

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

MINUTES

Date: October 13, 2021

Time: 9:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/94747973722>

Present: Craig Nishimoto, D.V.M., Chairperson
Leianne K. Lee Loy, D.V.M., Member
Nathaniel Lam, D.V.M., Member
Aileen Wada, Public Member
Marcella Chock, Public Member
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)
Candace Ito, Acting Supervising Executive Officer,
PVL, DCCA
Chelsea Fukunaga, Executive Officer
Kerrie Shahan, Executive Officer
Leanne Abe, Secretary
Rochelle Araki, Technical Support
Susan Reyes, Technical Support

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

Guests: Senator Chris Lee
Jenee Odani, D.V.M., Hawaii Veterinary Medical Association
Erika Sox, D.V.M., Veterinary Emergency Referral Center
Rachel Cole, American Veterinary Medical Association
Ashley Morgan, American Veterinary Medical Association

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 9:07 a.m. by Chair Nishimoto.

Chairperson Nishimoto proceeded with roll call. All Board members confirmed they were present with the exception of Dr. Matchett who was excused.

Welcome New Board Members:

Chairperson Nishimoto introduced new Board members Dr. Nathaniel Lam and Ms. Marcella Chock to the Board of Veterinary Medicine. Dr. Lam and Ms. Chock briefly introduced themselves.

Approval of the Minutes of the July 14, 2021 & May 27, 2021 Board Meeting:

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

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Wada, and unanimously carried to approve the July 14, 2021 public and executive session meeting minutes as circulated.

Chapter 91, HRS Adjudicatory Matter:

Chairperson Nishimoto called for a recess from the meeting at 9:10 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 Ed Alan H.I. Zane, D.V.M.; VET 2021-6-L

After discussion, it was moved by Dr. Lee Loy, seconded by Dr. Lam, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order relating to the Matter of the License to Practice Veterinary Medicine of Ed Alan H.I. Zane, D.V.M., VET 2021-6-L.

B. In the Matter of the License to Practice Veterinary Medicine of Richard P. Poll, D.V.M.; VET 2021-13-L

After discussion, it was moved by Dr. Lam, seconded by Dr. Lee Loy, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order relating to the Matter of the License

to Practice Veterinary Medicine of Richard P. Poll, D.V.M., VET 2021-13-L.

C. In the Matter of the License to Practice Veterinary Medicine of Nathan S. Goddard, D.V.M.; VET 2021-19-L

After discussion, it was moved by Ms. Chock, seconded by Chairperson Nishimoto, and unanimously carried to approve the Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order relating to the Matter of the License to Practice Veterinary Medicine of Nathan S. Goddard, D.V.M., VET 2021-19-L.

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 9:26 a.m. Board members and staff returned to the Zoom meeting.

Regulated Industries
Complaints Office
(RICO): Advisory
Committee Members:

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

At 9:28 a.m., it was moved by Chairperson Nishimoto, seconded by Dr. Lam, and unanimously carried via a roll call vote by Chairperson Nishimoto for the Board to enter into Executive Session 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 10:20 a.m., the Board returned to public session.

The Board reviewed the RICO Veterinary Examiners Advisory Committee List effective January 1, 2022. After due consideration of this information, it was moved by Ms.

Chock, seconded by Ms. Wada, and unanimously carried to accept the RICO Veterinary Examiners Advisory Committee list with any additional interim appointees that RICO deems necessary to aid in its investigations.

Applications:

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

A. Ratification of Issued Licenses of the October 13, 2021 agenda

After discussion, it was moved by Dr. Lee Loy, seconded by Ms. Wada, and unanimously carried to ratify the following issued licenses with the exception of applicant #5 Jan H. Langer due to not meeting the examination requirements pursuant to HAR §16-101-6 & HRS §471-8(a)(2):

- i. Protain, Holly J.
- ii. Ching, Jerrisa Kwai Fong
- iii. Basher, Kimberly A.
- iv. Sarno, Benedetta
- v. Langer, Jan H.
- vi. Wright, Bonnie D.
- vii. Lichtensteiger, Adam Michael
- viii. Lee, Kara Amber K.
- ix. Fenger, Joelle Marie
- x. Houghtaling, Zachary Aaron Charles
- xi. Edberg, Allison
- xii. Reinhardt, Elizabeth Ann
- xiii. Frazier, Adrian Vincent
- xiv. Frazier, Kyle Alexander
- xv. Cisneros, Crystal Monique
- xvi. Walters, Krysta M.
- xvii. Hester, Maya K.
- xviii. Sia, Whitney Keala
- xix. Whoriskey, Sophie T.M.
- xx. Morris, Kathleen
- xxi. Rampersad, Christopher
- xxii. Putnam, Melissa Ann

