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# A BILL FOR AN ACT

RELATING TO VETERINARY MEDICINE.

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

1           SECTION 1. Chapter 471, Hawaii Revised Statutes, is  
2 amended by adding five new sections to be appropriately  
3 designated and to read as follows:  
4           "§471-A Courtesy permit. (a) The board may issue a  
5 courtesy permit to a veterinarian licensed in another  
6 jurisdiction. A courtesy permit issued pursuant to this section  
7 shall be valid for a period of thirty days and may be renewed  
8 once in any twelve-month period; provided that any courtesy  
9 permit issued and renewed pursuant to this section shall not  
10 exceed sixty total days in any twelve-month period; provided  
11 further that a courtesy permittee's request for more than two  
12 courtesy permits within a two-year period shall constitute prima  
13 facie evidence that the courtesy permittee is engaged in the  
14 active practice of veterinary medicine in the State and a  
15 license issued under section 471-9 shall be required.  
16           (b) Applicants for a courtesy permit shall:



- 1        (1) Hold a current, unencumbered, and active license for
- 2            the practice of veterinary medicine in another
- 3            jurisdiction;
- 4        (2) Incidental to the person's practice in another
- 5            jurisdiction, desire to engage in the practice of
- 6            veterinary medicine in the State on a temporary, not
- 7            permanent or recurring, basis; and
- 8        (3) Have a sponsor.
- 9        (c) A courtesy permittee shall:
- 10        (1) Consent to the personal and subject matter
- 11            jurisdiction and disciplinary authority of the board;
- 12        (2) Practice under the level of direct or indirect
- 13            supervision determined by the sponsor;
- 14        (3) Not practice independently of the sponsor within the
- 15            State;
- 16        (4) Comply with this chapter and rules adopted by the
- 17            board;
- 18        (5) Cease to offer or render veterinary services in the
- 19            State as an individual and on behalf of the sponsor
- 20            if:



1           (A) The courtesy permittee's license or practice in  
2           the other jurisdiction is no longer current and  
3           active; or

4           (B) The courtesy permittee's license or practice has  
5           been limited or conditioned in any jurisdiction,  
6           including the courtesy permittee's principal  
7           place of business;

8           (6) Notify the board within fifteen days if:

9           (A) Any disciplinary action or board proceeding  
10           relating to the courtesy permittee's license is  
11           commenced in any jurisdiction; or

12           (B) The courtesy permittee is convicted of any  
13           criminal offense in any jurisdiction or foreign  
14           country; and

15           (7) Pay all costs associated with any jurisdiction's  
16           investigation, enforcement, and collection efforts  
17           pertaining to the courtesy permit issued pursuant to  
18           this section, as may be ordered by the board.

19           (d) In no case shall an individual be issued a courtesy  
20           permit and a relief permit in the same twelve-month period.



1        §471-B Relief permit. (a) The board may issue a relief  
2 permit to a veterinarian licensed in another jurisdiction to  
3 conduct the practice of a Hawaii-licensed veterinarian who is  
4 absent from their practice. A relief permit issued pursuant to  
5 this section shall be valid for a period of thirty days and may  
6 be renewed once in any twelve-month period; provided that any  
7 relief permit issued and renewed pursuant to this section shall  
8 not exceed sixty total days in any twelve-month period. A  
9 relief permit may be renewed in a subsequent twelve-month  
10 period. More than two requests for relief permits within a two-  
11 year period shall be prima facie evidence that the relief  
12 permittee is engaged in the active practice of veterinary  
13 medicine in the State and a license issued under section 471-9  
14 shall be required.

