

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

MINUTES OF MEETING

Date: Wednesday, April 18, 2012

Time: 10:07 a.m.

Place: Queen Liliuokalani Conference Room
King Kalakaua Building, 1st Floor
335 Merchant Street
Honolulu, Hawaii 96813

Present: John K. Kaya, D.V.M., Chairperson
Alan Kaufman, D.V.M.
Elwood I. Kita, Member
Wendy L. Mah, Member
Jenee Odani, D.V.M., Member
Michael O. Woltmon, D.V.M., Member
Mellissa Yuen, D.V.M., Member
Shari Wong, Deputy Attorney General ("DAG")
Lynn Bhanot, Executive Officer
Lori Nishimura, Secretary

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).

Call to Order: There being a quorum present, the meeting was called to order at 10:07 a.m. by Chairperson Dr. Kaya.

Additions/
Revisions to
Agenda: None.

Minutes of the
January 18,
2012 Board
Meeting: It was moved by Dr. Kaufman, seconded by Mr. Kita, and unanimously carried to approve the minutes of the January 18, 2012 Board meeting as circulated.

Applications: A. Ratification of Issued License

After discussion, it was moved by Dr. Kaufman, seconded by Dr. Woltmon, and unanimously carried to ratify the following issued licenses:

- (1) CHONG, Suli
- (2) CRAFT, Tyler D.
- (3) WYCKOFF, Christopher L.

New Business: A. HRS 471-2 License Required

Discussion ensued on HRS section 471-2(5), which allows a person licensed to practice veterinary medicine in any state, or any certified scientist or professional in animal care to practice under the sponsorship of veterinarians in this State, so long as no office is open, or appoint a place to meet patients, or receive calls within the limits of the State.

B. Foreign Graduate

Discussion ensued on foreign graduates who complete the Educational Commission for Foreign Veterinary Graduates ("ECFVG") certification program, a four part exam which includes a clinical exam that is accepted by all state Boards in qualifying to take the North American Veterinary Licensing Examination ("NAVLE").

Discussion ensued on HRS section 471-2(3), which states that any employee of a veterinarian, working under their direct supervision, may practice veterinary medicine. Further discussion ensued on veterinary technicians who may fall under this section and the scope of their practice, which is not regulated by this State.

C. Temporary Permit

Chairperson Dr. Kaya stated he wanted to remind the Board of Hawaii Administrative Rule ("HAR") section 16-101-30, conditions of temporary permit; e.g. shall be valid for no longer than eleven months, and allows the permittee to work under the supervision of a licensed veterinarian in this State.

Discussion ensued on the involvement of the Board in deriving the test questions for the State exam. Executive Officer Bhanot stated that Board members usually request to evaluate the questions. A request to the Examination Branch is made, and arrangements to have the veterinary Board members review the questions are made usually at

the following meeting. Dr. Yuen requested to review the examination questions at the following meeting. Ms. Bhanot stated she will submit a request to the Examination Branch.

D. Surgery (Spays for Maui Humane Society)

Discussion ensued on surgery, spays for Maui Humane Society, by veterinarian(s) who are not licensed in this State. The Board noted, pursuant to HRS section 471-2(5), this veterinary service may be provided under the sponsorship of veterinarians of this State as noted in agenda item (A), HRS 471-2 License Required.

E. Privately Owned Pets

Discussion ensued on veterinary services by a specialized veterinarian who is not licensed in this State whose services are sought by private pet owners for work on their own pets. The Board noted, pursuant to HRS section 471-2(5), the veterinarian may provide veterinary services under the sponsorship of veterinarians of this State as noted in agenda item (A), HRS 471-2 License Required.

Scope of Practice: A. Request for Board Response to February 12, 2012 Email Inquiry From Dr. Miyo Miyasaki-Kim Regarding Foreign Graduate Veterinarian.

Discussion ensued on an inquiry received from Dr. Miyasaki-Kim, asking the Board whether HRS section 471-2(5) may be applicable towards her employee who is a foreign graduate, and currently employed as a veterinary technician – whether surgery could be performed by the technician under her direct supervision.

The Board determined a foreign graduate veterinarian who is not licensed in another state shall not perform procedures such as dog neuters, cat neuters, and other surgery as this is the practice of veterinary medicine as defined in HRS section 471-1. It is the Board's understanding that this person does not have a license to practice veterinary medicine in any state of the United States. Thus, HRS section 471-2(5) does not apply to this person.