B. Ratification of Issued Licenses from the July 14, 2021 agenda, with no vote taken

After discussion, it was moved by Ms. Chock, seconded by Chairperson Nishimoto, and unanimously carried to ratify the following issued licenses:

- i. Brueker, Angelica M.L.
- ii. Song, Jennifer
- iii. Woodworth, Sarah E.
- iv. Rogers, Kelsie Kei N.
- v. Dahlman, Michael S.
- vi. Zunino, Chiara M.L.
- vii. Masutani, Kain K.M.
- viii. Roberts, Bryan K.
- ix. Antonides, Kendra N.

C. Ratification of Issued Licenses from the April 14, 2021 agenda, with no vote taken

After discussion, it was moved by Dr. Lam, seconded by Dr. Lee Loy, and unanimously carried to ratify the following issued licenses with the exception of applicant #6 Timothy A. Patterson due to not meeting the licensing requirements pursuant to HRS §436-B(10)(a)(5) & HRS §436-B(10)(a)(9):

- i. Eckstrom, Sunshine E.
- ii. Kessler, Karen
- iii. Buccowich, Jasmine S.
- iv. Maloney, Lehua R.
- v. Hight, Krista L.
- vi. Patterson, Timothy A.
- vii. Ansari, Mashid B.Z.
- viii. Cruikshank, Anthony N.
- ix. Sundman Emily A.
- x. Walker, Molly-Rae
- xi. Koyanagi Maxine H.

D. Ratification of Restoration Application from the April 14, 2021 agenda, with no vote taken

After discussion, it was moved by Chairperson Nishimoto, seconded by Dr. Lam, and unanimously carried to approve the following restoration application:

- i. Kim, Simon H.

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 July 16, 2021

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

Results of the State Veterinary Licensing Examination Administered on August 19, 2021

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

Results of the State Veterinary Licensing Examination Administered on September 17, 2021

Candidates Eligible:	9
Exams Administered:	8
Successful:	8
Failed:	0
No Shows:	1

Correspondence:

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

A. Notice of Accreditation Actions by the AVMA Council on Education Spring 2021

B. Veterinary Virtual Care Association May 11, 2021 Letter

Executive Officer Shahan reported that this agenda item was for informational purposes only. She disseminated

the documents to the Board members for review. There was no discussion.

Continuing Education
Approval Requests:

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

A. National Veterinary Accreditation Program USDA APHIS, July 9, 2021 Email

The Board reviewed and discussed Todd Carnes' email inquiry asking if the USDA APHIS, National Veterinary Accreditation Program Training Modules for Accreditation would qualify for continuing education hours.

Executive Officer Shahan cited HRS §471-1 which states:

“continuing education courses” means courses approved by the Hawaii board of veterinary medicine, the Hawaii Veterinary Medical Association, the American Association of Veterinary State Boards’ Registry, or other board-approved organizations.

After discussion, it was moved by Dr. Lee Loy, seconded by Dr. Lam, and unanimously carried to approve the USDA APHIS, National Veterinary Accreditation Program Training Modules for Accreditation as continuing education.

B. Monterey Bay Area Veterinary Medical Association, June 22, 2021 Letter

The Board reviewed and discussed Emma J. Sanchez's letter inquiry asking if the Monterey Bay Area Veterinary Medical Association courses would qualify for continuing education hours.

Executive Officer Shahan cited HRS §471-1 which states:

“continuing education courses” means courses approved by the Hawaii board of veterinary medicine, the Hawaii Veterinary Medical Association, the

*American Association of Veterinary State Boards'
Registry, or other board-approved organizations.*

After discussion, it was moved by Chairperson Nishimoto, seconded by Dr. Lam, and unanimously carried to approve the following courses offered by the Monterey Bay Area Veterinary Medical Association courses as continuing education:

1. Canine and Feline Food Hypersensitivity
2. Bowel Basics: Intestinal Disease in Dogs and Cats
3. Chronic Renal Failure More than Just Fluids
- 4 Radiographs & Gastrointestinal Disease
6. Canine Appendicular Osteosarcoma
7. Identifying Kidney Disease Earlier for Optimal Care During the Patient Visit

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. On-line Testing

Executive Officer Shahan reported that she reached out to DCCA Examination Branch regarding the cost analysis for possibility of online testing but has not heard back. She will follow up with them and provide a response at the next meeting.

