

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

MINUTES

Date: July 12, 2024

Time: 2:00 p.m.

Place: PVL Exam Room 330
HRH King Kalakaua Building
335 Merchant Street, First Floor
Honolulu, HI 96813

Virtual Videoconference Meeting - Zoom Webinar

<https://dcca-hawaii-gov.zoom.us/j/82668116844?pwd=imf5UoaifSFqj4qimxYBiUTUuNb8Oh.1>

Zoom Recording Link: <https://youtu.be/-AutQrXYkVM>

Present: Marcella Chock, Chairperson (“Chair”)
Lisa Wood, D.V.M., Vice-Chairperson (“Vice-Chair”)
Craig Nishimoto, D.V.M., Member
Aileen Wada, Public Member
Shari J. Wong, Esq., Deputy Attorney General (“DAG”)
Kerrie Shahan, Executive Officer (“EO Shahan”)
Marc Yoshimura, Secretary
Mia Hoang, Tech Support

Excused: None.

Guests: Ivy Kim, Esq.
Illy
Dillion Morton, D.V.M.
Malcom Hickman, D.V.M.

Agenda: The agenda for this meeting was posted on the State electronic calendar 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 Chair proceeded with roll call. All Board members confirmed they were present and those joining via Zoom indicated that there was no one in the room with them. There being a quorum present, the meeting was called to order at 2:07 p.m.

Approval of the March 13, 2024 Chair Chock asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Minutes: Dr. Nishimoto made the motion, seconded by Vice Chair Wood, and unanimously carried to approve the minutes of the March 13, 2024 meeting.

Chapter 91, HRS, Adjudicatory Matters: Chair Chock asked if any member of the public would like to provide oral testimony on this agenda item. There were none.

At 2:15 p.m., the Board meeting recessed to discuss and deliberate adjudicatory matters pursuant to HRS chapter.

A. In the Matter of the License to Practice Veterinary Medicine of Malcolm E. Hickman, Jr., D.V.M.; VET-2023-7-L; Settlement Agreement Prior to Filing of Petition for Disciplinary Action and Board's Final Order

Dr. Wood made a motion, seconded by Ms. Wada, and unanimously carried to suspend Dr. Hickman's license until the Board receives documentation of the completion of twenty (20) hours of approved continuing education.

Following the Board's review, deliberation, and decisions in these matters, pursuant to HRS, chapter 91, Chair Chock announced the Board was reconvening to its open meeting at 2:35 p.m.

EO Shahan informed Dr. Hickman and Ivy Kim of the Board's determination noting that official letters would be sent.

Vice Chair Wood stated that the letter to Dr. Hickman should acknowledge his years of service

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

At 2:35 p.m., Ms. Wada made the motion, seconded by Vice Chair Wood, and unanimously carried to move into Executive Session 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 Hawaii Revised Statute ("HRS") section 92-5(a)(1) and (4).

EXECUTIVE SESSION

At 2:53 p.m. the Board returned to public session.

A. Application Review

i. Rozalyn Donner

Vice Chair Wood made the motion, seconded by Ms. Wada, and unanimously carried to approve Rozalyn Donner's application for examination and to inform her that she is required to inform the Board

within 30 days following the resolution of the complaint filed with the California Veterinary Medical Board.

B. Ratification of Issued Licenses

- i. ZOYA JOURAVSKA
- ii. JONATHAN MANGIN
- iii. VICTORIA JONES
- iv. GRAYSON JOHNSON
- v. JASMINE KURISU
- vi. JONATHAN STACK
- vii. MICHA TARPLEY
- viii. LISA ANDERSON
- ix. GREGORY MARSOLAIS
- x. JEANETTE PETERSON
- xi. LAUREN ABRAHAMSEN
- xii. JOANA GOIC
- xiii. NATHAN FERGUSON
- xiv. SHALINI RAMSUBEIK
- xv. AMELIA DOLGIN
- xvi. ZACHARY HEIL
- xvii. STEPHANIE HOKE
- xviii. ALLYSON QUIGLEY

Dr. Nishimoto made the motion, seconded by Vice Chair Wood, and unanimously carried to approve the ratification of the issued licenses items i-xviii listed above.

