

JAN 22 2016

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 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, in the shelter and rescue community, in
10 laboratories, and other veterinary-related establishments to
11 promote and ensure animal health. In private practice,
12 supervised by licensed veterinarians, veterinary technicians
13 assist in managing the veterinarian's practice and the
14 veterinary health care team. Because of their superior
15 training, they are able to assist the veterinarian in educating
16 the staff and public and provide hands-on quality veterinary
17 medical and surgical services.



1 While students must travel to the continental United States
2 to seek a doctorate of veterinary medicine, Hawaii has a
3 successful, accredited veterinary technician program at Windward
4 community college that has been accredited by the American
5 Veterinary Medical Association since 2013. Entering its fourth
6 year, the program enjoys ongoing popularity and outstanding
7 success, and its graduates are easily placed in gainful
8 employment.

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

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

- 16 (1) Establishing requirements for the regulation of
17 veterinary technicians and the practice of veterinary
18 technology;
- 19 (2) Establishing registration requirements; educational
20 requirements; limitations on use of titles; grounds
21 for refusal to grant, revoke, or suspend registration;



1 hearing requirements; and criminal penalties for
2 veterinary technicians; and

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

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

9 "CHAPTER

10 VETERINARY TECHNICIANS

11 § -1 Definitions. As used in this chapter:

12 "Animal" means any animal except a human being.

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

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

19 "Credit hour" means, except as otherwise provided, the
20 value assigned to fifty minutes of instruction.



1 "Direct supervision" means when a licensed veterinarian is
2 physically present where animal health care tasks are to be
3 performed.

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

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

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

13 "Practice of veterinary medicine" means the diagnosis or
14 treatment for the prevention, cure, or relief of, or the giving
15 of advice concerning, a disease, pain, injury, deformity, or
16 other physical condition of an animal, or a change of a physical
17 characteristic of an animal for cosmetic or utility purposes.
18 It includes medical, surgical, and dental care of animals.

19 "Practice of veterinary technology" includes but is not
20 limited to the following procedures only under the direct
21 supervision of a licensed veterinarian:



- 1 (1) Inducing anesthesia;
- 2 (2) Intubating;
- 3 (3) Performing dental cleaning and simple extractions;
- 4 (4) Suturing cutaneous and subcutaneous tissues, gingiva,
- 5 and oral mucous membranes;
- 6 (5) Creating a relief hold in the skin to facilitate
- 7 placement of an intravenous catheter; and
- 8 (6) Practice and laboratory management activities.

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

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

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

17 § -2 **Registration required.** No person shall participate
18 in the practice of veterinary technology, either gratuitously or
19 for pay, or shall offer to so practice, or shall announce or
20 advertise, publicly or privately, as prepared or qualified to so
21 practice, or shall append the letters "RVT" or affix any other



1 letters to the person's name with the intent thereby to imply
2 that the person is a practitioner of veterinary technology,
3 without having a valid unrevoked registration as a veterinary
4 technician obtained from the board; provided that nothing in
5 this chapter prevents or prohibits the following:

- 6 (1) Any person from gratuitously treating animals in case
7 of emergency;
- 8 (2) Any student enrolled in any program from working under
9 the direct supervision of a veterinarian;
- 10 (3) Any person from practicing veterinary technology in
11 the employ of the United States government while
12 engaged in the performance of the person's official
13 duties;
- 14 (4) Any farmer or supervised farm worker from treating
15 their animals; or
- 16 (5) Any person from assisting the veterinarian or
17 veterinary technician while under the direct or
18 indirect supervision of a licensed veterinarian.

19 § -3 Veterinary technicians; registrations; renewals;
20 continuing education. (a) Except as otherwise provided in this
21 chapter, beginning July 1, 2018, the board shall issue a



1 certificate of registration to engage in the practice of
2 veterinary technology as a veterinary technician to all
3 applicants meeting the requirements of this chapter and upon
4 payment of all applicable fees.

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

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

- 17 (1) Pay all required fees;
- 18 (2) Meet the requirements of this chapter; and
- 19 (3) Complete at least twenty credit hours of continuing
20 education within the two-year period preceding the
21 renewal date.



1 (d) A registrant who has graduated from a veterinary
2 technician program accredited by the American Veterinary Medical
3 Association within one year of the registrant's first
4 registration renewal shall not be subject to the continuing
5 education requirement for the registrant's first registration
6 renewal.

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

15 (f) The board may conduct random audits of registrants to
16 determine compliance with the continuing education requirement.
17 The board shall provide written notice of an audit to a
18 registrant randomly selected for audit. Within sixty days of
19 notification, the registrant shall provide the board with
20 documentation verifying compliance with the continuing education
21 requirement established by this section.



