specialist who was brought here with the intent of being under a sponsorship. Dr. Chen is a foreign graduate who is qualified through the PAVE pathway. Dr. Sox Burns is requesting that the Board reconsider an interim plan to be able to allow the sponsorship of a specialist to help meet the needs of the clients and community until legislation is passed.

DAG Wong inquired if Dr. Chen would qualify for licensure should the PAVE pathway be accepted.

Dr. Sox Burns replied that Dr. Chen is a foreign graduate and is qualified through the PAVE pathway. She is licensed in Idaho and meets all other criteria to get licensed in 42 other states within the U.S. She applied for a Hawaii temporary permit and was denied because of the PAVE pathway qualification versus the ECFVG pathway qualification. She inquired of Dr. Lee Loy regarding AVMA's stance and if the AVMA recognizes the PAVE pathway.

Dr. Lee Loy replied that to date, the AVMA accepts the ECFVG pathway and the AAVSB accepts the PAVE pathway.

Dr. Sox Burns expressed her impression that obtaining a temporary license was difficult and lengthy regarding the processing time of an application by DCCA.

Contrary to Dr. Sox Burns' impression, Ms. Shahan reported that out of 22 temporary permit applications DCCA recently received, 13 temporary permits have been issued, and of the remaining 9 (5 are in initial review, 2 are in deficiency status, 1 does not meet the current criteria, and 1 applicant been approved for examination but has not scheduled an examination). The average number of days from receipt of a temporary permit application to issuance of a temporary permit is 18.7 days. Generally, it is a 15-20 business day timeline for DCCA to process applications.

Chair Nishimoto recognized Ms. Kendrik and advised her that she may provide public testimony on this agenda item.

Ms. Kendrik introduced herself as a Public Policy Advocate at Hawaiian Humane Society. She stated that HRS section 471-2(5) has been around for over 34 years to enable Hawaiian Humane Society to bring out-of-state veterinarians into Hawaii to practice temporarily under the supervision of a Hawaii licensed veterinarian. She stated that this is essential for animal welfare groups since Hawaii has a shortage of shelter medicine specialists, a shortage of spay and neuter specialists, and not enough local veterinarians to help with large scale animal rescues. She asked the Board to please hold off on enforcing this new ideology until there is a reasonable system for bringing out-of-state veterinarians into Hawaii under temporary sponsorship.

Dr. Lee Loy stated that the Board's duty is consumer protection. She inquired what the Hawaiian Humane Society is doing in terms of making sure that out-of-state sponsored veterinarians are well qualified.

Ms. Kendrik replied that Hawaiian Humane Society has an extensive screening process before out-of-state veterinarians are brought into Hawaii to make sure they are licensed in another state, in good standing, and well qualified.

Chair Nishimoto recognized Dr. Yoshicedo and advised her that she may provide public testimony on this agenda item.

Dr. Yoshicedo introduced herself as the Executive Vice-President of the Hawaii Veterinary Medical Association. She stated that she has submitted multiple testimonies and letters regarding HRS section 471-2(5) in regard to sponsorship of specialist veterinarians in Hawaii. She stated that the original purpose of HRS section 471-2(5) specifically indicates that the sponsorship relationship allows "*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.*" She stated that the response she received from the Board and DCCA was that this exemption only allows out-of-state licensed veterinarians to consult but not practice in-person in Hawaii, and give their opinions to licensed veterinarians in Hawaii. DCCA informed her that the person licensed from another

state shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State". In her opinion, the out-of-state licensed vet was technically not opening an office, appointing a place to meet patients, or receiving calls within Hawaii.

Dr. Yoshicedo expressed that the law states "to practice" not "to consult." Even though DCCA explained to her that the practice of veterinary medicine occurs where the patient is located, so this law allowed out-of-state licensed veterinarians to share their knowledge and expertise with Hawaii-licensed veterinarians treating Hawaii patients, she believed that the law also allowed a specialist to come into Hawaii in person at the sponsoring clinic and work with the sponsoring Hawaii veterinarian on patients together.

Ms. Shahan commented that the Board will discuss the formation of a Permitted Interaction Group, but asked the following questions:

- 1) Will the group be proposing an amendment to HRS section 471-2(5) or creating a new section?
- 2) Will the group be addressing relief veterinarians, specialist veterinarians, or both?
- 3) Will the group be suggesting a new type of license for these veterinarians – temporary or permanent? What would the qualifications and requirements of those new licenses include? Will there be a background check of the applicant including any prior disciplinary actions from other jurisdictions or whether there are any encumbrances on the license (limitation, conditions, etc.)?
- 4) If the group will be proposing an amendment to HRS section 471-2(5) to be under the sponsorship of a Hawaii veterinarian, who will be responsible for any adverse outcome? Will it be the out-of-state veterinarian or the Hawaii licensed veterinarian?
- 5) Will the permit or license be limited to a single finite period of time or will it be renewable? If it is renewable, how many times would the renewal be allowed?
- 6) Will the permit or license have a time limit? If so, what will that time limit be?
- 7) What would the level of supervision requirement, if any, be imposed on the permit holder or licensee?
- 8) Since the group will be looking at the statute, would they consider amending HRS section 471-8(2) to allow PAVE

certified veterinarians to qualify for the Hawaii state examination?

