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“[W]hen states have the power to grant licensure status to individuals, they also have the power to deny individuals the opportunity to earn a living in that profession This is an impressive power that states possess and one that must be exercised judiciously.”

— Council on Licensure, Enforcement and Regulation

Sunrise Analysis: Regulation of Veterinary Technicians

Report No. 14-15, December 2014

Regulation of veterinary technicians is not necessary

Senate Bill No. 2502, Senate Draft 1, of the 2014 Legislature proposes to regulate veterinary technicians and the practice of veterinary technology under Chapter 471, Hawai'i Revised Statutes, *Veterinary Medicine*. The bill would require veterinary technicians to register with the Board of Veterinary Examiners, limit the use of certain titles related to the practice of veterinary technology, and incorporate veterinary technicians into existing disciplinary measures in Chapter 471, HRS.

Proposed regulation does not meet “sunrise” criteria

Statutory criteria for evaluating whether a profession or vocation merits state regulation require that proponents of regulation provide evidence supporting this need to engage the state's police powers. We found no evidence of abuses by veterinary technicians to merit regulation. Other than anecdotal risks of harm, we did not find any evidence to support a need to protect consumers' health, safety, or welfare from the activities of veterinary technicians. Furthermore, these risks are satisfactorily mitigated by existing requirements that veterinary technicians work under the direct supervision of a veterinarian.

Most states regulate veterinary technicians, but we found that the current proposal is motivated primarily by an industry effort to establish national professional standards. We also found that the proposed regulation would restrict certain qualified individuals from entering the field of veterinary technology, and that the effect of regulation on cost to consumers is unknown. On balance, there is no demonstrable need for the State to regulate veterinary technicians in Hawai'i.

Proposed regulatory measure is flawed

SB No. 2502, SD 1 (2014), contains several flaws that would undermine a successful regulatory program. Specifically, the practice definition for veterinary technology is overly broad, making it difficult to enforce the proposed regulation. The bill's educational qualifications for successful registration as a veterinary technician are too narrow and do not provide any alternative avenues for qualification. In addition, the proposed regulation does not address interstate reciprocity and fails to provide veterinary technicians with a representative on their own regulating body. The bill also calls for registration but essentially describes a level of regulation akin to licensure, the strictest form of regulation.

Agency response

The Department of Commerce and Consumer Affairs concurred with our findings regarding the estimated cost of funding a veterinary technician regulatory program and its financial impact on registrants. The department also expressed appreciation for our discussion regarding the difficulty of administering the broad scope of practice as defined in SB No. 2502, SD 1 (2014).