A BILL FOR AN ACT

RELATING TO VETERINARY TECHNICIANS.

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

SECTION 1. Veterinary technicians are key members of the veterinary health care team, second only to licensed veterinarians, in delivering quality animal care to the community. In public service, veterinary technicians ensure compliance with animal care and control at the University of Hawaii and at the department of agriculture in the animal industry division, in laboratories, and in the rabies quarantine branch. Veterinary technicians assist veterinarians at the Honolulu zoo, in the shelter and rescue community, in laboratories, and other veterinary-related establishments to promote and ensure animal health. In private practice, supervised by licensed veterinarians, veterinary technicians assist in managing the veterinarian's practice and the veterinary health care team. Because of their superior training, they are able to assist the veterinarian in educating the staff and public and provide hands-on quality veterinary medical and surgical services.
While students must travel to the continental United States to seek a doctorate of veterinary medicine, Hawaii has a successful, accredited veterinary technician program at Windward community college that has been accredited by the American Veterinary Medical Association since 2013. Entering its fourth year, the program enjoys ongoing popularity and outstanding success, and its graduates are easily placed in gainful employment.

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

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

(1) Establishing requirements for the regulation of veterinary technicians and the practice of veterinary technology;

(2) Establishing registration requirements; educational requirements; limitations on use of titles; grounds for refusal to grant, revoke, or suspend registration;
hearing requirements; and criminal penalties for veterinary technicians; and

(3) Requiring the board of veterinary examiners to issue certificates of registration to applicants beginning on July 1, 2018.

SECTION 2. The Hawaii Revised Statutes is amended by adding a new chapter to be appropriately designated and to read as follows:

"CHAPTER VETERINARY TECHNICIANS

§ -1 Definitions. As used in this chapter:

"Animal" means any animal except a human being.

"Board" means the board of veterinary examiners established by section 471-3.

"Continuing education courses" means courses approved by the board, the Hawaii Veterinary Medical Association, the American Association of Veterinary State Boards' Registry, or other board-approved organizations.

"Credit hour" means, except as otherwise provided, the value assigned to fifty minutes of instruction.
"Direct supervision" means when a licensed veterinarian is physically present where animal health care tasks are to be performed.

"Indirect supervision" means when a licensed veterinarian is not physically present where animal health care tasks are to be performed but has given direct orders in the form of written or oral instructions for the treatment of an animal and the animal has been examined by the veterinarian.

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

"Intubate" means to pass a tube into the trachea for purposes of anesthesia and airway maintenance.

"Practice of veterinary medicine" means the diagnosis or treatment 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. It includes medical, surgical, and dental care of animals.

"Practice of veterinary technology" includes but is not limited to the following procedures only under the direct supervision of a licensed veterinarian:
(1) Inducing anesthesia;
(2) Intubating;
(3) Performing dental cleaning and simple extractions;
(4) Suturing cutaneous and subcutaneous tissues, gingiva,
and oral mucous membranes;
(5) Creating a relief hold in the skin to facilitate
placement of an intravenous catheter; and
(6) Practice and laboratory management activities.

"Simple extraction" means to remove a tooth from above the
gum line using a dental elevator and forceps, such as teeth with
periodontal disease grades from 3/4 to 4/4.

"Veterinarian" means a person duly licensed in the State to
engage in the practice of veterinary medicine.

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

§ -2 Registration required. No person shall participate
in the practice of veterinary technology, 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 "RVT" or affix any other
letters to the person's name with the intent thereby to imply that the person is a practitioner of veterinary technology, without having a valid unrevoked registration as a veterinary technician obtained from the board; provided that nothing in this chapter prevents or prohibits the following:

1. Any person from gratuitously treating animals in case of emergency;
2. Any student enrolled in any program from working under the direct supervision of a veterinarian;
3. Any person from practicing veterinary technology in the employ of the United States government while engaged in the performance of the person's official duties;
4. Any farmer or supervised farm worker from treating their animals; or
5. Any person from assisting the veterinarian or veterinary technician while under the direct or indirect supervision of a licensed veterinarian.

§ -3 Veterinary technicians; registrations; renewals; continuing education. (a) Except as otherwise provided in this chapter, beginning July 1, 2018, the board shall issue a
certificate of registration to engage in the practice of veterinary technology as a veterinary technician to all applicants meeting the requirements of this chapter and upon payment of all applicable fees.

(b) All registrations issued by the board shall expire on June 30 of each even-numbered year. Failure to renew the registration on or before June 30 of each even-numbered year shall automatically constitute a forfeiture of the registration; provided that the registration shall be restored upon the submission to the board of a written application, payment of all applicable fees, and proof of completing the applicable continuing education credit.