B. Telehealth/Telemedicine Permitted Interaction Group (PIG)

Chairperson Nishimoto reported that the PI Group is working on telemedicine guidelines for the state of Hawaii. The PI Group has reached out to the Hawaii Veterinary Medical Association ("HVMA") and American Veterinary Medical Association ("AVMA").

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

Dr. Odani stated that the HVMA met with AVMA to discuss the proposed PI Group telehealth/telemedicine

guidelines for the state of Hawaii. The following concern was raised by the AVMA that they wanted to strike, amend, and delete:

- Definition for “informed consent”. This term is used in human medicine but does not directly translate into veterinary medicine.

Election of
Officers:

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

A. Election of Chairperson and Vice-Chairperson

The floor was opened for nomination for position of Chairperson and Vice-Chairperson for the term of November 1, 2021 to June 30, 2022.

Chairperson Nishimoto nominated Dr. Lee Loy as Chairperson. Ms. Wada nominated Chairperson Nishimoto as Vice-Chairperson. There being no further nominations, it was moved by Chairperson Nishimoto, seconded by Dr. Lam, and unanimously carried to elect Dr. Lee Loy as Chairperson and Chairperson Nishimoto as Vice-Chairperson for the term of November 1, 2021 to June 30, 2022.

Presentation by
Permitted Interaction
Group Concerning
Out-of-State
Veterinarians (HRS
Section 471-2):

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

Chairperson Nishimoto stated the PI Group is presenting their proposal to address out-of-state veterinarians wishing to practice in Hawaii. He stated that the Board will not be voting on this proposal at this meeting, but at a future meeting. He then thanked the members of the PI Group and introduced Dr. Jenee Odani to present the proposal.

Dr. Odani stated that the proposed legislation would add several definitions to HRS §471-1 and would also expand and amend exemptions in HRS §471-2. She stated that a definition was added for consultation:

“Consultation” means deliberation between two or more licensed veterinarians or a licensed veterinarian and any certified scientist or professional in animal care, concerning the diagnosis of an animal’s condition, the care to be provided and the proper management of the case.

She noted that the reference to “certified scientist or professional in animal care” was taken from the existing language in the exemption in HRS §471-2 (5). She further stated that the Hawaii Veterinary Medical Association (“HVMA”) suggested that the proposed legislation should use the definition provided by the American Veterinary Medical Association (“AVMA”), which uses the following definition that is also being considered for use in the Veterinary Telemedicine legislation being drafted by the Board’s Telemedicine PI Group.

“Consultation” means a licensed veterinarian seeks and receives advice in person, telephonically, electronically, or by any other method of communication from a veterinarian or other person whose expertise, in the opinion of the licensed veterinarian, would benefit a patient. The [Hawaii] licensed veterinarian receiving consultation maintains the VCPR.

The PI Group also defined an emergency response as follows:

“Emergency response” means the response to a natural disaster of an animal-related emergency recognized by any Hawaii-state or county agency; or a situation involving an animal rescue or cruelty case needing urgent attention.

Dr. Odani explained that this expands the definition beyond what a state or county agency might declare, includes animal cruelty/rescue cases that are of a magnitude or urgency that would require an emergency response. When asked, she stated she thought the inclusion of the animal cruelty/rescue cases was suggested by PI Group member Shawna Darrin with Veterinary Emergency Referral Center (“VERC”).

Dr. Odani stated that the proposed legislation provided the following definition of indirect supervision:

“Indirect supervision” means a Hawaii-licensed veterinarian need not be on the premises; has given either written or oral instructions for treatment of the patient; is readily available by telephone or other forms of immediate communication; and has assumed responsibility for the veterinary care given to the patient by a person working under his or her sponsorship.

She provided the definition of sponsor/sponsorship, defined in the proposed legislation as:

“Sponsor/Sponsorship” means a veterinarian holding a current Hawaii license who requests the presence and medical assistance of an out-of-state licensed veterinarian. The sponsor is responsible for determining the level of supervision required for the sponsored veterinarian, for the veterinary care given to the patient by the sponsored veterinarian, and for ensuring that he board has been notified in writing and that the sponsored veterinarian has obtained from the board the proper permit.

Dr. Odani reviewed the modification to HRS §471-2 (6), which struck existing language to remove the references to sponsorship, in order to emphasize that the exemption was for consultation purposes.

