

ACT 71

S.B. NO. 2798

A Bill for an Act Relating to Veterinary Medicine.

Be It Enacted by the Legislature of the State of Hawaii:

SECTION 1. Chapter 471, Hawaii Revised Statutes, is amended by adding five new sections to be appropriately designated and to read as follows:

“§471-A Courtesy permit. (a) The board may issue a courtesy permit to an individual licensed to engage in the practice of veterinary medicine in another jurisdiction. A courtesy permit issued pursuant to this section shall be valid for a period of thirty days and may be renewed once in any twelve-month period; provided that any courtesy permit issued and renewed pursuant to this section shall not exceed sixty total days in any twelve-month period; provided further that a courtesy permittee’s request for more than two courtesy permits within a two-year period shall constitute prima facie evidence that the courtesy permittee is engaged in the active practice of veterinary medicine in the State and a license issued under section 471-9 shall be required.

(b) Applicants for a courtesy permit shall:

- (1) Hold a current, unencumbered, and active license to engage in the practice of veterinary medicine in another jurisdiction;
- (2) Incidental to the person’s practice in another jurisdiction, desire to engage in the practice of veterinary medicine in the State on a temporary, not permanent or recurring, basis; and
- (3) Have a sponsor.

(c) A courtesy permittee shall:

- (1) Consent to the personal and subject matter jurisdiction and disciplinary authority of the board;

- (2) Practice under the level of direct or indirect supervision determined by the sponsor;
- (3) Not practice independently of the sponsor within the State;
- (4) Comply with this chapter and rules adopted by the board;
- (5) Cease to offer or render veterinary services in the State as an individual and on behalf of the sponsor if:
 - (A) The courtesy permittee's license or practice in the other jurisdiction is no longer current and active; or
 - (B) The courtesy permittee's license or practice has been limited or conditioned in any jurisdiction, including the courtesy permittee's principal place of business;
- (6) Notify the board within fifteen days if:
 - (A) Any disciplinary action or board proceeding relating to the courtesy permittee's license is commenced in any jurisdiction; or
 - (B) The courtesy permittee is convicted of any criminal offense in any jurisdiction or foreign country; and
- (7) Pay all costs associated with any jurisdiction's investigation, enforcement, and collection efforts pertaining to the courtesy permit issued pursuant to this section, as may be ordered by the board.
- (d) In no case shall an individual be issued a courtesy permit and a relief permit in the same twelve-month period.

§471-B Relief permit. (a) The board may issue a relief permit to an individual licensed to engage in the practice of veterinary medicine in another jurisdiction to conduct the practice of a veterinarian who is absent from the veterinarian's practice. A relief permit issued pursuant to this section shall be valid for a period of thirty days and may be renewed once in any twelve-month period; provided that any relief permit issued and renewed pursuant to this section shall not exceed sixty total days in any twelve-month period. A relief permit may be renewed in a subsequent twelve-month period. More than two requests for relief permits within a two-year period shall be prima facie evidence that the relief permittee is engaged in the active practice of veterinary medicine in the State and a license issued under section 471-9 shall be required.

- (b) Applicants for a relief permit shall:
 - (1) Hold a current, unencumbered, and active license to engage in the practice of veterinary medicine in another jurisdiction;
 - (2) Incidental to the person's practice in another jurisdiction, desire to engage in the practice of veterinary medicine in the State on a temporary, not permanent or recurring, basis; and
 - (3) Have a sponsor; provided that the sponsor shall not be required to be physically present on the same island.
- (c) A relief permittee shall:
 - (1) Consent to the personal and subject matter jurisdiction and disciplinary authority of the board;
 - (2) Not practice independently of the sponsor within the State;
 - (3) Comply with this chapter and rules adopted by the board;
 - (4) Cease to offer or render veterinary services in the State as an individual and on behalf of the sponsor if:
 - (A) The relief permittee's license or practice from the other jurisdiction is no longer current and active; or
 - (B) The relief permittee's license or practice has been limited or conditioned in any jurisdiction, including the relief permittee's principal place of business;
 - (5) Notify the board within fifteen days if:

- (A) Any disciplinary action or board proceeding relating to the relief permittee's license is commenced in any jurisdiction; or
- (B) The relief permittee is convicted of any criminal offense in any jurisdiction or foreign country; and
- (6) Pay all costs associated with any jurisdiction's investigation, enforcement, and collection efforts pertaining to the relief permit issued pursuant to this section, as may be ordered by the board.
- (d) In no case shall an individual be issued a relief permit and a courtesy permit in the same twelve-month period.