Examinations:

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

EO Shahan provided the results of the following examinations:

A. Results of the State Veterinary Licensing Examination Administered in March 2024

Exams Administered: 11
Successful: 6
Failed: 5
Pass Percentage: 54.55%

B. Results of the State Veterinary Licensing Examination Administered on April 24

Exams Administered: 6
Successful: 5
Failed: 1
Pass Percentage: 83.33%

Results of the State Veterinary Licensing Examination Administered in May 2024

Exams Administered: 7
Successful: 4
Failed: 3
Pass Percentage: 57.14%

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

- A. Email from Lainie Franklin, Member Services Concierge, American Association of Veterinary State Boards (AAVSB)

Lainie Franklin would like to know if the Board would accept RACETrack Reports in lieu of continuing education certificates as verification of completion of continuing education.

EO Shahan noted that chapter 471-9(f), Hawaii Revised Statutes states:

“... Within sixty days of notification, the licensee shall provide the board with documentation verifying compliance with the continuing education requirement established by this section.”

She further stated that based on her understanding RACETrack allows veterinarians to upload their continuing education (“CE”) certificates and that upon renewal, the licensees could download a transcript which lists the courses that were taken.

Vice Chair Wood asked accepting RACETrack transcripts would make the EO’s job easier.

EO Shahan that it is possible it would make checking CE easier, however she would still need to check on non-RACE approved course work. She stated accepting the transcripts would not make checking CE harder.

Vice Chair Wood asked if other states accepted the RACETrack transcripts.

EO Shahan stated that there are several states that accept RACETrack transcripts, but that she could not remember how many or which States at this time.

Ms. Wada asked how this would be implemented in the State.

EO Shahan replied that the licensee would upload his/her CE to RACETrack and if the licensee were audited, the licensee could download a copy of their RACETrack report (“transcript”) and send it to the Board.

Ms. Wada clarified that her question concerned how the Board would notify its licensee’s that the Board was accepting RACETrack reports.

EO Shahan replied that AAVSB would list Hawaii as a state that accepts RACETrack on its website.

Dr. Nishimoto made the motion, seconded by Ms. Wade, and unanimously carried to accept RACETrack transcripts as verification of continuing education to fulfill the requirements as of chapter 471-9(f).

B. Email from Sara Crispell, DVM

1. Can a veterinary technician or veterinary assistant perform acupuncture under the supervision of a veterinarian?
2. Are there any specific requirements needed by the technician/assistant to perform acupuncture?

Dr. Nishimoto suggested that this situation is like the question the Board answered recently concerning neutering and should be answered similarly using the “direct supervision” language found in the rules.

EO Shahan affirmed that the Board has answered a similar question by referencing chapter 16-101-2, Hawaii Administrative Rules (“HAR”):

16-101-2 Definition of direct supervision. For the purposes of 471-2, and as used in this chapter, “direct supervision” means the licensed veterinarian shall be in the same immediate building or complex as the unlicensed veterinarian or other employees who are receiving, he supervision, except for emergency pet ambulance services in which direct supervision may be rendered via telecommunications or by two-way radio by a licensed veterinarian.

EO Shahan asked if the Board was going to comment on the specific requirements necessary or if the supervising veterinarian was responsible for determining the necessary training.

Dr. Nishimoto stated that he felt it should be determined by the supervising veterinarian. Vice Chair Wood agreed.

Dr. Nishimoto made the motion, seconded by Ms. Wada, and unanimously carried to respond to Dr. Crispell’s email stating that veterinary technicians and veterinary assistants can perform acupuncture under the direct supervision of a licensed veterinarian under chapter 16-101-2, HAR and the specific requirements would be determined by the supervising veterinarian.

Legislative
Measures:

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

A. HB1527 SD2_Animals; Pet Animals; Surgery; Prohibited

Prohibits animal owners and their employees from performing any surgical procedures on the owner's pet animal or pet animals. Provides that a violation of the prohibition is a misdemeanor. Clarifies that the offense of cruelty to animals

in the first degree does not apply to accepted veterinary practices when the practices are performed by a licensed veterinarian. Repeals exemption of cropping and docking as customarily practiced under the offense of cruelty to animals in the first degree. (SD2)

EO Shahan reported that Governor Green signed HB1527 HD1 SD2 into law on July 8, 2024. The bill took effect upon its approval – July 8, 2024. She stated that it will take time to get the new language into the existing statute, but that effective July 8, 2024, owners of pet animals are prohibited from performing surgery upon the animal unless the individual holds a veterinary license. The bill also raised the maximum fine for violating this section to \$1000.00.