Dr. Lee Loy expressed that the Board has had in-depth conversations at prior Board meetings and is very compassionate on what is happening for the care of the animal patients in Hawaii, but they also have a duty of consumer protection. By creating the Permitted Interaction Group, it allows discussion to move forward with rule/law changes.

Chair Nishimoto recognized Dr. Chi-ya Chen and advised her that she may provide public testimony on this agenda item.

Dr. Chen introduced herself and stated that she is a board-certified small animal surgeon and licensed in Idaho state. She asked the Board to consider making an amendment to the current laws that would accept PAVE for licensed veterinarians to practice in Hawaii under locum or reconsider the interpretation of HRS section 471-2(5), for out-of-state veterinary specialists to practice in Hawaii under sponsorship.

Chair Nishimoto recognized Dr. Sox Burns and advised her that she may provide public testimony on this agenda item.

Dr. Sox Burns inquired if the Board has a timeline for the Permitted Interaction Group.

Chair Nishimoto replied that the next scheduled meeting is July 14, 2021. Pending quorum, the Board would be able to create and establish the Permitted Interaction Group.

Dr. Sox Burns inquired if Dr. Chen would be able to perform an emergency surgery. She stated that Dr. Chen would be sponsored, not opening a practice, not appointing a place to meet clients, or accepting calls within the State.

DAG Wong replied that until there is a meeting with quorum, the Board would not be able to deliberate or make a decision on this matter. She also stated that the legislative history recognizes the Board's difficulty in assessing when there might be a need. The Committee Report reflects that the legislature valued out-of-state professionals offering their particular talents in Hawaii, but also appreciated the difficulty

in the administration determining when and if a shortage of expertise exists. Ultimately the legislature crafted a bill that allowed out-of-state veterinarians to practice and consult with Hawaii-licensed veterinarians in treating Hawaii patients, while also reducing unlicensed activity. The bill evolved into the statutory amendments of 1987 enacted by Act 63. All of the Committee reports have portions that support what the Board has applied and interpreted, and it did not allow unlicensed practice in the State. Without HRS section 471-2(5), a Hawaii-licensed veterinarian could not consult with a veterinarian licensed in another state who has the knowledge and expertise that would help a Hawaii-licensed veterinarian in treating a patient located in Hawaii. So, whether an out-of-state licensed veterinarian participated in a telephone conference call or reviewed medical records, this law facilitated the enhanced treatment of Hawaii patients while reducing unlicensed activity.

2. Receipt of testimony/discussion of correspondence regarding Relief Vets from:
  1. Jill Yoshicedo dated 2/16/2021
  2. Chi-Ya Chen dated 4/30/2021

Chair Nishimoto recognized Ms. Shawna Darrin and advised her that she may provide public testimony on this agenda item.

Ms. Darrin introduced herself as the Director of Veterinary Emergency + Referral Center of Hawaii. She stated that in the past, there has been discussion in previous board meeting minutes (April 18, 2012, April 16, 2014, January 28, 2015, and July 18, 2018) that permitted the sponsorship of veterinarians licensed in other states to practice without a Hawaii license. She stated that Veterinary Emergency + Referral Center of Hawaii seeks that the Board revise their interpretation of HRS section 471-2(5) to allow sponsorship of veterinarians licensed in other states to practice within their facilities to be able to provide uninterrupted veterinary care to Hawaii's animal patients.

Chair Nishimoto recognized Ms. Kendrik and advised her that she may provide public testimony on this agenda item.

Ms. Kendrik stated that the HRS section 471-2(5) has been implemented since it was passed to allow for the sponsorship of veterinarians under the supervision of a Hawaii licensed veterinarian.

Chair Nishimoto recognized Dr. Yoshicedo and advised her that she may provide public testimony on this agenda item. He inquired with her if the HVMA has taken a position regarding general practitioners doing relief work under sponsorship or obtaining a license.

Dr. Yoshicedo replied that HRS section 471-2(5) wording does not say anything specifically about "specialist", so the HVMA would be in support of it pertaining to relief veterinarians as well. She commented that telemedicine and telehealth has only been in human healthcare for 25 years and it would be unrealistic for it to be implied 34 years ago in 1987.

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

Ms. Gibson introduced herself as President and Policy Director of Pono Advocacy. She stated that she had attended a past board meeting in response to the Board's interpretation of HRS section 471-2(5) on November 2020 meeting. She emphasized the impact that the interpretation of HRS section 471-2(5) to those specifically working in the non-profit animal protection and rescue sectors and communities.

Permitted  
Interaction  
Group:

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

Chair Nishimoto stated that without a quorum, the Board cannot form a Permitted Interaction Group. This agenda item will be placed on the next scheduled July 14, 2021 meeting agenda.

Ms. Shahan stated that if the Board is able to meet earlier than July 14, 2021, the agenda will be posted to the State Calendar website, as well as the DCCA Hawaii Board of Veterinary Medicine's website. She offered to reach out to



all present parties should the Board schedule a meeting prior to July 14, 2021.

Next Meeting: Wednesday, July 14, 2021  
10:00 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment: 12:01 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kerrie Shahan

/s/ Leanne Abe

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Kerrie Shahan  
Executive Officer

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Leanne Abe  
Secretary

KS:la

6/24/21

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