§471-C Sponsors; responsibilities. For the purposes of this chapter and rules adopted by the board, a sponsor shall be responsible for:

- (1) Determining the level of supervision required for the sponsored individual;
- (2) The veterinary care given to the animal patient by the sponsored individual;
- (3) Ensuring that the board has been notified in writing; and
- (4) Confirming that the sponsored individual has obtained the appropriate courtesy permit or relief permit from the board.

§471-D Veterinary telemedicine. (a) A veterinarian shall only practice veterinary telemedicine within the context of the veterinarian-client-patient relationship between medically necessary examinations of an animal patient or medically appropriate and timely visits to the premises where the animal patient is kept.

(b) Only a veterinarian licensed in the State shall provide veterinary telemedicine to an animal patient located in the State.

(c) When practicing veterinary telemedicine, a veterinarian shall:

- (1) Conduct all necessary animal patient evaluations consistently with currently acceptable standards of care;
- (2) Take appropriate precautions to safeguard the confidentiality of a client's or animal patient's records;
- (3) Ensure that the client is aware of the veterinarian's identity, location, license number, and licensure status; and
- (4) Maintain appropriate medical records with sufficient information for continued care that are readily available upon request by the client.

(d) Prescribing medications via veterinary telemedicine shall require a veterinarian-client-patient relationship and shall be at the professional discretion of the veterinarian. The indication, appropriateness, and safety considerations for each prescription issued in association with veterinary telemedicine services shall be evaluated by the veterinarian in accordance with all jurisdictional and federal laws and standards of care.

(e) A veterinarian may provide veterinary teleadvice or veterinary teletriage without the prior establishment of a veterinarian-client-patient relationship. An expert with a poison control agency who is not a veterinarian may provide veterinary teletriage.

(f) A veterinarian may provide veterinary telesupervision for tasks that do not require direct supervision as specified by rules adopted by the board.

(g) Veterinary telemedicine shall constitute the practice of veterinary medicine in the State when the individual practicing veterinary telemedicine or the animal patient are in the State. The board shall have jurisdiction over an individual practicing veterinary telemedicine within the State regardless of where the veterinarian's physical offices are located.

(h) Nothing in this section shall be construed to alter federal or state requirements and standards for the issuance of Certificates of Veterinary Inspection or health certificates.

§471-E Permit surcharge; fees. (a) There shall be imposed on every courtesy permit and relief permit issued by the board pursuant to sections 471-A and 471-B a \$100 surcharge that shall be deposited into the compliance resolution fund established under section 26-9(o) to defray the costs incurred by the department in administering those permits.

(b) Application fees paid pursuant to this chapter shall not be refundable. Pursuant to section 26-9(l), the director of commerce and consumer affairs shall establish examination, reexamination, license, renewal, restoration, enforcement, and other fees relating to the administration of this chapter by rule.”

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

1. By adding twelve new definitions to be appropriately inserted and to read:

““Client” means the animal patient’s owner, owner’s agent, or other person presenting the animal patient for care.

“Consultation” means when a veterinarian seeks and receives advice in person, telephonically, electronically, or by any other method of communication from another veterinarian or other person whose expertise, in the opinion of the veterinarian, would benefit an animal patient.

“Emergency response” means the response to a natural or human-caused disaster.

“Indirect supervision” means the veterinarian is not on the premises, but:

- (1) Has given either written or oral instructions for treatment of the animal patient;
- (2) Is readily available by telephone or other forms of immediate communication; and
- (3) Has assumed responsibility for the veterinary care given to the animal patient by a person working under their sponsorship.

“Jurisdiction” means another state, the District of Columbia, or any territory of the United States, or any province of Canada.

