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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON
JUDICIARY

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

TUESDAY, MARCH 16, 2010
2:15 P.M.

TESTIMONY ON SENATE BILL NO. 2772 S.D.2
RELATING TO VETERINARY MEDICINE

TO THE HONORABLE JON RIKI KARAMATSU, CHAIR,
AND TO THE HONORABLE KEN ITO, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office ("RICO") appreciates the opportunity to testify on Senate Bill No. 2772 S.D.2, Relating To Veterinary Medicine. My name is Jo Ann Uchida, RICO's Complaints and Enforcement Officer. RICO offers the following comments in support of this bill.

Senate Bill No. 2772 S.D.2 authorizes the Board of Veterinary Medicine to revoke or suspend a license or fine a licensee for conduct or practice that is contrary to recognized principles of medical ethics of the profession as adopted by

Testimony on Senate Bill No. 2772 S.D.2
March 16, 2010
Page 2

the Hawaii Veterinary Medical Association and the American Veterinary Medical Association.

At the present time, RICO prosecutes ethical violations in a variety of ways. A few boards, such as the Hawaii Medical Board, have explicit language in their licensing laws that identifies the applicable ethical standard to be applied. Some boards may reference a particular ethical standard in the course of issuing disciplinary orders.

Most professional licensing laws, however, do not specify a specific ethical standard to be applied. As a result, RICO relies on the language of §436B-19(9), Hawaii Revised Statutes, which prohibits conduct "contrary to recognized standards of ethics for the licensed profession or vocation." The language in this bill that specifies the ethical standard to be applied will remove any ambiguity as to the appropriate ethical standard. For this reason, RICO supports this bill.

Thank you for this opportunity to submit testimony on Senate Bill No. 2772 S.D.2.



- improving the quality of lives of pets and their people.

House Committee on Judiciary
Tuesday, March 16, 2:15 p.m., Room 325
Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine
By Alicia Maluafiti, President – Poi Dogs & Popoki

Position: Support With Amendments

Aloha Chair Karamatsu, Vice Chair Ito, and members of the Committee,

My name is Alicia Maluafiti, volunteer Board President for Poi Dogs & Popoki (PDP), testifying in support SB 2772 SD 2 – Relating to Veterinary Medicine.

However, PDP proposes the following **amendment to strengthen the criminal penalties for practicing veterinary medicine without a license:**

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] **Class C Felony.**

As the former Director of Community Relations at the Hawaiian Humane Society and founder and former President of the Oahu Society for the Prevention of Cruelty to Animals, I have seen firsthand the horrific conditions suffered by animals at the hands of their owners and others. But it is always with great dismay and frustration when we learn about how easily it is for uneducated owners to seek out care from unlicensed individuals pretending to be experienced in providing animals with veterinary care.

PDP was directly involved with KITV 4's breaking news story of the Pearl City man accused of practicing veterinary medicine without a license. It was after witnessing the atrocities against the puppy featured in the story and listening to the horror tales of the young girl victimized by this fraud, that we recognized the opportunity to finally address this underground activity. We take this action with the endorsement, support and collaboration of my own, personal veterinarian and clinic staff who must try to save the lives of these animals after they've been mutilated by these fake vets. More than any other time, the public is ready to elevate this issue – and crime – against pets and their people.

The amendment to SB 2772 is critically necessary to put these people out of business and ensure parity with the animal cruelty statute. As we have repeatedly seen in previous cases, animal cruelty convictions are difficult to achieve. After speaking with a former City Prosecuting Attorney, we believe that practicing without a license will be an

easier case to prosecute because it is less subjective. An important differentiation between the two statutes is ear cropping – a procedure that is defined as the “practice of veterinary medicine,” but the act itself is NOT considered a crime of cruelty against animals. Although we do not condone ear cropping for cosmetic purposes, it the pain and suffering of the animal that we are most concerned about. And in the case of these illegal practices, we know that the animals are not receiving qualified, professional care from a licensed practitioner and therefore are lacking in administration of pain medications and other pharmaceuticals necessary for a complete and healthy recovery.

We ask the committee to please consider amending SB 2772, elevate the crime of practicing without a license to a class C felony, achieve parity with the animal cruelty penalties, and help us improve the quality of lives of pets and their people. Mahalo for the opportunity to comment.

Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine

By Hollis-Ann Stewart, DVM Animal House Veterinary Center

House Committee on Consumer Protection & Commerce

Position: Support With Amendments

Aloha Chair Herkes, Vice Chair Wakai, and members of the Committee,

My name is Hollis-Ann Stewart and I support SB 2772 SD 2 – Relating to Veterinary Medicine. But I encourage the committee to consider accepting an amendment to the bill to strengthen the criminal penalties for practicing veterinary medicine without a license.

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] Class C Felony.

I am a veterinarian licensed in the state of Hawaii and New York. As a veterinarian, you must have four years of undergraduate training as well as successfully completing a rigorous four years of intense biomedical schooling to earn a DVM or VMD. Admission into veterinary school is reserved for an elite group of highly intelligent, highly motivated compassionate persons. It is much easier to gain admission to human medical school, than veterinary school.

Veterinarians are doctors for animals. We can legally treat any animal except for a human being. Human doctors can only treat humans. Even with the extensive training that human medical doctors have, they are not qualified to practice medicine or surgery on any other animal.

Veterinarians learn through their extensive training about animals, their physiology, anatomy, pathologies, toxicities and the like. Dogs are different from cat and from cows and horses. Each species has its own unique system. They metabolize drugs differently. Their intestinal tracts are not all the same.

To treat or perform surgery on an animal without extensive educational and hands on training is inhumane to animals and degrading to the veterinary profession.

Elevating the penalty from a petty misdemeanor to a class C felony provides parity with the animal cruelty statute, discourages violators from practicing without a license, and provides our law enforcement officers with another tool to keep our pets – and our communities - safe and healthy. More importantly, violation of this statute will be easier to prosecute than an animal cruelty violation.

I sincerely appreciate your time and respectfully ask you to consider the amendment to the SB 2772 SD

Mahalo

Hollis Stewart, DVM



**HAWAIIAN
HUMANE
SOCIETY**

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The Hawaiian Humane Society is dedicated to promoting the human-animal bond and the humane treatment of all animals.

March 16, 2010

Representative Jon Riki Karamatsu, Chair

Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2772, SD2 Relating to Veterinary Medicine

Dear Chairman Karamatsu and Members of the Committee:

On behalf of the Hawaiian Humane Society, we are encouraging you to pass SB 2772, SD2. We request this language change to update our statutes and establish a professional standard for the conduct and practice for veterinarians in Hawaii.

We rarely have complaints concerning veterinarians. However, our experience is such that the current language in the statutes is too broad and has no recognized minimum standards of veterinary conduct or practice. This suggested language will establish a minimum benchmark by which all veterinarians must adhere to.

We hope you will pass SB 2772, SD2 to update our laws to ensure the delivery of quality veterinary medical services to our community.

Sincerely,

Pamela Burns
President & CEO

**PRESENTATION OF THE
BOARD OF VETERINARY EXAMINERS**

**TO THE HOUSE COMMITTEE ON
JUDICIARY**

**TWENTY-FIFTH LEGISLATURE
Regular Session of 2010**

**Tuesday, March 16, 2010
2:15 p.m.**

**TESTIMONY ON SENATE BILL NO. 2772, S.D. 2, RELATING TO
VETERINARY MEDICINE.**

**TO THE HONORABLE JON RIKI KARAMATSU, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

My name is Lynn Bhanot, Executive Officer for the Board of Veterinary Examiners ("Board"). I appreciate the opportunity to present testimony on behalf of the Board in strong support of Senate Bill No. 2772, S.D. 2, Relating to Veterinary Medicine.

The purpose of this bill is to amend Section 471-10(b), HRS, by updating the current standards of practice of a licensed veterinarian to include language that recognizes the Hawaii Veterinary Medical Association and the American Veterinary Medical Association guidelines.

The Board supports Senate Bill No. 2772, S.D. 2 as it will provide clarification and consistency to enforce the veterinary standards of practice.

The Board respectfully requests your Committee's approval and passage of this measure. Thank you for this opportunity to testify on Senate Bill No. 2772, S.D. 2.

March 16, 2010

Representative Jon Riki Karamatsu, Chair

Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2772, SD 2 Relating to Veterinary Medicine

Dear Chairman Karamatsu and Members of the Committee:

On behalf of the Hawaii State Board of Veterinary Examiners we are requesting you to pass SB 2772, SD 2. We are requesting the language change to update our Hawaii Revised Statutes and establish a professional reference for the standard of conduct and practice for veterinarians in Hawaii.

