

JAN 23 2015

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# A BILL FOR AN ACT

RELATING TO VETERINARY TECHNICIANS.

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

1           SECTION 1. Veterinary technicians are key members of the  
2 veterinary health care team, second only to the licensed  
3 veterinarians, in delivering quality animal care to the  
4 community. In public service, veterinary technicians ensure  
5 compliance with animal care and control at the University of  
6 Hawaii and at the department of agriculture in the animal  
7 industry division, in laboratories, and in the rabies quarantine  
8 branch. Veterinary technicians assist veterinarians at the  
9 Honolulu Zoo to promote and ensure animal health. Veterinary  
10 technicians also play key roles in the shelter and rescue  
11 community. In private practice, supervised by licensed  
12 veterinarians, veterinary technicians assist in managing the  
13 practice and the veterinary health care team. By their superior  
14 training, they assist the veterinarian in educating the staff  
15 and public and provide hands-on quality veterinary medical and  
16 surgical services.



1           While students must travel to the continental United States  
2 if seeking a doctorate of veterinary medicine, Hawaii has a  
3 successful, accredited veterinary technician program at Windward  
4 community college. Entering its second year, the program enjoys  
5 ongoing popularity and outstanding success, and its graduates  
6 are easily placed in employment positions.

7           Currently, the State of Hawaii is the last to recognize  
8 veterinary technicians as bona fide health professionals.  
9 Veterinary technicians should be registered in Hawaii to ensure  
10 the continuing delivery of quality veterinary service to the  
11 community and to protect animal welfare.

12           The purpose of this Act is to improve the level of care of  
13 animals in the State by:

- 14           (1) Establishing requirements for the regulation of  
15 veterinary technicians and the practice of veterinary  
16 technology under chapter 471, Hawaii Revised Statutes,  
17 relating to veterinary medicine;
- 18           (2) Establishing provisions relating to registration  
19 requirements, educational requirements, limitations on  
20 use of titles, grounds for refusal to grant and



1 revocation or suspension of registration, hearings,  
2 and criminal penalties; and

3 (3) Requiring the board of veterinary examiners to issue  
4 certificates of registration to applicants beginning  
5 on July 1, 2017.

6 SECTION 2. Chapter 471, Hawaii Revised Statutes, is  
7 amended by adding a new section to be appropriately designated  
8 and to read as follows:

9 "§471- Veterinary technicians; registrations; renewals;  
10 continuing education. (a) Except as otherwise provided in this  
11 chapter, beginning July 1, 2017, the board shall issue a  
12 certificate of registration to engage in the practice of  
13 veterinary technology as a veterinary technician to all  
14 applicants who meet the requirements of this chapter, upon  
15 payment of all applicable fees.

16 (b) All registrations issued by the board shall expire on  
17 June 30 of each even-numbered year. Failure to renew the  
18 registration on or before June 30 of each even-numbered year  
19 shall automatically constitute a forfeiture of the registration;  
20 provided that the registration shall be restored upon the  
21 submission of a written application, payment of all applicable



1 fees, and proof of completing the applicable continuing  
2 education credits to the board.

3 (c) Prior to June 30, 2020, and prior to every  
4 registration renewal thereafter, a registrant shall meet the  
5 following requirements in order to renew a veterinary technician  
6 registration:

7 (1) Pay all required fees;

8 (2) Meet the requirements of this chapter; and

9 (3) Complete at least twenty credit hours of continuing  
10 education within the two-year period preceding the  
11 renewal date.

12 (d) A registrant who has graduated from an accredited  
13 veterinary technician program within one year of the  
14 registrant's first registration renewal shall not be subject to  
15 the continuing education requirement for the first registration  
16 renewal.

17 (e) Each registrant shall be responsible for maintaining  
18 the registrant's continuing education records. At the time of  
19 renewal, each registrant shall certify under oath that the  
20 registrant has complied with the continuing education  
21 requirement of this section. The board may require a registrant



1 to submit, in addition to the certification, evidence  
2 satisfactory to the board that demonstrates compliance with the  
3 continuing education requirement of this section.

4 (f) The board may conduct random audits of registrants to  
5 determine compliance with the continuing education requirement.  
6 The board shall provide written notice of an audit to a  
7 registrant randomly selected for audit. Within sixty days of  
8 notification, the registrant shall provide the board with  
9 documentation verifying compliance with the continuing education  
10 requirement established by this section.

11 (g) Notwithstanding any other provision, no registration  
12 shall expire while the registrant is serving on active duty in  
13 the armed forces of the United States during any emergency  
14 declared by the President or Congress and six months after the  
15 termination thereof."

