

STAND. COM. REP. NO. 2358

Honolulu, Hawaii

FEB 18 2016

RE: S.B. No. 2671
S.D. 1

Honorable Ronald D. Kouchi
President of the Senate
Twenty-Eighth State Legislature
Regular Session of 2016
State of Hawaii

Sir:

Your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor, to which was referred S.B. No. 2671 entitled:

"A BILL FOR AN ACT RELATING TO VETERINARY TECHNICIANS,"

beg leave to report as follows:

The purpose and intent of this measure is to:

- (1) Establish requirements for the regulation of veterinary technicians and the practice of veterinary technology, including registration and educational requirements; limitations on use of titles; grounds for refusal to grant, revoke, or suspend registration; and criminal penalties; and
- (2) Require the Board of Veterinary Examiners to issue certificates of registration to veterinary technician applicants beginning on July 1, 2018.

Your Committees received testimony in support of this measure from the University of Hawai'i Windward Community College Veterinary Technology Program, Hawaii Veterinary Medical Association, Hawaii Veterinary Technician Association, and seven individuals. Your Committees received comments on this measure from the Regulated Industries Complaints Office of the Department of Commerce and Consumer Affairs, Office of the Auditor, and Board of Veterinary Examiners.



Your Committees find that the importance of veterinary technicians in the veterinary medicine industry is undeniable. Your Committees further find that the veterinary technology program at Windward Community College has been accredited by the American Veterinary Medical Association since 2013. The program enjoys ongoing popularity and outstanding success and has expanded to Maui, with plans to further expand to Hawaii island in the next year. However, graduates from the program must travel out of the State to receive the title of "registered veterinary technician", as that title is not currently recognized in Hawaii.

According to testimony received by your Committees, the primary concern of the veterinary technician industry is to ensure that individuals who use the designation "registered veterinary technician" are registered with the Department of Commerce and Consumer Affairs and that all others may continue to work under the supervision of licensed veterinarians, as permitted under existing law. This type of regulation is commonly referred to as "title protection" because it is designed to allow only authorized individuals to refer to themselves by certain titles. Your Committees conclude that since title protection is the underlying intent behind the registration of veterinary technicians, a different registration structure than the one originally contemplated by this measure may be more appropriate.

After a discussion with interested stakeholders, your Committees conclude that amendments to this measure are necessary to establish a model for a veterinary technician registration program within the Department of Commerce and Consumer Affairs that provides for title protection, establishes criteria for registration, and makes clear that nothing in the new chapter proposed by this measure precludes a licensed veterinarian from utilizing support or auxiliary personnel.

Accordingly, your Committees have amended this measure by:

- (1) Updating the definitions associated with the new chapter for veterinary technology practice;
- (2) Establishing title protection for veterinary technicians and registered veterinary technicians, including prohibitions on use of titles, requiring veterinary technicians to meet qualification requirements and register with the Department of Commerce and Consumer Affairs, and requiring the Department of Commerce and



Consumer Affairs to maintain a list of the names and business addresses of registered veterinary technicians;

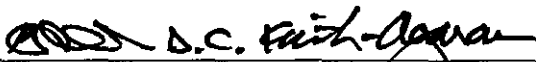
- (3) Deleting language that would have required the Board of Veterinary Examiners to issue certificates of registration to persons engaged in the practice of veterinary technology as a veterinary technician;
- (4) Removing certain registration requirements for veterinary technicians, including biennial license renewal and continuing education requirements;
- (5) Specifying that an applicant shall file an application in a form prescribed by the Department of Commerce and Consumer Affairs, rather than the Board of Veterinary Examiners;
- (6) Deleting language that would have established requirements for the refusal to grant, revocation, or suspension of a veterinary technician registration;
- (7) Deleting language that would have established hearing requirements associated with the refusal to grant, renew, reinstate, or restore a registration or revoke or suspend the exercise of a registration;
- (8) Deleting language that would have established criminal penalties for violations of veterinary technician registration requirements;
- (9) Deleting language that would have required one member of the Board of Veterinary Examiners to be a veterinary technician and one member, rather than two, to be a public member;
- (10) Appropriating \$95,000 out of the compliance resolution fund to implement the registration of veterinary technicians;
- (11) Requiring each veterinary technician to pay a surcharge in addition to registration or renewal fees, to be maintained in a separate account within the compliance resolution fund and noting that the surcharges shall be transferred to the compliance resolution fund until sums transferred equal the sum appropriated;



- (12) Inserting an effective date of July 1, 2016; provided that the registration of veterinary technicians shall take effect July 1, 2018; and
- (13) Making technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the records of votes of the members of your Committees on Commerce, Consumer Protection, and Health and Judiciary and Labor that are attached to this report, your Committees are in accord with the intent and purpose of S.B. No. 2671, as amended herein, and recommend that it pass Second Reading in the form attached hereto as S.B. No. 2671, S.D. 1, and be referred to your Committee on Ways and Means.

Respectfully submitted on
behalf of the members of the
Committees on Commerce,
Consumer Protection, and Health
and Judiciary and Labor,



GILBERT S.C. KEITH-AGARAN, Chair



ROSALYN H. BAKER, Chair