Most professions in Hawaii establish a legal reference to a national standard for their profession, which for veterinarians is the American Veterinary Medical Association (AVMA). Our Hawaii Veterinary Medical Association (HVMA) already follows the standard of the AVMA principles of medical ethics but has no legal authority on regulating veterinarians.

We rarely have complaints concerning veterinarians in Hawaii. However, when we do, our current language in the Hawaii Revised Statutes is too broad and has no recognized professional reference for the minimum standards of veterinary conduct or practice. The suggested language in SB 2772, SD 2 will establish this legal reference to both the HVMA and AVMA as a minimum standard by which all veterinarians must adhere to.

Although I was not able to attend the hearing in the Consumer Protection and Commerce Committee last week I understand that there as an attempt to amend this bill by amending a section of that chapter to make it a felony to practice veterinary medicine without a license. I feel that this should be the subject of another bill as it raises other issues that are beyond the scope of this particular measure.

We hope you will pass SB 2772, SD 2 to update our laws to ensure the delivery of quality veterinary medical services to our community. Thank you for the opportunity to submit this testimony.

Sincerely,

Rebecca H. Rhoades, D.V.M.,
Chairperson
Hawaii Board of Veterinary Examiners
Phone: 808-632-0610x106

karamatsu1-Kenji

From: akoe002@hawaii.rr.com
Sent: Monday, March 15, 2010 10:18 PM
To: JUDtestimony
Subject: SB2772,SD2

Eric Ako DVM
Owner Practitioner, The PET DOCTOR
Executive Vice President, Hawaii Veterinary Medical Association Immediate Past Chair, Board of
Veterinary Examiners, State of Hawaii

Committee on Judiciary
Tuesday, March 16, 2010, 2:15pm
Conference Room 325, State Capitol
re: SB2772, SD2

Dear Chair Representative Karamatsu and Committee members,

Veterinarians across the state are in favor of SB2772, SD2. The rules and statutes of this state have not been updated for over 15 years, and we are anxious to continue to deliver high quality service to the community and to continue to enjoy its trust. SB2772 will give strength to our Principles of Veterinary Medical Ethics, which are annually renewed by the American Veterinary Medical Association.

Respectfully, we are against any amendments which might hinder its progress through the legislative process. While well intentioned, any changes which threaten SB2772 should be addressed separately.

Please support SB2772, SD2 as written.

Sincerely yours,
Eric Ako DVM

Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine

By Lizzie Ley, Poi Dogs & Popoki

House Committee on Judiciary

Tuesday, March 16th, 2:15 p.m., Room 325

Position: *Support With Amendments*

Aloha Chair Karamatsu, Vice Chair Ito, and members of the Committee,

My name is Lizzie Ley and I support SB 2772 SD 2 – Relating to Veterinary Medicine; however, I strongly encourage the committee to consider accepting an amendment to the bill to strengthen the criminal penalties for practicing veterinary medicine without a license.

[\$471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] **Class C Felony**.

I grew up in an agricultural area where many people looked upon animals not as pets or companions, but as sustenance, a paycheck, or as a means to complete their daily jobs. However, when there was a need for a surgical procedure (sterilization, tail docking, etc.), the local veterinarian was the one to perform them. There was always respect for the animals as living beings; no one wanted to cause them pain or risk the infection that could come about by an improper job.

Having been involved with animal welfare groups for many years, the recent news of Derek Silva, the Pearl City man who has been accused of performing veterinary procedures and surgeries without a license was horrifying, but unfortunately not out of the ordinary. All too frequently, I have seen animals mangled and disfigured by those who have sought out a small savings by either performing veterinary services themselves or seeking out another unlicensed person to do so for them. In the worst instances, the animals die in pain from the lack of proper care (i.e. infection), while even in the best cases, these animals have had pain inflicted upon them by the hands of humans and many are never able to trust people again.

I personally believe that elevating the current penalty from a petty misdemeanor to a class C felony will discourage violators from continuing to practice without a license and give our animal control contractor and law enforcement agency the means to keep our animals and their owners safe and healthy. With an animal cruelty violation, there is room for so much subjectivity, which oftentimes makes it difficult to convict a person. Accepting this amendment provides the ability to be objective in this area of animal mistreatment and also give violators the punishment that they deserve.

I sincerely appreciate your time and respectfully ask you to consider the amendment to the SB 2772 SD 2. Mahalo for the opportunity to testify.

Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine
By Michelle Lawson
House Committee on Judiciary
Tuesday, March 16, 2:15 p.m., Room 325

Position: Support With Amendments

Aloha Chair Jon Riki Karamatsu, Vice Chair Ito, and members of the Committee,

My name is Michelle Lawson and I support SB 2772 SD 2 – Relating to Veterinary Medicine. But I encourage the committee to consider accepting an amendment to the bill to strengthen the criminal penalties for practicing veterinary medicine without a license.

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] Class C Felony.

My first dog as a small child was a rescue from death row at our local humane society she was literally within a couple hours of being put down. I've had a compassionate place in my heart for animals ever since. Within the last two years I have been able to work with several animal agencies/rescues and shelters, here on Oahu. Joey's Feline Friends, Malama Popoki, Oahu Spca, Poi Dogs and Popoki, Cat Friends, K-9 Kokua, just to name a few. I've been able to work closely with pet owners, vets, animal trainers, and animal care takers. It has become overwhelmingly clear everyone I speak with feels we as a state need stronger animal welfare laws.

I was sad to hear about the Pearl City man (Derek Silva) whom has performed countless "procedures" on so many helpless animals. The fact that he has been doing this for years and continues to do so without thought of the animals well being is disturbing to say the least. I was happy that KITV news did a follow up and pointed out that these are surgeries and are illegal in the state of Hawaii. I only hope now that the punishment he gets will stop him from doing more of this in the future, that others may come to realize how wrong this is and to shed light on the fact that these types of things are happening in our beautiful state. We need to work together to stop this.

Changing the penalty from a petty misdemeanor to a class C felony provides parity with the animal cruelty statute, discourages violators from practicing without a license, and provides our law enforcement officers with another tool to keep our pets – and our communities - safe and healthy. More importantly, violation of this statute will be easier to prosecute than an animal cruelty violation. For instance, in the case of Mr. Silva, ear cropping is not considered animal cruelty. However, it is defined in the statute under the "practice of veterinary medicine" and includes ".....a change of a physical characteristic of an animal for cosmetic or utility purposes."

I thank you for your time and respectfully ask you to consider the amendment to the SB 2772 SD 2. Mahalo for the opportunity to testify. Michelle Lawson



Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine
By Stacie Welsh
House Committee on Judiciary
Tuesday, March 16, 2:15 p.m., Room 325



Position: Support With Amendments

Aloha Chair Karamatsu, Vice Chair Ito, and members of the Committee,

My name is Stacie Welsh and I support SB 2772 SD 2 – Relating to Veterinary Medicine. But I encourage the committee to consider accepting an amendment to the bill to strengthen the criminal penalties for practicing veterinary medicine without a license.

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] Class C Felony.

I am a volunteer in the Hawaii Pet Community and an avid animal lover and protector. When I saw the story of the four month old dog 'Boss' on KITV 4 my heart was broken and I was outraged as a citizen that there is not a stronger law in place for anyone doing surgery on animals without a license. Animals who suffer through surgery or 'a procedure' as the Pearl City man stated without proper care, medication, and follow up are prone to infections, unnecessary pain and suffering, or even death from the lack of education or training by the person doing the surgery.

Animal owners who try to save a few dollars and use an unlicensed practitioner are putting their animals and themselves at risk. Animals that live rough lives through unnecessary surgery, infections, procedures, and pain learn to trust no one and are more likely to attack people. Dogs that attack people have been conditioned by people to trust no one and quickly realize that no one is looking out for their well being. Therefore, dogs that live this existence experience a lonely, isolated, and untrustworthy world around them trying to protect themselves the only way they know how.

I do believe that Hawaii needs a stiffer law in place to punish people who try to do surgeries or procedures on animals without a license. Unfortunately, penalties for practicing surgeries or procedures without a license have not been severe enough to stop people from charging animal owners reduced fees for procedures – such as sterilization, eye surgery, ear cropping, C-section, and voice box removal - all without the necessary anesthesia and follow up medications to minimize pain, suffering, and infection. And like most victims that find themselves on the losing end of a scam when using these services offered by unlicensed practitioners they are afraid to speak out for fear of being judged by the community around them.

Elevating the punishment from a misdemeanor to a class C felony gives animal owners the right to stand up against these unlicensed practitioners, discourages violators from practicing without a license, and provides our law enforcement personal another tool to keep our animals safe and healthy.

I sincerely appreciate your time and respectfully ask you to consider the amendment to the SB 2772 SD 2. Mahalo for the opportunity to testify.