16 SECTION 3. Section 471-1, Hawaii Revised Statutes, is  
17 amended by adding five new definitions to be appropriately  
18 inserted and to read as follows:

19 "Direct supervision" means a licensed veterinarian is  
20 physically present at the location where animal health care  
21 tasks are to be performed.



1       "Indirect supervision" means a licensed veterinarian is not  
2 physically present at a location, but has given direct orders in  
3 the form of written or oral instructions for the treatment of an  
4 animal and the animal has been examined by the veterinarian.

5       "Induce" means to initially administer a drug with the  
6 intended purpose of rendering an animal unconscious.

7       "Practice of veterinary technology" includes but is not  
8 limited to the following procedures only under the direct  
9 supervision of a licensed veterinarian:

- 10       (1) Inducing anesthesia;
- 11       (2) Applying casts and splints;
- 12       (3) Performing dental cleaning and simple extractions;
- 13       (4) Suturing cutaneous and subcutaneous tissues, gingiva,  
14       and oral mucous membranes;
- 15       (5) Creating a relief hold in the skin to facilitate  
16       placement of an intravenous catheter;
- 17       (6) Assisting in supply ordering; and
- 18       (7) Practice and laboratory management activities.

19       "Veterinary technician" or "registered veterinary  
20 technician" ("RVT") means a person who is registered in the  
21 State to engage in the practice of veterinary technology."



1 SECTION 4. Section 471-2, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§471-2 License or registration required. (a) No person  
4 shall practice veterinary medicine, either gratuitously or for  
5 pay, or shall offer to so practice, or shall announce or  
6 advertise, publicly or privately, as prepared or qualified to so  
7 practice, or shall append the letters "Dr." or affix any other  
8 letters to the person's name with the intent thereby to imply  
9 that the person is a practitioner of veterinary medicine,  
10 without having a valid unrevoked license obtained from the board  
11 [~~of veterinary examiners~~]; provided that nothing in this chapter  
12 prevents or prohibits the following:

- 13 (1) Any person from gratuitously treating animals in case  
14 of emergency;
- 15 (2) The owner of any animal or animals and the owner's  
16 full-time, regular employees from caring for and  
17 treating any animals belonging to the owner;
- 18 (3) Any student enrolled in any veterinary school or  
19 college or any employee of a veterinarian from working  
20 under the direct supervision of a veterinarian;



- 1           (4) Any person from practicing veterinary medicine in the  
2           employ of the United States government while engaged  
3           in the performance of the person's official duties;
- 4           (5) Any person licensed to practice veterinary medicine in  
5           any state, or any certified scientist or professional  
6           in animal care, from practicing in this State when in  
7           actual consultation with or under the sponsorship of  
8           veterinarians of this State; provided that the person  
9           licensed from another state, or the certified  
10          scientist or professional in animal care, shall not  
11          open an office, or appoint a place to meet patients,  
12          or receive calls within the limits of the State;
- 13          (6) Any farmer from giving to another farmer the  
14          assistance customarily given in the ordinary practice  
15          of animal husbandry; or
- 16          (7) Any applicant who meets the licensing requirements of  
17          practicing veterinary medicine under a veterinarian by  
18          permit; provided the applicant applies for and takes  
19          the first examination scheduled by the board. A  
20          permit shall not be renewed.





1        (b) No person shall practice veterinary technology, either  
2 gratuitously or for pay, or shall offer to so practice, or shall  
3 announce or advertise, publicly or privately, as prepared or  
4 qualified to so practice, or shall append the letters "RVT" or  
5 affix any other letters to the person's name with the intent  
6 thereby to imply that the person is a practitioner of veterinary  
7 technology, without having a valid unrevoked registration as a  
8 veterinary technician obtained from the board; provided that  
9 nothing in this chapter prevents or prohibits the following:

10        (1) Any person from gratuitously treating animals in case  
11        of emergency;

12        (2) Any student enrolled in any program from working under  
13        the direct supervision of a veterinarian;

14        (3) Any person from practicing veterinary technology in  
15        the employ of the United States government while  
16        engaged in the performance of the person's official  
17        duties;

18        (4) Any farmer or supervised farm worker from treating  
19        their animals; or



1        (5) Any person from assisting the veterinarian or  
2                    veterinary technician while under the direct or  
3                    indirect supervision of a licensed veterinarian."

