

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

MINUTES

Date: April 8, 2022

Time: 10:11 a.m.

Place: Queen Liliuokalani Conference Room
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual Videoconference Meeting - Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/98414085430>

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”)
Candace Ito, Acting Supervising Executive Officer, PVL, DCCA
Kerrie Shahan, Executive Officer
Kawehi Mau, Secretary
Susan Reyes, Technical Support

Excused: None.

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 10:11 a.m. by Chairperson Lee Loy.

At 10:12 a.m., it was moved by Ms. Wada, seconded by Mr. Lam, 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 10:32 a.m., the Board returned to public session.

Chairperson Lee Loy asked if the Board would like to amend today's agenda to add a request for exemption to the 90-days wait period before retaking the licensure examination.

The Board declined to amend today's Agenda and directed Executive Officer Shahan to respond to the inquiry.

Approval of the
Minutes of the
March 11, 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.

It was moved by Mr. Lam, seconded by Dr. Chock, and unanimously carried to approve the open session and executive session minutes of the March 11, 2022 meeting as circulated.

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 10:40 a.m., it was moved by Vice Chair Nishimoto, seconded by Dr. Chock, 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 10:51 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 Chair Nishimoto, seconded by Ms. Chock, and unanimously carried to ratify the following issued licenses:

- i. Pleto, Anna L.

- ii. Gupta, Sumeet
- iii. Johnson, Kim D.
- iv. Armendariz Peavy, Aria
- v. Lee, Luke S.H.
- vi. Scharf, Valery F.
- vii. Hannam, Mikaela L.

B. Approval of Restoration Application

- i. None

C. Application Review

- i. Horner, Candice E.

It was moved by Vice-Chairperson Nishimoto, seconded by Ms. Chock, and unanimously carried to accept the veterinarian application for exam Candice E. Horner.

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 March 18, 2022

Candidates Eligible:	10
Exams Administered:	8
Successful:	6
Failed:	2
No Shows:	2

Correspondence:

A. Stephen Cital - March 21, 2022 Email

Executive Officer stated Stephen Cital email the Board asking if the Board has an official statement or opinion on the use of “veterinary nurse” rather than the defined title in your state?

If your state also has title protection for the term “nurse” in the human medial context, is the Board inclined to enforce title protection for those using “nurse” in the veterinary context with or without the prefix “veterinary”?

Executive Officer Shahan read the definition of nurse from HRS 457-2.

DAG Wong stated Mr. Cital can refer to the nursing HRS regarding nursing licensure.

Vice Chair Nishimoto asked if Mr. Cital is representing an organization or inquiring as an individual.

Executive Officer Shahan stated Mr. Cital is requesting information to write an article.

Chair Lee Loy stated in the past the Board has only used the term veterinary technician.

Executive Officer Shahan stated there has been no Board documented opinion on veterinary nurse.

Executive Officer Ito clarified that there is no term for veterinary nurse addressed in the Boards statues or rules.

Chairperson Lee Loy asked Vice Chair Nishimoto and Mr. Lam if in their practice, the term veterinary nurse is used.

Both Vice Chair Nishimoto and Mr. Lam responded in the negative.

Chair Lee Loy stated in the clinic she works at there is are a few veterinaries who use the term veterinary nurse to describe the position of a veterinary technician.

B. Melissa Shelley, DVM – March 25 Email

Executive Officer Shahan stated March 25, 2022, Dr. Shelley reached out to inquire on the scope of veterinary technicians without direct supervision.

Executive Officer Shahan stated she provided Dr. Shelley's with HRS 472-1, definition of the practice of veterinary technology.

Executive Officer Shahan stated Dr. Shelley then asked specifically if direct supervision by a veterinarian is required for a veterinary technician for the following:

1. Performance of therapeutic laser treatment/cold laser therapy/photobiomodulation
2. Performance of and/or owner instruction of therapeutic exercises.
3. Examples:
 - a. Range of motion
 - b. Basic massage techniques
 - c. Strengthening exercises (sit-to-stand, lay-to-stand, 3-legged standing, etc.)
3. Monitoring/supervision of patient in underwater treadmill or pool

At 11:03 a.m., it was moved by Mr. Lam, seconded by Ms. Chock, 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 11:24 a.m., the Board returned to public session.