New
Business:

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

A. Relief/Courtesy Permits

i. Email from Dale Rice, DVM

The Board will discuss its interpretation of chapter 471-9.5 Courtesy Permits and 471-9.6 Relief Permits. Dr. Rice is a Hawaii-licensed veterinarian who does not have a practice in Hawaii; however, he comes to Hawaii to assist with non-profit spay and neuter surgeries. He is inquiring about sponsoring veterinarians to come assist with spay neuter surgeries when he is not on-island via the courtesy and relief permit.

EO Shahan stated that it appears that the Courtesy permit would be the appropriate permit as Dr. Rice does not reside here and would not be being relieved from his practice, but rather would be sponsoring veterinarians to work in Hawaii.

Dr. Nishimoto stated that if the Courtesy permit was granted, it would be for thirty (30) days and with no intention of setting up practice in Hawaii on their own. EO Shahan affirmed this statement.

Dr. Nishimoto asked if it would be indirect supervision. EO Shahan affirmed that it would be indirect as Dr. Rice's email indicates that he may or may not be in the State when the permittee's come to work at spay/neuter clinics.

Dr. Nishimoto stated that the Courtesy permit appears to be appropriate for what Dr. Rice is describing. He asked DAG Wong if she had any thoughts.

DAG Wong asked EO Shahan if in their earlier discussion they agreed the Courtesy permit was more appropriate. EO Shahan replied in the affirmative.

The Board was in consensus to inform Dr. Rice that the Courtesy permit would be appropriate.

ii. Email from Erika Sox, DVM

Can an individual who has previously applied for a license and been approved for the State veterinary examination, apply for a courtesy/relief permit? The applicant has failed the examination.

EO Shahan reminded the Board that the temporary permit is issued to those applicants that have been approved for the Hawaii veterinary examination to allow them to work under the supervision of a licensed veterinarian while they study to take the examination. She stated that the individual referred to in the email has applied for licensure but has failed the examination. Dr. Sox is asking if the individual, who failed the exam, may apply for a courtesy or relief permit so they can come back to work in September.

Vice Chair Wood stated she would be fine with that. Chair Chock and Dr. Nishimoto expressed concern and asked if this would be consistent with what has been done in the past.

EO Shahan reminded the Board that with the Courtesy and Relief permits, there is no intention of working in Hawaii, but only the intent to assist for a short period of time. She stated that this person has applied for a license and the question is can the person now apply for a Courtesy or Relief permit. The person has also already taken and failed the exam.

EO Shahan reminded the Board that when an individual fails the exam, they are no longer permitted to practice veterinary medicine until they pass the exam. EO Shahan stated that it would be inconsistent to state that this person who failed the exam must cease practicing veterinary medicine until they pass the exam, but this person who failed the exam can be issued a Courtesy/Relief permit and can continue practicing veterinary medicine under the permit.

Ms. Wada asked if the individual were licensed in another state. EO Shahan answered in the affirmative.

Vice Chair Wood stated that the individual is a specialist – an oncologist. She stated that we don't have a lot of those in this state and that to have that level of care is very valuable.

EO Shahan reminded the Board that the Courtesy and Relief permit language clearly states if an individual intends to practice here, one must get a license and this individual has applied for a license.

Vice Chair Wood asked if it was this individual's intent to move here. EO Shahan explained it is unclear. Because there was no Courtesy or Relief permit until now, anyone wishing to come, and assist would need to apply for a license.

Dr. Nishimoto asked if she would be able to practice or provide guidance as a Consultant as an animal expert.

EO Shahan was uncertain if the individual could perform surgery as a consulting veterinarian. She reminded the Board that individuals that fail the examination are sent letters stating that they may not practice veterinary medicine in the Hawaii until they pass the examination and are issued a license. EO Shahan stated that the office receives a lot of push-back because applicants must wait 90-days to retest. She stated again that this individual has failed the exam, but we are trying to find a way she can continue to practice.