In accordance with HAR section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore, is not to be viewed as binding on the Board.

Correspondence: A. February 2, 2012 Letter From Heather H. Huel Requesting Verification For Insurance Coverage.

Discussion ensued on a letter from Heather H. Huel, of Hands On Pet Massage LLC, requesting a verification letter by the Board that a license would not be required if "massage work is for relaxation purposes only." DAG Wong suggested the Board cite the definition of the "practice of veterinary medicine", rather than stating Ms. Huel's suggested response.

The Board determined that a veterinarian's license would not be required if the massage is for relaxation purposes only rather than therapeutic, and further that HRS section 471-1 defines the "practice of veterinary medicine" as "the diagnosis or **treatment** for the prevention, cure, **or relief of**, of the giving of advice concerning, a disease, pain, injury, deformity, or other **physical condition of an animal....**" Emphasis added. Thus, a license is required if a diagnosis is made and the massage is a prescribed treatment. An unlicensed person under the direct supervision of a licensed veterinarian may perform this treatment. The Board based its decision on HAR section 16-101-2, which defines direct supervision.

In accordance with HAR section 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore, is not to be viewed as binding on the Board.

B. April 12, 2012 E-mail From The American Embryo Transfer Association.

Executive Officer Bhanot stated the Board received an email from The American Embryo Transfer Association on their position stating embryo transfer to be the practice of veterinary medicine. Discussion ensued on the close monitoring involved to synchronize animals, which

involves prescription drugs. The Board was in agreement with The American Embryo Transfer Association position statement.

Board members requested that dental work be added to the agenda at the next meeting; as currently in the news, there have been stories of anesthesia free dental work occurring. Mr. Kita commented that the practice of veterinary medicine does include dental care of animals.

Chairperson's Report:

Chairperson Dr. Kaya stated his report would be incorporated into agenda topics: Veterinary Practices and Legislation.

Veterinary Practices:

A. Continuing Education ("CE")

Chairperson Dr. Kaya stated this report would be taken up in legislation.

Legislation:

A. SB 2522 SD1, HB 2242 HD1 SD1

Executive Officer Bhanot reported House Bill No. 2242, HD1, SD1 relating to continuing education was being heard at the conference committee meeting later in the day to resolve its difference between the last House and Senate versions and commented that she anticipates the bill will move forward.

B. Review of Administrative Rule Revisions

Discussion ensued on the latest draft of the proposed Administrative Rules. Mr. Kita commented on a grammatical error to a new section. Board members expressed that they want to expedite the proposed rules amendments and stated that they would help the Executive Officer in providing justification for each proposal as is necessary in the next step of the proposed rules adoption.

Executive Officer's Report:

A. National Board of Veterinary Medical Examiners ("NBVME")

Executive Officer Bhanot provided the following information concerning the 2012-2013 North American Veterinary Licensing Examination ("NAVLE") Agreement:

- Increase of \$10.00 in candidate fee; therefore, fee will be \$560.00;
- Fall NAVLE testing window is November 12 – December 9, 2012;
- Spring NAVLE testing window is April 8 – 20, 2013.

B. American Association of Veterinary State Boards (“AAVSB”)

Call for Resolutions memo, dated February 16, 2012, from AAVSB was circulated to the Board.

C. American Veterinary Medical Association (“AVMA”)

St. George’s University 2012 school catalog was circulated to the Board. Executive Officer Bhanot reiterated that accreditation for the University was effective September 20, 2011, affecting graduates who received their degree after April 21, 2011.

Exam-
inations:

A. Results of the North American Veterinary Licensing Examination (NAVLE) Administered During the November 14 – December 10, 2011 Testing Window

Candidates Eligible:	3
Exams Administered:	2
Successful:	2
Failed:	0
No Shows:	1

B. Results of the State Veterinary Licensing Examination Administered on February 17, 2012

Candidates Eligible:	2
Exams Administered:	2
Successful:	2
Failed:	0
No Shows:	0

Results of the State Veterinary Licensing Examination
Administered on March 16, 2012

Candidates Eligible:	2
Exams Administered:	2
Successful:	2
Failed:	0
No Shows:	0

Next Board Meeting: Wednesday, July 18, 2012
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business, the meeting was adjourned at 11:56 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lynn Bhanot

Lynn Bhanot, Executive Officer

LB:ln
05/15/12

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