It was moved by Mr. Lam, seconded by Vice-Chairperson Nishimoto, and unanimously carried to give Executive Officer Shahan authority to address Dr. Shelley inquiring on veterinary technician supervision.

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. HB2319 HD1

Requires the department of agriculture to be responsible for all neighbor island inspection permit fees for service animals that are located in the State and are being transported for release at Kona, Kahului, or Lihue airports. (Tracking)

No update as of 3/30/2022

B. SB609

Provides veterinarians who provide emergency care to an animal immunity from civil liability in the absence of gross negligence. (Support)

To date this bill has not been scheduled.

C. HB472_HD1

Exempts 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. (Oppose)

To date this bill has not been scheduled.

D. HB1598

Authorizes the board to grant temporary courtesy and relief permits for out-of-state veterinarians. (Support)

SB298 SD1 was received from the Senate and passed 1st reading on March 10th. On March 11th SB2798 SD 1 was referred to the Agriculture and Environment (AEN) and the Consumer Protection & Commerce (CPN) committees.

E. SB2798

Authorizes the board to grant temporary courtesy and relief permits for out-of-state veterinarians. (Support)

The bill was heard by the Committee on Agriculture and Environment (AEN) on February 7, 2022 and passed unamended. The bill passed AEN's second reading on February 18, 2022 and was referred to the Committee on Consumer Protection & Commerce (CPN). CPN passed the bill with amendments suggested by the HVMA, the Department of Agriculture and the Board on February 23, 2022.

On March 8th the House received the bill from the Senate, passing 1st reading on March 10th at which time it was referred to the Agriculture (AGR) committee. The bill was heard on March 18th with the AGR committee passing with all but two (2) the Board's suggested amendments (not included were the fees and making the bill effective upon passage for all but 471-A and 471-B). The bill passed second reading as HD1 on March 22nd.

The Bill was heard by CPN on March 30th. The Committee accepted recommended amendments, but also included a defective date of January 1, 2050 and indicated a discussion on the effective date in Conference.

F. HB1715 HD1

Limits civil and criminal liability for persons who remove unattended animals from motor vehicles that are in physical danger if the actions are reasonable, in good faith, and in accordance with other requirements. (Tracking)

The bill was heard by the Agriculture and Environment (AGR) and passed with amendments on February 9, 2022. The amendments are non-substantial and change the effective date to July 1, 2050. The bill passed second reading and was referred to JHA on January 16, 2022.

No update as of 3/30/2022

G. SB2837 SD1

Establishes a spay neuter special fund and allows funds from an income tax check-off to be deposited into a special fund. (Tracking)

WAM submitted its report on March 4th recommending passage upon the 3rd reading. On March 8th, WAM's report was adopted and the bill passed third reading and was transmitted to the House. On March 10th the SD1

passed the 1st reading in the House and was referred to the Agriculture (AGR) committee. The AGR passed the bill with amendments on March 18th. On March 22nd, the bill passed 2nd reading as amended HD1 and was referred to the Finance (FIN) committee.

The amended bill inserts language to require the Department of Land and Natural Resources, in collaboration with animal welfare groups and organizations, to conduct a point-in-time count of feral cats per main island by June 30, 2023 and to report its findings to the Legislature prior to the Regular Session of 2024.

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.

Executive Officer Shahan reminder Board members that the ethics compliance forms are due in May.

Vice Chair Nishimoto shared that he attended the AAVSB Board Basic workshop and encouraged other Board members to attend.

Next Meeting:

Friday, May 13, 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 11:36 a.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kerrie Shahan

/s/ Kawehi Mau

Kerrie Shahan
Executive Officer

Kawehi Mau
Secretary

KS:km

04/14/2022

[] Minutes approved as is.

[X] Minutes approved with changes. See minutes of 5/13/2020