(c) For the registration renewal due by June 30, 2020, and for every registration renewal thereafter, a registrant shall meet the following requirements to renew a veterinary technician registration:

(1) Pay all required fees;

(2) Meet the requirements of this chapter; and

(3) Complete at least twenty credit hours of continuing education within the two-year period preceding the renewal date.
(d) A registrant who has graduated from a veterinary technician program accredited by the American Veterinary Medical Association within one year of the registrant's first registration renewal shall not be subject to the continuing education requirement for the registrant's first registration renewal.

(e) Each registrant shall be responsible for maintaining the registrant's continuing education records. At the time of renewal, each registrant shall certify under oath that the registrant has complied with the continuing education requirement of this section. The board may require a registrant to submit, in addition to the certification, evidence satisfactory to the board that demonstrates compliance with the continuing education requirement of this section.

(f) The board may conduct random audits of registrants to determine compliance with the continuing education requirement. The board shall provide written notice of an audit to a registrant randomly selected for audit. Within sixty days of notification, the registrant shall provide the board with documentation verifying compliance with the continuing education requirement established by this section.
(g) Notwithstanding any other provision to the contrary, no registration shall expire while the registrant is serving on active duty in the armed forces of the United States during any emergency declared by the President or Congress and six months after the termination thereof.

§ 4 Veterinary technician examinations; qualifications of applicants. No person shall be registered to practice veterinary technology unless the person:

(1) Is at least eighteen years of age;

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

(3) Meets at least one of the following conditions:

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

(B) Is a licensed, certified, or registered veterinary technician in good standing in another state having standards for registration comparable to those in this State; or
Prior to July 1, 2021, submits a notarized document from an employer who is a licensed veterinarian and who certifies that the person has five years or more of practical experience in the State of Hawaii. No reciprocity shall be given for practical experience gained outside of the State.

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

§ -5 Refusal to grant and revocation or suspension of a veterinary technician registration. (a) In addition to any other actions authorized by law, the board may refuse to grant, renew, reinstate, or restore a registration for any cause which would be grounds for revocation of a registration under the law.

(b) In addition to any other actions authorized by law, the board may revoke or suspend the registration of any veterinary technician, fine a registrant, or both, for any cause authorized by law, including but not limited to the following:
(1) Professional misconduct, gross negligence, or manifest
capacity;

(2) Violation of this chapter or the rules adopted
pursuant thereto or any other law which applies to the
registrant as a practicing veterinary technician;

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

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

(5) Mental incompetence;

(6) Any fraudulent, dishonest, or deceitful act in
connection with the practice of veterinary technology;

(7) Making a false statement on any document submitted or
required to be filed by this chapter, including a
false certification of compliance with the continuing
education requirement;

(8) Revocation, suspension, or other disciplinary action
by another state of a license, certificate, or
registration, as applicable, for reasons as provided
in this section;
(9) Conviction of or plea of nolo contendere to a penal offense substantially related to the qualifications, functions, or duties of a veterinary technician, notwithstanding any statutory provision to the contrary;

(10) Violation of chapter 329, the uniform controlled substances act, or any rule adopted pursuant thereto;

(11) Failure to report any disciplinary action taken against the registrant in another jurisdiction within thirty days after the disciplinary action becomes final;

(12) Conduct or practice contrary to the recognized principles of medical ethics of the veterinary profession as adopted by the Hawaii Veterinary Medical Association, the American Veterinary Medical Association, and the Hawaii Veterinary Technician Association;

(13) Aiding and abetting an unlicensed or unregistered person in the practice of veterinary medicine or veterinary technology; or
(14) Practicing veterinary medicine that is outside the
scope of practice of veterinary technology.

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

(b) In all proceedings before it, the board and each
member thereof shall have the same powers respecting
administering oaths, compelling the attendance of witnesses and
the production of documentary evidence, and examining witnesses,
as are possessed by circuit courts. In case of disobedience by
any person of any order of the board, or any member thereof, or
of any subpoena issued by it, or the member, or the refusal of
any witness to testify to any matter regarding which the witness
may lawfully be questioned, any circuit judge, on application by
the board, or any member thereof, shall compel obedience as in
the case of disobedience of the requirements of a subpoena
issued by a circuit court, or a refusal to testify therein.
§ 17 Criminal penalties. Any person convicted of
violating section 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.

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

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

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

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

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

SECTION 5. This Act shall take effect upon its approval.

INTRODUCED BY:  

[Signatures]
Report Title:
Veterinary Technicians

Description:
Establishes a framework for the regulation of veterinary technicians.

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