1 (g) Notwithstanding any other provision to the contrary,
2 no registration shall expire while the registrant is serving on
3 active duty in the armed forces of the United States during any
4 emergency declared by the President or Congress and six months
5 after the termination thereof.

6 § -4 Veterinary technician examinations; qualifications
7 of applicants. No person shall be registered to practice
8 veterinary technology unless the person:

- 9 (1) Is at least eighteen years of age;
- 10 (2) Has successfully passed the Veterinary Technician
11 National Examination; and
- 12 (3) Meets at least one of the following conditions:
- 13 (A) Has successfully completed a course of study at a
14 program for veterinary technology accredited by
15 the American Veterinary Medical Association
16 Committee on Veterinary Technician Education and
17 Activities;
- 18 (B) Is a licensed, certified, or registered
19 veterinary technician in good standing in another
20 state having standards for registration
21 comparable to those in this State; or



1 (C) Prior to July 1, 2021, submits a notarized
2 document from an employer who is a licensed
3 veterinarian and who certifies that the person
4 has five years or more of practical experience in
5 the State of Hawaii. No reciprocity shall be
6 given for practical experience gained outside of
7 the State.

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

13 § -5 Refusal to grant and revocation or suspension of a
14 veterinary technician registration. (a) In addition to any
15 other actions authorized by law, the board may refuse to grant,
16 renew, reinstate, or restore a registration for any cause which
17 would be grounds for revocation of a registration under the law.

18 (b) In addition to any other actions authorized by law,
19 the board may revoke or suspend the registration of any
20 veterinary technician, fine a registrant, or both, for any cause
21 authorized by law, including but not limited to the following:



- 1 (1) Professional misconduct, gross negligence, or manifest
2 incapacity;
- 3 (2) Violation of this chapter or the rules adopted
4 pursuant thereto or any other law which applies to the
5 registrant as a practicing veterinary technician;
- 6 (3) Making any false representations or promises through
7 advertising or otherwise;
- 8 (4) Habitual intemperance in the use of alcoholic
9 beverages or addiction to the use of narcotic or
10 dangerous substances;
- 11 (5) Mental incompetence;
- 12 (6) Any fraudulent, dishonest, or deceitful act in
13 connection with the practice of veterinary technology;
- 14 (7) Making a false statement on any document submitted or
15 required to be filed by this chapter, including a
16 false certification of compliance with the continuing
17 education requirement;
- 18 (8) Revocation, suspension, or other disciplinary action
19 by another state of a license, certificate, or
20 registration, as applicable, for reasons as provided
21 in this section;



- 1 (9) Conviction of or plea of nolo contendere to a penal
2 offense substantially related to the qualifications,
3 functions, or duties of a veterinary technician,
4 notwithstanding any statutory provision to the
5 contrary;
- 6 (10) Violation of chapter 329, the uniform controlled
7 substances act, or any rule adopted pursuant thereto;
- 8 (11) Failure to report any disciplinary action taken
9 against the registrant in another jurisdiction within
10 thirty days after the disciplinary action becomes
11 final;
- 12 (12) Conduct or practice contrary to the recognized
13 principles of medical ethics of the veterinary
14 profession as adopted by the Hawaii Veterinary Medical
15 Association, the American Veterinary Medical
16 Association, and the Hawaii Veterinary Technician
17 Association;
- 18 (13) Aiding and abetting an unlicensed or unregistered
19 person in the practice of veterinary medicine or
20 veterinary technology; or



1 (14) Practicing veterinary medicine that is outside the
2 scope of practice of veterinary technology.

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

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



1 § -7 Criminal penalties. Any person convicted of
2 violating section -2 shall have committed a misdemeanor and be
3 subject to a fine not to exceed \$500 or imprisoned not more than
4 six months, or both.

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

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

13 "§471-3 Board of examiners; appointment and removal;
14 qualifications. A board of veterinary examiners, consisting of
15 seven members, four of whom shall be residents of the city and
16 county of Honolulu and three of whom shall be residents of
17 counties other than the city and county of Honolulu, shall be
18 appointed, and may be removed, by the governor.

19 Five of the members of the board shall be veterinarians who
20 have been licensed to practice for at least five years and shall
21 be actively engaged in the practice of veterinary medicine or,



1 if not active at the time of appointment, shall have been
 2 previously so engaged for ten years, one member shall be a
 3 veterinary technician who shall be actively engaged in the
 4 practice of veterinary technology or, if not active at the time
 5 of appointment, shall have been previously so engaged for ten
 6 years, and [two] one shall be a public [members-] member."

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

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

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S.B. NO. 2671

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.