~~(6) Any person licensed to practice veterinary medicine in any state, or 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;~~

She stated that the intent of the proposed HRS §471-2(7) was to address those situations where there was an animal-related emergency that did not rise to the level of a governors’ emergency declaration.

(7) A veterinarian licensed in another state or Canadian province from practicing in Hawaii under

the sponsorship and indirect supervision of a Hawaii-licensed veterinarian as part of an emergency response. Sponsors must file notification with the board regarding the arrival of out-of-state veterinarians serving as part of an emergency response. The sponsored veterinarian may serve in an emergency capacity for no longer than 21 consecutive days.

Because the proposed legislation adds two (2) new permit categories to the exemptions, Dr. Odani explained that the word “temporary” was inserted, as needed in HRS §471-2(8) to differentiate this existing permit type, which is identified as a temporary permit in existing rules from the two (2) proposed new permits.

(8) Any applicant who meets the licensing requirements of practicing veterinary medicine under a veterinarian by temporary permit; provided the applicant applies for and takes the first examination scheduled by the board. A This temporary permit shall not be renewed;

Dr. Odani outlined the new Courtesy permit proposed in HRS §471-2(9). This permit would allow an out-of-state veterinarian to practice in Hawaii for up to 60 practice days and would be eligible for annual renewal

(9) Any person who has obtained a courtesy permit from the Hawaii board of veterinary medicine.

(A) Applicants must hold a current, unencumbered, and active license in another state or Canadian province.

(B) Applicants must be sponsored by a Hawaii-licensed veterinarian(s) and practice under the level of supervision determined by their sponsor(s).

(C) Courtesy permit holders shall not practice independently of the sponsoring veterinarians(s) within the limits of the State.

(D) Courtesy permits shall be valid for 60 practice days within the same calendar year and may be renewed annually.

Dr. Odani advised that the American Veterinary Medical Association (“AVMA”) requested that the following language be added to the subsection:

“(E) The holder of a courtesy permit shall comply with the rules and regulations promulgated by the Board and is subject to investigation and discipline by the Board”.

Dr. Odani outlined the new Relief permit proposed in HRS §471-2(10). This permit would allow an out-of-state veterinarian to practice in Hawaii for up to 30 calendar days and would be eligible for renewal once during the same calendar year. The Relief permit would be eligible for renewal not more than two consecutive years (four permits).

(10) Of Any person who has obtained a relief permit from the Hawaii board of veterinary medicine to conduct the practice of a person licensed in this State who is absent from their practice.

(A) Applicants must hold a current, unencumbered, and active license in another state or Canadian province.

(B) Applicants must be sponsored by a Hawaii-licensed veterinarian(s) who does not have to be physically present on the same island.

(C) Relief permit holders shall not practice independently of the sponsoring veterinarians(s) within the limits of the State.

(D) Relief permits shall be valid for 30 calendar days and may be renewed one within the same calendar year, however in no case shall an individual be issued more than four permits.

Dr. Odani advised that the American Veterinary Medical Association (“AVMA”) requested that the following language be added to the subsection:

“(E) The holder of a courtesy permit shall comply with the rules and regulations promulgated by the Board and is subject to investigation and discipline by the Board”.

Dr. Odani ended her presentation and Chairperson Nishimoto requested comments, questions, and testimony from the Board and public.

Dr. Lee Loy inquired if an out-of-state veterinarian has multiple sponsors, will they be able to practice for 60 days under each sponsor.

Dr. Odani replied that the intent was an out-of-state veterinarian would only be allowed one courtesy permit a year (only 60 practice days).

Executive Officer Shahan stated that while the PI Group talked about a form to list the dates worked by the out-of-state veterinarian, it did not discuss the number of sponsors under which an individual out-of-state veterinarian could have or request a courtesy permit; however, the intent was that an out-of-state veterinarian could only come in for 60 calendar days during any individual calendar year under one sponsor.

Chairperson Nishimoto stated that the PI Group did not specify if an out-of-state veterinarian could apply with multiple sponsors. The PI Group may consider this or that one sponsor would be responsible for the 60-calendar days even if the out-of-state veterinarian isn't under their practice anymore.

Executive Officer Shahan stated that department administration has suggested amending this section.

Ms. Ito stated that the division's database cannot track practice days. All licenses issued have specific start and end dates.

Dr. Lam inquired about the definition of the different permits listed.

