

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

MINUTES

Date: February 11, 2022

Time: 10:00 a.m.

Place: Virtual Videoconference Meeting - Zoom Webinar  
(use link below)  
<https://dcca-hawaii-gov.zoom.us/j/91419524423>

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

Excused: Nathaniel Lam, D.V.M., Member

Guests: None.

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 with the exception of Dr. Lam who was excused. There being a quorum present, the meeting was called to order at 10:07 a.m. by Chairperson Lee Loy.

Approval of the Minutes of the January 14, 2022 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.

Chairperson Lee Loy requested for an amendment on page 3, second paragraph:

“She stated that the AVMA recognizes the **ACZM as a** ~~[veterinary sports]~~ specialty organization ~~[of the ACZM].~~”

It was moved by Ms. Chock, seconded by Vice-Chairperson Nishimoto, and unanimously carried to approve the open session minutes of the January 14, 2022 meeting, with the aforementioned amendments (with new material underscored in bold and repealed material bracketed and stricken through) and the executive session minutes of the January 14, 2022 meeting as circulated.

Board Orientation: It was moved by Vice-Chairperson Nishimoto, seconded by Ms. Chock, and unanimously carried to defer this agenda item to another meeting.

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 10:18 a.m., it was moved by Ms. Chock, seconded by Ms. Wada, and unanimously carried via a roll call vote by Chairperson Lee Loy for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for professional or vocational licenses, or 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 sections 92-5(a)(1) and (4).

#### EXECUTIVE SESSION

At 10:46 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 Ms. Wada, seconded by Ms. Chock, and unanimously carried to ratify the following issued licenses:

- i. Williamson, Baye G.
- ii. Bennington, Julie R.
- iii. Raessler, Jana M.
- iv. Ogasawara, Naomi A.

#### B. Approval of Restoration Application

- i. None

#### C. Application Review

i. Miyagishima, Andy T.

It was moved by Vice-Chairperson Nishimoto, seconded by Ms. Chock, and unanimously carried to defer the veterinarian application for exam Andy T. Miyagishima pending submittal of verification of actively practicing for ten out of twelve years immediately preceding the date of application pursuant to HRS §471-8(a)(2).

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 January 21, 2022

Candidates Eligible:	9
Exams Administered:	8
Successful:	7
Failed:	1
No Shows:	1

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. ICVA Annual Report – Information Purposes Only

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.

Legislation:

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

A. H.B. 2319

Executive Officer Shahan reported that this bill seeks to require the department of agriculture to be responsible for all neighbor island inspector permit fees for service animals that are located in the State and are being transported for release at Kona, Kahului, or Lihue airports. This bill will be tracked.

B. S.B. 609

Executive Officer Shahan reported that this bill seeks to provide veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence. Provides veterinarians who render emergency treatment when there is no veterinarian-client-patient relationship immunity from Civil liability in the absence of gross negligence. Requires veterinarians to report events of animal injury, death, or abuse to law enforcement where there is reasonable cause to

believe that it relates to dog fighting or animal abuse and gives veterinarians immunity for civil liability for making the reports.

Executive Officer Shahan stated that S.B. 609 is a companion bill to last year's H.B. 1086 that the Board supported and was passed on June 25, 2021 under Act 91. By consensus, the Board supports S.B. 609.

C. H.B. 472 HD1

Executive Officer Shahan reported that this bill seeks to exempt telehealth-related gifts from procurement requirements. Codifies the authorization of advanced practice registered nurses to use telehealth to assist a patient, including those advanced practice registered nurses who are not licensed in the State, under certain conditions. Makes permanent certain telehealth-related exemptions for licensed health professions issued by recent gubernatorial proclamation.

