

**SB 2772**

JAN 25 2010

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# A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

**BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:**

1           SECTION 1. Section 471-10, Hawaii Revised Statutes, is  
2 amended by amending subsection (b) to read as follows:

3           "(b) In addition to any other actions authorized by law,  
4 the board may revoke or suspend the license of any veterinarian  
5 or fine the licensee, or both, for any cause authorized by law,  
6 including but not limited to the following:

7           (1) Professional misconduct, gross negligence, or manifest  
8           incapacity;

9           (2) Violation of this chapter or the rules adopted  
10           pursuant thereto or any other law which applies to the  
11           licensee as a practicing veterinarian;

12           (3) Making any false representations or promises through  
13           advertising or otherwise;

14           (4) Habitual intemperance in the use of alcoholic  
15           beverages or addiction to the use of narcotic or  
16           dangerous substances;

17           (5) Mental incompetence;



- 1 (6) Any fraudulent, dishonest, or deceitful act in  
2 connection with the practice of veterinary medicine;
- 3 (7) Making a false statement in any document submitted or  
4 required to be filed by this chapter;
- 5 (8) Revocation, suspension, or other disciplinary action  
6 by another state of a license or certificate for  
7 reasons as provided in this section;
- 8 (9) Conviction~~[, whether by nolo contendere or otherwise,~~  
9 ~~or]~~ of or plea or nolo contendere to a penal offense  
10 substantially related to the qualifications,  
11 functions, or duties of a veterinarian,  
12 notwithstanding any statutory provision to the  
13 contrary;
- 14 (10) Violation of chapter 329, the uniform controlled  
15 substances act, or any rule adopted pursuant thereto;  
16 [~~or~~]
- 17 (11) Failure to report any disciplinary action taken  
18 against a licensee in another jurisdiction within  
19 thirty days after the disciplinary action becomes  
20 final ~~[or]~~ or
- 21 (12) Conduct or practice contrary to the recognized  
22 principles of medical ethics of the veterinary



1           profession as adopted by the Hawaii veterinary medical  
2           association and the American veterinary medical  
3           association."

4           SECTION 2. Statutory material to be repealed is bracketed  
5 and stricken. New statutory material is underscored.

6           SECTION 3. This Act shall take effect on July 1, 2010.

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INTRODUCED BY:

*[Handwritten Signature]*



**Report Title:**

Veterinary Medicine

**Description:**

Permits the board of veterinary medicine to revoke or suspend a license or fine a licensee for conduct or practice that violates recognized principles of veterinary medical ethics.

*The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.*





LINDA LINGLE  
GOVERNOR  
JAMES R. AIONA, JR.  
LT. GOVERNOR

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

**TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION**

**TWENTY-FIFTH STATE LEGISLATURE  
REGULAR SESSION, 2010**

**TUESDAY, FEBRUARY 2, 2010  
9:00 A.M.**

**TESTIMONY ON SENATE BILL NO. 2772  
RELATING TO VETERINARY MEDICINE**

**TO THE HONORABLE ROSALYN H. BAKER, CHAIR,  
AND TO THE HONORABLE DAVID Y. IGE, 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, 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 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 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 testify on Senate Bill No. 2772. I will be happy to answer any questions that the members of the Committee may have.

February 1, 2010

Senator Rosalyn H. Baker, Chair

Committee on Commerce and Consumer Protection  
Hawaii State Capitol  
415 South Beretania Street  
Honolulu, HI 96813

RE: SB 2772 Relating to Veterinary Medicine

Dear Chairperson Baker and Members of the Committee:

On behalf of the Hawaii State Board of Veterinary Examiners and the Hawaii Veterinary Medical Association, we are encouraging you to pass SB 2772. We request 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 will establish this legal reference to both the HVMA and AVMA as a minimum standard by which all veterinarians must adhere to.

We hope you will pass SB 2772 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.

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

Eric Ako, DVM  
Executive Secretary  
Hawaii Veterinary Medical Association  
808-733-8828



**PRESENTATION OF THE  
BOARD OF VETERINARY EXAMINERS**

TO THE SENATE COMMITTEE ON  
COMMERCE AND CONSUMER PROTECTION

TWENTY-FIFTH LEGISLATURE  
Regular Session of 2010

Tuesday, February 2, 2010  
9:00 a.m.

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

TO THE HONORABLE ROSAYLN H. BAKER, 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.

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, 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.