“Patient” or “animal patient” means any animal or group of animals receiving veterinary care from a veterinarian.

“Sponsor” means a veterinarian who requests the presence and medical assistance of an individual licensed to engage in the practice of veterinary medicine in another jurisdiction.

“Veterinarian-client-patient relationship” means a relationship that exists when:

- (1) The veterinarian and client agree for the veterinarian to assume responsibility for making medical judgments regarding the health of the animal patient;
- (2) The veterinarian has sufficient knowledge of the animal patient to initiate a general or preliminary diagnosis of the medical condition of the animal patient, which means that the veterinarian is personally acquainted with the keeping and care of the animal patient and has recently physically examined the animal patient or made timely and medically appropriate visits to the premises where the animal patient is kept;
- (3) The veterinarian is readily available or provides for follow-up care and treatment in case of adverse reactions or failure of the therapy regimen; and

- (4) The veterinarian maintains records that document animal patient visits, consultations, diagnosis and treatment, and other relevant information required under this chapter.

“Veterinarian-client-patient relationship” includes the provision of on-call or cross-coverage services by a veterinarian who has been designated by a veterinarian with an existing veterinarian-client-patient relationship and has access to relevant animal patient records.

“Veterinary teleadvice” means the provision of health information, opinion, guidance, or recommendations that are not specific to a particular animal through the use of electronic communication, including telephone and audio-visual technology.

“Veterinary telemedicine” means the practice of veterinary medicine subsequent to the establishment of a veterinarian-client-patient relationship where animal patient care, treatment, and services are provided through the use of electronic communication, including telephone and audio-visual technology, consistent with the veterinarian’s professional judgment.

“Veterinary telesupervision” means the remote supervision of a veterinary assistant, veterinary technician, or other employee of a veterinarian who administers medication or who renders auxiliary or supporting assistance under the responsible supervision of a veterinarian.

“Veterinary teletriage” means using electronic communication with a client, including through a poison control agency, to provide a timely assessment and decision as to whether to immediately refer an animal patient to a veterinarian for emergency or urgent care.”

2. By amending the definition of “practice of veterinary medicine” to read:

“Practice of veterinary medicine” means the assessment, diagnosis [ø], treatment, or prescribing for the prevention, cure, or relief of, or the giving of advice concerning, a disease, pain, injury, deformity, or other [physical] condition of an animal, or a change of a physical characteristic of an animal for cosmetic or utility purposes. [H] “Practice of veterinary medicine” includes medical, surgical, and dental care of animals.”

SECTION 3. Section 471-2, Hawaii Revised Statutes, is amended to read as follows:

“§471-2 License required. No person shall engage in the practice of veterinary medicine, either gratuitously or for pay, or shall offer to so practice, or shall announce or advertise, publicly or privately, as prepared or qualified to so practice, or shall append the letters “Dr.” or affix any other letters to the person’s name with the intent thereby to imply that the person is a practitioner of veterinary medicine, without having a valid unrevoked license obtained from the Hawaii board of veterinary medicine; provided that nothing in this chapter prevents or prohibits the following:

- (1) Any person from gratuitously treating animals in case of emergency;
- (2) The owner of any animal or animals and the owner’s full-time, regular employees from caring for and treating any animals belonging to the owner;
- (3) Any student enrolled in any veterinary school or college or any employee of a veterinarian from working under the direct supervision of a veterinarian;
- (4) Any person from practicing veterinary medicine in the employ of the United States government while engaged in the performance of the person’s official duties;

