

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

MINUTES

Date: December 10, 2021

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/93578242908>

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

Excused: None.

Guests: Ashely Morgan, D.V.M., American Veterinary Medical
Association (“AVMA”)
Jenee Odani, D.V.M., Hawaii Veterinary Medical Association
 (“HVMA”)
Stephanie Kendrick, 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:

Chairperson Lee Loy proceeded with roll call. All Board members confirmed they were present. There being a quorum present, the meeting was called to order at 10:08 a.m. by Chairperson Lee Loy.

It was moved by Ms. Chock, seconded by Dr. Lam, and unanimously carried to amend the agenda as follows (with new material underscored in bold and repealed material bracketed and stricken through):

Agenda Item #3 A. "Ratification of Issued Licenses"
ii. Parkin, [~~Laura R.~~] **Ruth L.**

Approval of the
Minutes of the
October 13, 2021 &
November 12, 2021
Board Meeting:

Chairperson Lee Loy 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 Vice-Chairperson Nishimoto, seconded by Ms. Chock, and unanimously carried to approve the October 13, 2021 executive session meeting minutes and November 12, 2021 open session and executive session meeting minutes as circulated.

Chapter 91, HRS
Adjudicatory
Matter:

None.

Applications:

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

At 10:13 a.m., it was moved by Dr. Lam, seconded by Vice-Chairperson Nishimoto, and unanimously carried via a roll call vote by Chairperson Lee Loy 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 10:19 a.m., the Board returned to public session.

Applications:

Chairperson Lee Loy 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

After discussion, it was moved by Vice-Chairperson Nishimoto, seconded by Dr. Lam, and unanimously carried to ratify the following issued licenses:

- i. Fahey, Christine E.
- ii. Parkin, Ruth L.
- iii. Ortaeza, Joeleen V.
- iv. Escobar, Lorenzo G.
- v. Taketa, Tia T.
- vi. Eisenstein, Alycia B.
- vii. Morris, Sheila N.
- viii. Fuchino, Stacy
- ix. Sullivan, Catherine A.
- x. Blake, Jocelin S.Y.
- xi. Wirkkala, Andrew D.

B. Approval of Restoration Application

None.

Examinations:

Chairperson Lee Loy 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 November 19, 2021

Candidates Eligible:	8
Exams Administered:	7
Successful:	7
Failed:	0
No Shows:	1

AAVSB 2021 Annual

Chairperson Lee Loy asked if any members of the public

Conference Reports: would like to provide oral testimony on this agenda item.
There were none.

A. Ms. Aileen Wada (Public Member)

Ms. Wada shared the following highlights:

- Other state boards and commissions met on a monthly basis
- Other state boards and commissions listed candidates and published complaints while making reference to a particular violation and sat through the deliberation of the violation.

Ms. Ito stated that the Regulated Industries Complaints Office (“RICO”) is the enforcement agency that reviews concerns and complaints. The Director of Commerce and Consumer Affairs has delegated all complaint filing, investigation, and prosecution to this agency. Since the Board is the final arbiter, the Board should not be involved in the investigation or prosecution in these types of cases.

B. Chairperson Lianne Lee Loy (D.V.M. Member)

Chairperson Lee Loy reported the following highlights:

- Business Section – President elect and bylaws amendments
- Education Section – various ways that COVID-19 had an impact on the veterinary profession as well as the changes coming to the industry. Topics discussed: veterinary pharmacy laws, impacts of telehealth, etc.
- Three upcoming events/topics:
 - 1) Watchdog Legislative Tracking – started in 2021; online legislative activity for each state and catch up on topics that are affecting those states (reciprocity, mobility, telemedicine). Signup available at the AAVSB website.
 - 2) September 2022 AAVSB Annual Meeting & Conference will be held in Charlotte, North Carolina.
 - 3) April 2022 AAVSB Board Basics & Beyond Conference will be held in Kansas City, Missouri – interactive in-person session for

participants to acquire knowledge and skills necessary to excel in the regulatory role.

Correspondence:

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

A. November 17, 2021 VIN News Article: Veterinary Telemedicine Restrictions Make a Comeback

Vice-Chairperson Nishimoto reported that this agenda item was for informational purposes only. He disseminated the documents to the Board members for review. There was no discussion.

Unfinished Business:

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

A. Out-of-State Veterinarians (HRS section 471-2)

Executive Officer Shahan stated that there was some administrative clean-up that still needed to be made to the proposed bill.

DAG Wong stated that the proposed bill defines “indirect supervision”; but doesn’t define “direct supervision” although the term is used on page 5 paragraph 4 line 3. She inquired if the Board needed to define “direct supervision”.

Ms. Fukunaga confirmed that “direct supervision” is defined in the current Hawaii Administrative Rules (“HAR”) section 16-101-2.

DAG Wong stated that under the “Notify the Board” sections for both the courtesy permit relief permit the language should be changed from “the board against a licensee” to “any board against a licensee”.

DAG Wong stated that relief permittees would not be supervised under a Hawaii veterinarian. DAG Wong inquired if there would ever be instance where a Hawaii

licensed veterinarian would place restrictions on the relief permittee under his or her supervision.

Dr. Lam stated that there isn't anything in the statutes that designate what a veterinarian can or cannot do once they are licensed.

Vice-Chairperson Nishimoto stated that any restrictions between a Hawaii licensed veterinarian and relief permittee would be a conversation and agreement between the two veterinarians and does not feel this language has to be included in the proposed bill.

Executive Officer Shahan will make the necessary revisions to HRS section 471-2 and send to HVMA to present after final review by DAG Wong and DCCA administration.