4        SECTION 5. Section 471-3, Hawaii Revised Statutes, is  
5 amended to read as follows:

6            "§471-3 Board of examiners; appointment and removal;  
7 qualifications. A board of veterinary examiners, consisting of  
8 seven members, four of whom shall be residents of the city and  
9 county of Honolulu and three of whom shall be residents of  
10 counties other than the city and county of Honolulu, shall be  
11 appointed, and may be removed, by the governor.

12           Five of the members of the board shall be veterinarians who  
13 have been licensed to practice for at least five years and shall  
14 be actively engaged in the practice of veterinary medicine or,  
15 if not active at the time of appointment, shall have been  
16 previously so engaged for ten years, one member shall be a  
17 veterinary technician who shall be actively engaged in the  
18 practice of veterinary technician or, if not active at the time  
19 of appointment, shall have been previously so engaged for ten  
20 years, and [two] one shall be a public [members-] member."



1 SECTION 6. Section 471-8, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§471-8 Examinations; qualifications of applicants. (a)

4 No person shall be licensed to practice veterinary medicine  
5 unless the person has passed an examination of the  
6 qualifications and fitness to engage in the practice of  
7 veterinary medicine given by the board of veterinary examiners.  
8 Before any applicant shall be eligible for examination under  
9 this chapter the applicant, at least sixty days before the date  
10 set for examination, shall file an application in the form as  
11 shall be prescribed by the board, pay to the department of  
12 commerce and consumer affairs application and examination fees,  
13 and furnish proof satisfactory to the board that the applicant:

- 14 (1) Is eighteen or more years of age; and
- 15 (2) Is a graduate of a veterinary college meeting all the  
16 standards established by the American Veterinary  
17 Medical Association, or, in lieu thereof, has actively  
18 practiced for ten out of twelve years immediately  
19 preceding the date of application in a state having  
20 standards for licensing comparable to those in this  
21 State.



1           (b) Examinations shall be given by the board twice each  
2 year except when there are no applications pending. They shall  
3 be composed of written questions, a part of which shall consist  
4 of those aspects of veterinary medicine common to the State on  
5 toxic substances, parasite diseases, unique soil conditions, and  
6 quarantine standards. The same questions shall be given to each  
7 person being examined during a particular examination. The  
8 subject matter of the examinations shall embrace the subjects  
9 and demonstrations of practical ability normally covered in the  
10 curricula of American veterinary colleges. The form of the  
11 examination shall be determined by the board. Applicants shall  
12 certify on the application that they have read, understood, and  
13 agree to comply with the laws and rules that the board  
14 determines are required for licensure.

15           The requirements imposed by this section shall not be a bar  
16 to renewal, reissuance, or restoration of any license issued  
17 prior to May 13, 1949.

18           (c) No person shall be registered to practice veterinary  
19 technology unless the person:

20           (1) Is eighteen or more years of age;



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1       (2) Has successfully passed the Veterinary Technician  
2       National Examination; and

3       (3) (A) Has successfully completed a course of study at a  
4       program for veterinary technology accredited by  
5       the American Veterinary Medical Association  
6       Committee on Veterinary Technician Education and  
7       Activities; or

8       (B) Is a licensed, certified, or registered  
9       veterinary technician in good standing in another  
10      state having standards for registration  
11      comparable to those in this State; or

12      (C) Submits a notarized document from an employer who  
13      is a licensed veterinarian certifying five years  
14      or more of practical experience in the State of  
15      Hawaii. No reciprocity shall be given for  
16      practical experience gained outside of the State.

17      Before any applicant shall be eligible for registration  
18      under this chapter, the applicant shall file an application in  
19      the form as shall be prescribed by the board and pay to the  
20      department of commerce and consumer affairs an application fee  
21      and all other applicable fees."



1 SECTION 7. Section 471-10, Hawaii Revised Statutes, is  
2 amended to read as follows:

3 "§471-10 Refusal to grant and revocation or suspension of  
4 license[-] or registration. (a) In addition to any other  
5 actions authorized by law, the board may refuse to grant, renew,  
6 reinstate or restore a license or registration for any cause  
7 which would be ground for revocation of a license or  
8 registration under the law.

