

SB751

Measure Title: RELATING TO VETERINARY TECHNICIANS.

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.

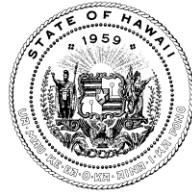
Companion:

Package: None

Current Referral: CPN, JDL

Introducer(s): BAKER

<u>Sort by Date</u>		Status Text
1/23/2015	S	Introduced.
1/26/2015	S	Passed First Reading.
1/28/2015	S	Referred to CPN, JDL.
1/30/2015	S	The committee(s) on CPN has scheduled a public hearing on 02-04-15 9:00AM in conference room 229.



DAVID Y. IGE
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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-EIGHTH STATE LEGISLATURE
REGULAR SESSION, 2015

WEDNESDAY, FEBRUARY 4, 2015
9:00 A.M.

TESTIMONY ON SENATE BILL NO. 751
RELATING TO VETERINARY TECHNICIANS

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND TO THE HONORABLE BRIAN T. TANIGUCHI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs ("Department") appreciates the opportunity to testify on Senate Bill No.751 Relating to Veterinary Technicians. My name is Daria Loy-Goto, Complaints and Enforcement Officer for the Department's Regulated Industries Complaints Office ("RICO"). RICO offers the following comments on the bill.

Senate Bill No. 751 provides for the registration of veterinary technicians within Chapter 471, Hawaii Revised Statutes. RICO defers to the Board of

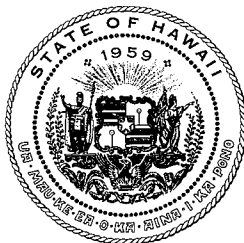
Veterinary Examiners ("Board") on the procedures for registration as set forth in Senate Bill No. 751, but offers comments on Sections 3 and 4 of the bill. Section 3 of the bill adds five new definitions, including a definition for the scope of a veterinary technician's practice. Section 4 identifies the conduct that would be exempt from registration as a veterinary technician.

RICO has concerns that the definition of "Practice of veterinary technology" lacks sufficient detail for RICO to readily determine, for enforcement purposes, the scope of a veterinary technician's practice.

RICO also considers the exemption language in Section 4(b)(5) on page 10, lines 1-3, to be overbroad. Under the bill, any person assisting a veterinarian while under the direct or indirect supervision of a licensed veterinarian would be exempt from registration as a veterinary technician. This exemption would cover such a wide range of conduct that would render registration of veterinary technicians unnecessary.

It is RICO's understanding that the Hawaii Veterinary Medicine Association and the Hawaii Veterinary Technician Association are amenable to working with the Board and RICO on language acceptable to all stakeholders. RICO appreciates the opportunity to participate in this effort.

Thank you for the opportunity to testify on Senate Bill No. 751. I will be happy to answer any questions that the members of the Committee may have.



**TESTIMONY OF JAN K. YAMANE, ACTING STATE AUDITOR,
ON SENATE BILL NO. 751,
RELATING TO VETERINARY TECHNICIANS**

**Senate Committee on Commerce and Consumer Protection
February 4, 2015**

Chair Baker and Members of the Committee:

I am Jan Yamane, Acting State Auditor. Thank you for the opportunity to provide comments on Senate Bill 751, which would regulate veterinary technicians.

As you are aware, pursuant to House Concurrent Resolution 66 of the 2014 Regular Session, we conducted a sunrise analysis of the regulation of veterinary technicians and the practice of veterinary technology as proposed by Senate Bill 2502, Senate Draft 1 (2014). Our *Sunrise Analysis: Regulation of Veterinary Technicians* (Report No. 14-15), was released on December 23, 2014. In it, we evaluated whether last year's bill was consistent with the policies set forth in Hawai'i's regulatory licensing law, Chapter 26H, Hawai'i Revised Statutes. We also assessed the probable effects of enacting the bill—specifically, the effects on consumers and the appropriateness of alternative forms of regulation; and we made recommendations. We concluded that the regulation of veterinary technicians is not warranted.

SB 751 addresses most of the technical issues we identified in our sunrise report

SB 751 makes several changes to last year's bill that do not relate to issues raised in our sunrise report. However, the bulk of the changes made in SB 751 do address deficiencies we identified in last year's bill. Specifically:

- SB 751 expands the definition of veterinary technicians' scope of practice. We found the practice definition in last year's bill was too broad. We highlighted that although certain activities were specifically identified as being within the practice of veterinary technology, vet techs' scope of practice was not limited to those specified activities. As such, enforcement by the Department of Commerce and Consumer Affairs' (DCCA) Regulated Industries Complaints Office (RICO) would be difficult. The expanded definition in SB751 provides increased clarity regarding what activities are considered to be the practice of veterinary technology. However, we note that the new practice definition is still not limited to specified activities; as such, the practice definition remains broad and may be difficult to enforce.
- SB751 also amends the makeup of the Board of Veterinary Examiners to include a veterinary technician as a member. Last year's bill did not provide for a representative of the veterinary technician community to sit on the board charged with regulating the profession, the Board of Veterinary Examiners; SB 751 specifically addresses that finding.
- SB751 also addresses interstate reciprocity. Last year's bill did not include any provisions for interstate reciprocity. SB751 addresses this flaw by providing the regulating board the discretion to determine the sufficiency of comparable interstate credentials.
- Finally, SB751 provides alternatives to fulfilling the requirement that veterinary technicians must have a degree in veterinary technology. We found that the educational requirements in last year's bill would restrict entry into the profession. SB751 directly addresses this deficiency.

We also note that in spite of our finding that last year's bill mischaracterized the level of regulation, SB 751 continues to call the proposed regulatory scheme a "registration" program rather than a licensure program.

Regulation is not warranted, however

Despite the fact that most of the technical issues we identified in last year's bill have been addressed in SB 751, we stand by our conclusion from Report No. 14-15 that the regulation of veterinary technicians is not warranted. When applying Chapter 26H, HRS, the absence of abuse continues to weigh heavily against regulation.

I am available to answer any questions you may have.

**PRESENTATION OF THE
BOARD OF VETERINARY EXAMINERS**

TO THE SENATE COMMITTEE ON
COMMERCE AND CONSUMER PROTECTION

TWENTY-EIGHTH LEGISLATURE
REGULAR SESSION OF 2015

Wednesday, February 4, 2015
9:00 a.m.

**TESTIMONY ON SENATE BILL NO. 751, RELATING TO VETERINARY
TECHNICIANS.**

TO THE HONORABLE ROSALYN H. BAKER, CHAIR,
AND MEMBERS OF THE COMMITTEE:

My name is John Kaya, D.V.M. and I am the Chairperson of the Board of Veterinary Examiners ("Board"). Thank you for the opportunity to present testimony on Senate Bill No. 751, Relating to Veterinary Technicians.

The Board reviewed and discussed this bill at its January 28, 2015 Board meeting. Senate Bill No. 751 establishes registration requirements for the regulation of veterinary technicians.

The Board supports the concept to register veterinary technicians and wishes to consult with the American Association of Veterinary State Boards ("AAVSB") to obtain clarification on the proposed scope of practice language as compared to the AAVSB Veterinary Technology Practice Act Model. Due to time constraints, the Board was not able to thoroughly research and review all areas of the proposed bill. However, the Board did note the following conflicting language:

1. Page 6, lines 7 to 9. The definition of “Practice of veterinary technology” refers to procedures only under the direct supervision of a licensed veterinarian.
2. Page 10, lines 1 to 3. Includes an exemption that allows any person from assisting the veterinarian or veterinary technician while under the direct or indirect supervision of a licensed veterinarian.

The Board of Veterinary Examiners will continue to review this measure and consult with the AAVSB on its relation to the AAVSB Veterinary Technology Practice Act Model. The Board is happy to continue to work with the Committee in making any reasonable and necessary adjustments found to be prudent in the course of that review.

Thank you for the opportunity to provide testimony on Senate Bill No. 751.

SB751

Submitted on: 1/31/2015

Testimony for CPN on Feb 4, 2015 09:00AM in Conference Room 229

Submitted By	Organization	Testifier Position	Present at Hearing
Eric Ako DVM	Hawaii Veterinary Medical Association	Support	No

Comments: Honorable Chair Senator Baker, and members of the Committee on Consumer Protection, The HVMA strongly supports the intent and concept of SB751. However, we respectfully request that it be heard in the next legislative session in 2016. Working closely with the Hawaii Veterinary Technician Association, the Board of Veterinary Examiners and Regulated Industries Complaints office, we have come to the conclusion that a year is required for certain language in the bill to be improved upon. The timing has to do with working with outside agencies such as the American Association of Veterinary State Boards, and that the BVE will not meet until April, 2015. We only wish for the legislation to be right, and recognize that patience is required. We hope to enjoy your support next year, with a bill endorsed by all interested parties. Respectfully yours, Eric Ako DVM ExecVP, HVMA State..



February 5, 2014

Testimony in Support of SB 751

Sen. Baker & Members of the Senate Committee on Commerce & Consumer Protection:

The Pacific Pet Alliance is a Hawai'i non-profit organization that promotes responsible pet ownership through education and advocacy. We support these bills that call for the registration of veterinary technicians throughout the State.

Veterinary technicians are integral members of our pets' health care team and deserve the professional recognition this licensure will bring to them.

The Pacific Pet Alliance requests that this bill be passed.

Respectfully submitted,

PACIFIC PET ALLIANCE

**Lynn Muramaru
Director**