Ms. Wada stated she agreed with the “specialist”. EO Shahan replied that Hawaii doesn’t license “specialists”, only “veterinarians”. Dr. Chock noted that a generalists may wonder why a specialist did not have to pass the test.

Vice Chair Wood asked about the next agenda item in relation to this question: if we lowered the 90-day waiting period to 30-days or 60-days, then theoretically, the oncologist could retake the test before September.

Vice Chair Wood stated that she agreed that there should be the same standard whether an individual was a specialist.

At 3:30 pm., the Board determined to table this discussion and return after discussing the 90-Day waiting period.

At 3:40 p.m., the Board returned to this discussion.

EO Shahan repeated the question, “Is this individual eligible for the Courtesy permit?”

Vice Chair Wood clarified that the permit is for those individuals that do not intend to practice in Hawaii. EO Shahan affirmed her statement.

Dr. Nishimoto clarified that the permit allows 30 days, twice in one year. EO Shahan affirmed his statement clarifying that it is 30 days twice in one calendar year.

Chair Chock asked what would happen if she worked the 30 days and then applied again. EO Shahan noted that first the Board needs to determine if she is eligible for the Courtesy permit as she has already applied for a license and failed the examination. She restated the question, “Is a person who has already applied for permanent licensure, eligible for a courtesy or relief permit?”.

Dr. Chock asked if historically the answer has been, “no”. EO Shahan explained that in this case there is no precedent, as the courtesy and relief permits are new this year. Vice Chair Wood stated that this would be the precedent. EO Shahan agreed.

Ms. Wada asked DAG Wong for her opinion. DAG Wong stated that she believed the intent behind the courtesy and relief permits were for those

who were not seeking to have a permanent Hawaii license and the applicant has demonstrated that she does want a permanent Hawaii license. The administrative rule states that once you fail exam, the temporary permit ceases so she must stop practicing until she passes the Hawaii veterinary exam. She stated she thinks she (the applicant) must continue that pathway. She stated she did not think the courtesy or relief permit would be appropriate for her.

Vice Chair Wood stated that it seemed to be a work-around.

DAG Wong stated that the applicant will benefit from the earlier discussion of the Board in that she can retest in August or September.

Dr. Nishimoto made the motion, seconded by Ms. Wada, and unanimously carried, that a person who has applied for a license and who has taken the State veterinary examination and has failed, may not apply for a courtesy or relief permit, instead should reapply to take the next exam which is available in 60 days.

B. 90-Day Waiting Period Following Failed State Veterinary Exam
Letters from Katie Hancock, DVM and Jill Yoshicedo, DVM

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

EO Shahan reviewed data showing individuals that waited approximately 90 days or longer from being notified that they had been approved for the examination prior to taking the examination were significantly more likely to pass the examination than those individuals that tested less than 90 days from being notified they were approved for examination. EO Shahan shared the following data:

November 2022 (100% in-house testing). Six (6) individuals tested (all passed). There was an average waiting period of 170 days.

December 2022 (Last month of 100% in-house testing). Five (5) individuals tested (all passed). There was an average waiting period of 274 days.

April 2023 (1st full month of 100% PSI Services – testing with the “old” test questions). Six (6) individuals tested (3 passed/3 failed). Passing individuals waited on average 124 days prior to testing. Failing individuals waited on average 46 days prior to testing.

May 2024 (1st month with 100% “new” test questions). Seven (7) individuals tested (4 passed/3 failed). Passing individuals waited on average 90 days prior to testing. Failing individuals waited on average 115 days prior to testing.

June 2024 Seven (7) individuals tested (5 passed/2 failed). Passing individuals waited on average 132 days prior to testing. Failing individuals waited on average 100 days prior to testing.

July 2024 to date Two (2) individuals tested (1 passed/1 failed). Passing individual waited 34 days prior to testing. Failing individual waited 20 days prior to testing.

Overall, the twenty-four (24) passing individuals waited on average 131 days prior to testing and the nine (9) failing individuals waited on average 87 days prior to testing.