Executive Officer Shahan replied that the current temporary permit is in the Board statutes and rules. Temporary permits may be issued to applicants for licensure who have met all the qualifications for, and are waiting to take, the Hawaii state examination. If applicants are employed by a Hawaii

licensed veterinarian and they have registered for the Hawaii state examination, they can be issued a temporary permit allowing them to practice under the supervision of a Hawaii-licensed veterinarian until the time of the results of examination are known. The permit is valid for a maximum of eleven months. The courtesy permit and relief permit are not currently in the Board's statutes or rules but would be added should the proposed legislation be passed.

Ms. Ito stated that administration has concerns about the definition of "emergency response". It is her understanding from the PI Group's discussion that the State veterinarian has certain powers to declare an emergency. The Board should verify who can declare an emergency and what powers this position has so that the definition of "emergency response" is consistent with the State veterinarian's powers and authority. She also asked who would declare a county emergency; would that be the county mayor? Dr. Odani stated that she believed the State veterinarian could declare an emergency that could be limited to a county, rather than the entire State.

Ms. Ito asked Dr. Odani to confirm that the HVMA is supporting the deletion of "certified scientist or professional in animal care" in the proposed definition of "consultation" as the administration also has concerns that it should be removed since these professionals are not licensed.

She further suggested adding the following language at the end of the definition of consultation: "provided that one is a licensed veterinarian of this State". Additionally she suggested clarifying that veterinarians must be licensed in the State in the proposed HRS §471-2(6): 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~~] licensed 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~~].

Dr. Odani affirmed that HVMA supports the deletion of "certified scientist or professional in animal care" in the

proposed definition of “consultation” and would support the above-mentioned suggestions.

Ms. Ito stated concern over the definition of “sponsor/sponsorship” and suggested separating the two definitions. She noted that the term “sponsorship” is not used in §471-2 (9) or (10).

Dr. Odani suggested that “sponsorship” could be deleted since it is defined under “sponsor”.

Ms. Ito stated that PVL has a new database as of February 2021 and the division is still working on correcting glitches in the new system. She stated that the administration would request a delayed implementation date of two years from the effective date of the bill. This will allow for the development of the new permit applications and building the new permits into the database. She also stated that the Department would need to request for appropriations from the Legislature to implement the new permitting. Fees will be assessed from licensees and permittees to cover expenditures to implement the new permit requirements including IT costs to build the permits into the database, and salary and fringe costs for staff to process the permits. Although a two-year delayed implementation would be requested, the Legislature has the authority to reduce the delayed implementation time requested.

Senator Chris Lee thanked everyone for their hard work. He stated that speed was of the essence and he is involved because of the shortage of care. He also stated that he and his colleagues are working on language as well. Additionally, he stated that there would be no delay in implementation due to the shortage of care and he is confident that he would be able to lobby for the resources and necessary staff as implementation of permitting is simple to do.

He asked, assuming the bill is passed in July 2022, what is the procedure or the process for allowing out-of-state veterinarians to come in to address the shortage of care, prior to next summer. He stated that politically it is very uncomfortable for the community and should there be issues, it can reflect poorly on the State and all of us.

Executive Officer Shahan replied that the Board is encouraging individuals to apply for licensure, as a temporary permit can be issued to individuals who have met all the qualifications for licensure and are waiting to take the Hawaii state examination. If they are employed by a Hawaii licensed veterinarian and they have registered for the Hawaii state examination, they can be issued a temporary permit allowing them to practice under supervision until the time of the results of examination are known. In 2021, the Board has issued 51 temporary permits.

Dr. Odani added that temporary permits are good for 11 months or until the results of examination are known.

Executive Officer Shahan advised that the statutes and administrative rules require applicants to sit for the next examination for which they are eligible; however, those statutes and rules date back to when the State examination was given only twice each year. Currently, the exam is given each month, so applicants are granted some leeway as to signing up for the “next exam for which they are eligible”.

Dr. Erika Sox stated that not too many concessions should be made for dermatologists as they practice in Hawaii consistently.

She also stated that she is familiar with the temporary permitting process as 49 of the 51 temporary permits are for VERC. She has been informed DCCA processing time for applications is 17 days, but there is a lag time for applicants getting letters of good standing from other state boards. She stated it takes a minimum of 6 weeks to get out-of-state veterinarians to obtain a temporary permit to practice in Hawaii. This leads to veterinarians unable to meet the needs of patients, at the time needed, and leaves them vulnerable to shortages of specialists. She asked how the time could be shortened and what options besides letters of good standing were available.

Senator Lee expressed interest in the answer to her questions.