9 (b) In addition to any other actions authorized by law,  
10 the board may revoke or suspend the license of any  
11 veterinarian[-] or the registration of any veterinary  
12 technician, fine a licensee[-] or registrant, or both, for any  
13 cause authorized by law, including but not limited to the  
14 following:

- 15 (1) Professional misconduct, gross negligence, or manifest  
16 incapacity;
- 17 (2) Violation of this chapter or the rules adopted  
18 pursuant thereto or any other law which applies to the  
19 licensee as a practicing veterinarian[-] or to the  
20 registrant as a practicing veterinary technician;



- 1           (3) Making any false representations or promises through  
2           advertising or otherwise;
- 3           (4) Habitual intemperance in the use of alcoholic  
4           beverages or addiction to the use of narcotic or  
5           dangerous substances;
- 6           (5) Mental incompetence;
- 7           (6) Any fraudulent, dishonest, or deceitful act in  
8           connection with the practice of veterinary medicine[7]  
9           or veterinary technology;
- 10          (7) Making a false statement on any document submitted or  
11          required to be filed by this chapter, including a  
12          false certification of compliance with the continuing  
13          education requirement;
- 14          (8) Revocation, suspension, or other disciplinary action  
15          by another state of a license [~~or~~], certificate, or  
16          registration, for reasons as provided in this section;
- 17          (9) Conviction of or plea of nolo contendere to a penal  
18          offense substantially related to the qualifications,  
19          functions, or duties of a veterinarian[7] or  
20          veterinary technician, notwithstanding any statutory  
21          provision to the contrary;



- 1       (10) Violation of chapter 329, the uniform controlled
- 2               substances act, or any rule adopted pursuant thereto;
- 3       (11) Failure to report any disciplinary action taken
- 4               against the licensee or registrant in another
- 5               jurisdiction within thirty days after the disciplinary
- 6               action becomes final; [~~or~~]
- 7       (12) Conduct or practice contrary to the recognized
- 8               principles of medical ethics of the veterinary
- 9               profession as adopted by the Hawaii Veterinary Medical
- 10              Association [~~and~~], the American Veterinary Medical
- 11              Association[~~+~~], and the Hawaii Veterinary Technician
- 12              Association;
- 13       (13) Aiding and abetting an unlicensed or unregistered
- 14              person in the practice of veterinary medicine or
- 15              veterinary technology; or
- 16       (14) For veterinary technicians, practicing veterinary
- 17              medicine that is outside the scope of practice of
- 18              veterinary technology."

19       SECTION 8. Section 471-11, Hawaii Revised Statutes, is  
20 amended to read as follows:





1           "§471-11 Hearings. (a) In every case where it is  
2 proposed to refuse to grant, renew, reinstate, or restore a  
3 license or registration or to revoke or suspend the exercise of  
4 a license or registration for any of the causes enumerated in  
5 section 471-10, the person concerned shall be given notice and  
6 opportunity for hearing in conformity with chapter 91.

7           (b) In all proceedings before it, the board of veterinary  
8 examiners and each member thereof shall have the same powers  
9 respecting administering oaths, compelling the attendance of  
10 witnesses and the production of documentary evidence, and  
11 examining witnesses, as are possessed by circuit courts. In  
12 case of disobedience by any person of any order of the board, or  
13 any member thereof, or of any subpoena issued by it, or the  
14 member, or the refusal of any witness to testify to any matter  
15 regarding which the witness may lawfully be questioned, any  
16 circuit judge, on application by the board, or any member  
17 thereof, shall compel obedience as in the case of disobedience  
18 of the requirements of a subpoena issued by a circuit court, or  
19 a refusal to testify therein."

20           SECTION 9. Section 471-15, Hawaii Revised Statutes, is  
21 amended to read as follows:



1           "~~§~~471-15~~§~~ Criminal penalties. Any person convicted  
2 of violating section 471-2 shall have committed a misdemeanor  
3 and be subject to a fine not to exceed \$500 or imprisoned not  
4 more than six months, or both.

5           Additionally, all tools, implements, appliances, medicine,  
6 and drugs used in the practice of veterinary medicine or  
7 veterinary technology by any person convicted of practicing  
8 veterinary medicine without a license or veterinary technology  
9 without a registration shall be declared forfeited to the State  
10 by the court and turned over to the board for disposition as it  
11 may choose to make."

12           SECTION 10. Statutory material to be repealed is bracketed  
13 and stricken. New statutory material is underscored.

14           SECTION 11. This Act shall take effect upon its approval.

15

INTRODUCED BY:

*Randy H. Baker*



# S.B. NO. 751

**Report Title:**

Veterinary Technicians; Veterinary Technology; Registration; Regulation; Board of Veterinary Examiners

**Description:**

Establishes requirements for the regulation of veterinary technicians and the practice of veterinary technology under chapter 471, Hawaii Revised Statutes, relating to veterinary medicine. Establishes provisions relating to registration requirements, educational requirements, limitations on use of titles, grounds for refusal to grant and revocation or suspension of registration, hearings, and criminal penalties. Requires the board of veterinary examiners to issue certificates of registration to applicants beginning on July 1, 2017.

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