Executive Officer Shahan stated that H.B. 472\_HD1 is a carryover bill from last year and the Board provided testimony and offered comments stating "Hawaii Revised Statutes section 471-10(b)(12) prohibits conduct or practice contrary to the recognized principles of medical ethics of the veterinary profession as adopted by the Hawaii Veterinary Medical Association and the American Veterinary Medical Association. The American Veterinary Medical Association states that veterinary telemedicine should be conducted only within an existing veterinarian-client-patient-relationship (VCPR), except in cases where the veterinarian gives advice in an emergency until the veterinarian can see the patient. Accordingly, this bill may be violating that guidance by making permanent a telehealth-related exemption for veterinarians, without also requiring the existence of a VCPR." Executive Officer Shahan stated that H.B. 472\_HD1 may also be in violation with federal regulations concerning feed animals, animal medicinal use, and an establishment of a valid VCPR. The Board agreed to offer the aforementioned comments on H.B. 472\_HD1.

Discussion ensued and the Board agreed to oppose language from H.B. 472\_HD1 which states:

*The board shall not revoke or suspend the license of any veterinarian or fine any veterinarian solely because the veterinarian engaged in telehealth without a previously existing veterinarian-client-patient-relationship or physical examination of the patient.*

Discussion ensued and the Board agreed that the following language does not seem to be applicable because it references section 453-1.3 which pertains to human patients and not animal patients. The Board agreed to oppose language from H.B. 472\_HD1 which states:

*"Telehealth" shall have the same meaning as in section 453-1.3.*

D. H.B. 1598

Executive Officer Shahan reported that this bill seeks to authorize the board to grant temporary courtesy and relief permits for out-of-state veterinarians. Permits licensed veterinarians to practice veterinarian telemedicine. Allows for international veterinary school graduates to qualify for the licensure examination.

E. S.B. 2798

Executive Officer Shahan reported that this bill seeks to authorize the board to grant temporary courtesy and relief permits for out-of-state veterinarians. Permits licensed veterinarians to practice veterinarian telemedicine. Allows for international veterinary school graduates to qualify for the licensure examination.

Executive Officer Shahan reported that H.B. 1598 and S.B. 2798 are companion bills.

It was moved by Vice-Chairperson Nishimoto, seconded by Ms. Chock, and unanimously carried that the Board supports the intent of H.B. 1598 and S.B. 2798 and will offer the following comments and amendments to clarify the intent of the temporary nature of courtesy and relief permits, to align with the capabilities of the licensing software, and to streamline the section on telemedicine to harmonize with existing statutes:

- (1) change calendar days to consecutive days,
- (2) change thirty calendar days and may be renewed once to sixty calendar days nonrenewable,
- (3) recommends the type of supervision for the courtesy permit be listed,
- (4) change “board-licensed veterinarian” to “Hawaii-licensed” be used as out-of-state veterinarians are also “board” licensed and the term “Hawaii-licensed” will eliminate potential confusion,
- (5) eliminate “possessions” from the definition of “jurisdiction”,
- (6) eliminate “animal rescue or cruelty case that needs urgent attention” from the definition of “emergency response” as the authority to respond to these situations are law enforcement issues and not disaster issues, and update 471-2(8) to include enforcement actions ,
- (7) change the term “telemedicine” to “veterinary telemedicine” for consistency and to distinguish it from the practice of telemedicine with human patients,
- (8) delete the definition of “veterinary consultant” as it duplicates the definition of “consultation”,
- (9) replace “immediate” with “direct” to denote the level of supervision in 471-D(f),
- (10) replace “patient” with “animal” in the definition of “veterinary teleadvice”,
- (11) change “consultation” to “communication” in the definition of “veterinary teletriage”; and

(12) request the bill take effect on July 1, 2024 to allow adequate time to create the courtesy and relief permits in the licensing software.

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 reiterated from the previous meetings that there are two licensed Board member positions still open for neighbor islands.

Next Meeting:

Friday, March 11, 2022  
10:00 a.m.  
Virtual Videoconference Meeting  
Zoom Webinar

Adjournment:

There being no further business to discuss at this time, the meeting was adjourned at 1:53 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

02/25/2022

[ X ] Minutes approved as is.

[ ] Minutes approved with changes. See minutes of.