EO Shahan noted that three months appears to be the benchmark where people are more like to pass the examination than to fail. She noted that the 90-day waiting period dates to when there was only one test site with limited seating. She stated she would hesitate to reduce the waiting period to less than 60-days because the data shows people will be more like to fail without 60 to 90 days to study for the exam.

Dr. Nishimoto asked if there were restrictions on how many times a person may take the test. EO Shahan noted that there is nothing in the statute or administrative rules that limits the number of times an individual may take the examination. She reminded the Board that the 90-day waiting period is also not found in the statutes or administrative rules but is a long-standing decision of the Board dating back to at least 2000.

DAG Wong inquired about the test question bank – are there so few questions that if individuals tested frequently would they become familiar with the questions.

EO Shahan responded that until the new test went into effect in April 2024, there bank was only 40 questions which match the number of questions on the test. When the subject matter experts met this spring to review the test questions, they endeavored to ensure that there were at least two to three questions for each topic. She stated that there are probably between 80 and 120 test questions in the bank.

Dr. Nishimoto stated that he would not have an objection to going to sixty (60) days but didn't know about thirty (30).

Dr. Wood she wouldn't feel comfortable going to 30 but would be okay with 60. She stated the emails were compelling as Hawaii is expensive and the applicants want to start working. She would suggest going to 60 days.

Ms. Wada questioned the sixty days and wondered if thirty would not be better. Dr. Chock stated that you want candidates to be serious about studying and not just memorizing the questions.

Ms. Wada asked if the candidates were monitored when they were taking the test. EO Shahan affirmed that both the test centers and on-line in testing is proctored.

Ms. Wada stated she felt there were enough questions to rotate to protect the integrity of the exam. EO Shahan noted that while there is a bank of questions, it is not a large bank. She noted that enough time should be granted so candidates pass the exam as continually failing is demoralizing and the Board wants the candidates to pass. She noted that the amount of time granted to study a test is somewhat indicative of the level of difficulty of the test.

Dr. Chock stated that she felt 60 days was reasonable.

Ms. Wada stated that she had mixed feelings; the longer time is to ensure more success, which she agrees with. The shorter time frame results in more failure, but reading the emails leaves her wondering.

Dr. Nishimoto asked if administratively, if the test could be processed within 30 days – could the applicants get a date within 30 days?

EO Shahan responded that as she understands the process, the PSI system updates overnight (within 24) hour of the Exam Branch informing them an individual is eligible for exam and the individual can schedule the exam immediately once the PSI system shows they are eligible. If there is a test date available, the candidate could test as quickly as two days or a week after being eligible for the exam. She stated she did not believe it is an administrative issue on scheduling the exam. The scheduling is now computerized, and it is no longer based on the eight (8) seats available in the Exam Room.

Dr. Wood stated that she had just done a quick search online. The National Board for Nurses is 45 days. There are other boards that are between 60 and 90 days. There's nothing that's 30 days. She further stated that if the Board were to adjust the waiting period, she would recommend 60 days. When asked, Dr. Nishimoto stated he thought that was fair. Dr. Chock stated she agreed.

Vice Chair Wood made the motion, seconded by Ms. Wada, and unanimously carried for the Board to amend its policy requiring a 90-day waiting period prior to retesting for those individuals who failed the State veterinary exam to 60 days.

C. RICO Advisory Committee Members

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

Chair Chock noted that the RICO Advisory Committee list was distributed to members.

Vice Chair Wood made the motion, seconded by Ms. Wada, and unanimously carried to accept the RICO Advisory Committee list and any additional interim appointees that RICO deems necessary to aid in its investigation.

2024 Meeting Dates: Chair Chock asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Next Meeting: Wednesday, October 23, 2024
Videoconference Meeting Zoom Webinar and

In-Person Location: Conference Room to be Determined
King Kalakaua Building
335 Merchant Street, Exam Room 330
Honolulu, Hawaii 96813

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 3:46 p.m.

Reviewed and approved by:

Taken and recorded by:

/s/ Kerrie Shahan

/s/ Kerrie Shahan

Kerrie Shahan
Executive Officer

Kerrie Shahan
Executive Office

KS: ks

07/24/2024

[X] Minutes approved as is.

[] Minutes approved with changes. See minutes of