- (5) Any person licensed to engage in the practice of veterinary medicine in any [~~state, or any certified scientist or professional in animal care,~~] jurisdiction, from practicing in [~~this~~] the State when in [~~actual~~] consultation with [~~or under the sponsorship of~~] veterinarians of this State; provided that the [~~person licensed from another state, or the certified scientist or professional in animal care,~~] shall not open an office, or appoint a place to meet patients, or receive calls within the limits of the State;] veterinarian receiving consultation shall maintain the veterinarian-client-patient relationship;
- (6) Any farmer from giving to another farmer the assistance customarily given in the ordinary practice of animal husbandry; [~~or~~]
- (7) Any applicant who meets the licensing requirements of practicing veterinary medicine under a veterinarian by temporary permit; provided the applicant applies for and takes the [~~first~~] examination scheduled by the board. [~~A~~] The temporary permit shall not be renewed[.];
- (8) An individual licensed to engage in the practice of veterinary medicine in another jurisdiction from practicing in the State under a sponsor and indirect supervision of a veterinarian as part of an emergency response or enforcement action pursuant to chapter 711; provided that the sponsor shall file notification with the board regarding the arrival of the sponsored individual; provided further that the sponsored individual shall serve in an emergency capacity for no longer than twenty-one consecutive days; or
- (9) Any person who has obtained a courtesy permit or relief permit pursuant to sections 471-A and 471-B from practicing in the State.”

SECTION 4. Section 471-8, Hawaii Revised Statutes, is amended to read as follows:

“§471-8 Examinations; qualifications of applicants. (a) No person shall be licensed to engage in the practice of veterinary medicine unless the person has passed an examination of the qualifications and fitness to engage in the practice of veterinary medicine given by the Hawaii board of veterinary medicine. Before any applicant shall be eligible for examination under this chapter the applicant, at least sixty days before the date set for examination, shall file an application in the form as shall be prescribed by the board, pay to the department of commerce and consumer affairs application and examination fees, and furnish proof satisfactory to the board that the applicant:

- (1) Is eighteen or more years of age; and
- (2) Is a graduate of [a]:
 - (A) A veterinary college meeting all the standards established by the American Veterinary Medical Association[.] Council on Education, or, in lieu thereof, has actively practiced for ten out of twelve years immediately preceding the date of application in a state having standards for licensing comparable to those in this State[.]; or
 - (B) A foreign college of veterinary medicine who has successfully completed the requirements established by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence.

(b) Examinations shall be given by the board [~~twice each year except when there are no applications pending. They~~], which shall be composed of

written questions, a part of which shall consist of those aspects of veterinary medicine common to the State on toxic substances, parasite diseases, unique soil conditions, and quarantine standards. The same questions shall be given to each person being examined during a particular examination. The subject matter of the examinations shall embrace the subjects and demonstrations of practical ability normally covered in the curricula of American veterinary colleges. The form of the examination shall be determined by the board. Applicants shall certify on the application that they have read, understood, and agree to comply with the laws and rules that the board determines are required for licensure.

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

(c) A temporary permit may be issued subject to the following conditions:

(1) An applicant is a graduate of:

(A) A veterinary college meeting all the standards established by the American Veterinary Medical Association Council on Education; or

(B) A foreign college of veterinary medicine who has successfully completed the requirements established by the American Veterinary Medical Association Educational Commission for Foreign Veterinary Graduates or the American Association of Veterinary State Boards Program for the Assessment of Veterinary Education Equivalence;

(2) Veterinarians licensed by another state board of veterinary medicine;

(3) The temporary permittee shall practice veterinary medicine only under the supervision of a veterinarian licensed to practice in Hawaii who holds a current, unencumbered, active license. At all times when the temporary permittee is engaged in the practice of veterinarian medicine, the licensed veterinarian shall be physically present on the same island as the temporary permittee and must be available on a daily basis for consultation with the permittee;

(4) Only one permit, which shall be nonrenewable, shall be issued to an applicant;

(5) The temporary permit shall be valid until the results of the Hawaii state board examination taken by the permittee are known; provided, that failure of the Hawaii state board exam, the National Board Examination, or Clinical Competency Test shall immediately terminate the temporary permit; and

(6) In any event, no permit shall be valid for longer than twenty-four months.”

SECTION 5. In codifying the new sections added by section 1 of this Act, the revisor of statutes shall substitute appropriate section numbers for the letters used in designating the new sections in this Act.

SECTION 6. Statutory material to be repealed is bracketed and stricken. New statutory material is underscored.¹

SECTION 7. This Act shall take effect upon its approval; provided that sections 471-A and 471-B, Hawaii Revised Statutes, as established by section 1 of this Act shall take effect on July 1, 2024.

(Approved June 17, 2022.)

Note

1. Edited pursuant to HRS §23G-16.5.