Permitted Interaction
Group – Veterinary
Telemedicine
Presentation:

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

Vice-Chairperson Nishimoto stated the Permitted Interaction Group (PI Group) will present the proposed legislation, but the Board cannot vote until the following meeting.

Vice Chairperson Nishimoto read through the proposed legislation and then asked for any questions or comments.

Dr. Lam inquired if the PI Group discussed and defined the meaning of "recent" and "timely" in the definition of veterinarian-client-patient relationship.

Vice-Chairperson Nishimoto replied that the PI Group did not discuss the meaning of "recent" and "timely".

Dr. Lam expressed concern and feels that "recent" and "timely" should be defined.

Executive Officer Shahan stated that the definition for veterinarian-client-patient relationship is in the visiting veterinarian proposed legislation.

Dr. Lam inquired if the “teletriage” definition was intended for only veterinarians or if it included ancillary staff or non-veterinarians.

Ms. Ito asked if the ancillary staff is under the direct supervision of a veterinarian.

Dr. Lam replied that ancillary staff is not always under the direct supervision of a veterinarian. He stated there are services offered in other states in which “teletriage” is performed by non-veterinarians, but they specifically state they are not providing medical advice.

Ms. Ito asked if “teletriage” is not considered the practice of veterinary medicine.

Dr. Lam replied that some “teletriage” services are not considered the practice of veterinary medicine because they are not providing treatment or medical advice but are providing an assessment whether or not the patient should go to a veterinarian.

Ms. Chock asked if the PI Group could provide the intent of the “teletriage” definition.

Dr. Nishimoto stated that “teletriage” was intended for poison control and other emergency situations so that generic information could be shared in a timely manner if a veterinarian was not available.

Dr. Lam expressed concern that if no stipulations were made for “teletriage”, it may alter the practice of veterinary medicine in Hawaii.

Ms. Fukunaga commented that the teletriage definition could be further clarified to state that veterinary technicians would still be acting within their scope of practice. Ms. Fukunaga stated that similarly, nurses are not allowed to diagnose or make suggestions in teletriage situations; they are still required to go through a physician. The “teletriage” definition could be worded to include that veterinary staff would be working under the direct supervision of a licensed veterinarian.

Chairperson Lee Loy recognized Dr. Jenee Odani and advised her that she may provide oral testimony.

Dr. Odani introduced herself as a representative of HVMA. She stated the intent of “teletriage” was in conjunction with “teleadvice” and that these two services would be provided to people who were not yet clients (no veterinarian-client-patient relationship). She stated that Dr. Ashley Morgan would be able to further explain why “teletriage” and “teleadvice” are in the recommended AVMA language.

Chairperson Lee Loy recognized Dr. Ashley Morgan and advised her that she may provide oral testimony.

Dr. Morgan introduced herself as the Director of State Advocacy of AVMA. She stated the intent of “teletriage” was to address the poison control aspect and to make certain they can continue to do their work. She stated that some poison control group agents are not always veterinarians, but will need to confirm with Dr. Gail Golab, Chief Veterinary Officer of AVMA.

Ms. Chock inquired if there were certain protocols individuals are following when answering phones.

Dr. Morgan replied that it would vary by practice and practitioner, but stated that it wasn’t diagnosing, prescribing, or treating.

Dr. Morgan addressed Dr. Lam’s earlier inquiry concerning the meaning of “recent” and “timely” and stated that only four states define a timeframe in their statutes. She stated that while it is within the discretion of the Board to decide, the generally agreed standard is within twelve months.

Ms. Fukunaga asked if referring a patient would constitute a diagnosis. If this is something veterinary technicians are doing, the Board may need to look into it. She asked if this was under the scope of practice for veterinary technicians.

Dr. Morgan stated she will look into language and get back to the Board.

Ms. Ito suggested the Board take into consideration neighbor islands that are remote and have no veterinarians readily available when looking into the meaning of “timely” and “recent” under the definition of veterinarian-client-patient relationship.

Vice-Chairperson Nishimoto inquired if veterinarians were included in the latest Governor’s Emergency Proclamation concerning telemedicine.

DAG Wong stated veterinarians were not included.

There was no further discussion.

Continuing Education –
Covid-19 Pandemic:

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

Chairperson Lee Loy stated that there was discussion at the last meeting whether the Board should grant any exceptions to continuing education due to the COVID-19 pandemic for the upcoming 2022 renewal.

Ms. Wada stated that if licensees are able to obtain the required continuing education online, there is no need for the Board to grant exceptions.

Executive Officer Shahan stated that the rules and statutes don’t stipulate how many continuing education hours need to be taken in person or restrict the number of hours taken online.

Vice-Chairperson Nishimoto and Dr. Lam both affirmed that there are many opportunities for licensees to obtain the required continuing education remotely.

Chairperson Lee Loy requested that Executive Officer Shahan post an announcement on the Board’s website to remind all licensees of the continuing education requirements prior to the 2022 renewal.

The Board agreed by consensus to reaffirm its prior position of no exceptions to the continuing education requirements for the upcoming 2022 renewal.

Executive
Officer's
Report:

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

A. Two Open Board Positions (Licensed Members)

Executive Officer Shahan announced that there are two licensed Board member positions open for the outer island. She stated that if anyone is interested to please contact her at veterinary@dcca.hawaii.gov.

Vice-Chairperson Nishimoto stated that there is a need for large animal care veterinarians on the Board.

Next Meeting: Friday, January 14, 2022
10:00 a.m.
Virtual Videoconference Meeting
Zoom Webinar

Adjournment: 11:36 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

12/10/21

[X] Minutes approved as is.
[] Minutes approved with changes. See minutes of.