Executive Officer Shahan replied that in the Board's statutes and rules there is no designation of a "specialist" veterinarian; one is either a licensed veterinarian or not. DCCA has no control over how long it takes letters of good standing to arrive from other states however, our licensing branch is accepting direct email license verification from other state boards in addition to hard-copy letters. The Board's statutes and rules do not allow the Board to waive the requirement for letters of good standing. The letter of good standing verifies whether an applicant has any disciplinary action against their out-of-state license(s).

Senator Lee mentioned that there was a recent reinterpretation of statute. He felt that until the proposed legislation was passed and implemented the Board should revert to its former practice and asked the Board to do so.

DAG Wong commented that the Board must follow its statutes and rules as written. This requirement has always been in place. The license verification required from other states is in the Board's administrative rules and the Board must follow the rule as it is written.

Dr. Odani related that she spoke with Dr. Ako, a former Chairperson of the Board, and his opinion was that the intent of consultation was to allow licensed veterinarians to bring in out-of-state veterinarians to practice in Hawaii under the sponsorship of a Hawaii-licensed veterinarian.

Senator Lee inquired what can be done to address this situation from now until July 2022 assuming that the proposed legislation will be approved. He asked how to ensure going forward that authority is clear.

Ms. Ito replied that 51 temporary permits have been issued so far in 2021. Provided that applicants pass the State-examination and gain licensure, this will help resolve the shortage of care issue.

Senator Lee inquired about the specialists Dr. Erika Sox brought up earlier.

Ms. Ito replied that Dr. Sox stated that 49 of the 51 temporary permits were most likely from her practice, VERC,

and that should help to resolve the shortage of care issue for the practice situation.

Dr. Sox stated that the only oncologist in Hawaii has moved out of state. She stated that VERC currently has 12-14 oncologists coming into the State on two-week rotations in order to continue offering that service. She stated that VERC has also lost one of their surgeons, and they brought in another out-of-state surgeon who is not able to practice in Hawaii due to not being able to meet the temporary permit requirements. She stated that out-of-state surgeons cannot provide services remotely by consulting with a Hawaii licensed veterinary surgeon on how to perform a procedure; the out-of-state surgeon must physically present as surgery is a hands-on practice.

Chairperson Nishimoto stated that the Board must abide by and follow the statutes and rules as they are written, and by guidance provided by the attorney general's office.

Dr. Odani stated that the temporary permit could be a viable work around if the Board is lenient on when an applicant must take the next State examination since the temporary permit is good for a maximum of 11 months.

Executive Officer Shahan added that the Board is informing individuals of the option to apply for a Hawaii license and to get a temporary permit. She reiterated that the Board has been lenient on the date the applicant signs up to take the State examination due to the original intent of statute.

Dr. Sox expressed her concern regarding the responsibility of the "sponsor" to oversee the out-of-state veterinarian specialists. She stated that the specialists have skills that she is not qualified to supervise due to their area of expertise.

Dr. Odani replied that the supervision of the sponsor is to protect the public and making sure that sponsored out-of-state veterinarian specialist is not doing anything that is harming the client/patient.

DAG Wong stated that sponsor's role is to be the licensee in the interest of consumer protection and will be responsible

for any RICO action should such a need arise. The sponsor is trusting the out-of-state veterinarian specialist and vice versa, in a mutual respect and trust relationship, that the out-of-state veterinarian specialist will do what is in the best interest of the Hawaii client/patient in this sponsorship.

Executive Officer Shahan stated that the Board will take the advisements, comments, and administrative concerns in today's meeting into consideration and allow individuals who have concerns to submit comments to the Board via email at veterinary@dcca.hawaii.gov. She asked that any comments or concerns be submitted by the end of the month (October 31, 2021). The Board plans to schedule a meeting in November to vote on the out-of-state veterinarian proposed legislation.

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. Suggested 2022 Board Meeting Dates

- i. Continue meeting quarterly (January 12, April 13, July 13, October 12)
- ii. Change to bi-monthly starting in January (January 12, March 9, May 11, July 13, September 14, November 9)
- iii. Change to bi-monthly starting in February (February 9, April 13, June 8, August 10, October 12, December 14)

After discussion, the Board agreed by consensus to hold monthly meetings on the second Friday of the month starting January 2022.

Next Meeting:

(Tentatively)
Friday, November 12, 2021
10:00 a.m.
Virtual Videoconference Meeting
Zoom Webinar

Adjournment:

12:12 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kerrie Shahan

/s/ Leanne Abe

Kerrie Shahan
Executive Officer

Leanne Abe
Secretary

KS:la

11/01/21

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