15        (b) Applicants for a relief permit shall:

16        (1) Hold a current, unencumbered, and active license for  
17        the practice of veterinary medicine in another  
18        jurisdiction;

19        (2) Incidental to the person's practice in another  
20        jurisdiction, desire to engage in the practice of



- 1           veterinary medicine in the State on a temporary, not  
2           permanent or recurring, basis; and
- 3           (3) Have a sponsor; provided that the sponsor shall not be  
4           required to be physically present on the same island.
- 5           (c) A relief permittee shall:
- 6           (1) Consent to the personal and subject matter  
7           jurisdiction and disciplinary authority of the board;
- 8           (2) Not practice independently of the sponsor within the  
9           State;
- 10          (3) Comply with this chapter and rules adopted by the  
11          board;
- 12          (4) Cease to offer or render veterinary services in the  
13          State as an individual and on behalf of the sponsor  
14          if:
- 15          (A) The relief permittee's license from the other  
16          jurisdiction is no longer current and active; or
- 17          (B) The relief permittee's license or practice has  
18          been limited or conditioned in any jurisdiction,  
19          including the relief permittee's principal place  
20          of business;
- 21          (5) Notify the board within fifteen days if:



- 1           (A) Any disciplinary action or board proceeding  
2           relating to the relief permittee's license is  
3           commenced in any jurisdiction; or
- 4           (B) The relief permittee is convicted of any criminal  
5           offense in any jurisdiction or foreign country;  
6           and
- 7           (6) Pay all costs associated with any jurisdiction's  
8           investigation, enforcement, and collection efforts  
9           pertaining to the relief permit issued pursuant to  
10           this section, as may be ordered by the board.
- 11           (d) In no case shall an individual be issued a relief  
12           permit and a courtesy permit in the same twelve-month period.
- 13           **§471-C Sponsors; responsibilities.** For the purposes of  
14           sections 471-A and 471-B, a sponsor shall be responsible for:
- 15           (1) Determining the level of supervision required for the  
16           sponsored veterinarian;
- 17           (2) The veterinary care given to the animal patient by the  
18           sponsored veterinarian;
- 19           (3) Ensuring that the board has been notified in writing;  
20           and



1       (4) Confirming that the sponsored veterinarian has  
2             obtained the appropriate courtesy permit or relief  
3             permit from the board.

4       §471-D Veterinary telemedicine. (a) A veterinarian shall  
5       only practice veterinary telemedicine within the context of the  
6       veterinarian-client-patient relationship between medically  
7       necessary examinations of an animal patient or medically  
8       appropriate and timely visits to the premises where the animal  
9       patient is kept.

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

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

15       (1) Conduct all necessary animal patient evaluations  
16       consistently with currently acceptable standards of  
17       care;

18       (2) Take appropriate precautions to safeguard the  
19       confidentiality of a client's or animal patient's  
20       records;



1       (3) Ensure that the client is aware of the veterinarian's  
2           identity, location, license number, and licensure  
3           status; and

4       (4) Maintain appropriate medical records with sufficient  
5           information for continued care that are readily  
6           available upon request by the client.

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

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





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

4       (g) Veterinary telemedicine shall constitute the practice  
5 of veterinary medicine in the State when the veterinarian or the  
6 animal patient are in the State. The board shall have  
7 jurisdiction over a veterinarian practicing veterinary  
8 telemedicine within the State regardless of where the  
9 veterinarian's physical offices are located.

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

13       **§471-E Permit surcharge.** There shall be imposed on every  
14 courtesy permit and relief permit issued by the board pursuant  
15 to sections 471-A and 471-B a \$100 surcharge that shall be  
16 deposited into the compliance resolution fund established under  
17 section 269-9(o) to defray the costs incurred by the department  
18 in administering those permits."

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



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

3 "Client" means the animal patient's owner, owner's agent,  
4 or other person presenting the animal patient for care.

5 "Consultation" means when a Hawaii-licensed veterinarian  
6 seeks and receives advice in person, telephonically,  
7 electronically, or by any other method of communication from a  
8 veterinarian or other person whose expertise, in the opinion of  
9 the Hawaii-licensed veterinarian, would benefit an animal  
10 patient.

11 "Emergency response" means the response to a natural or  
12 human-caused disaster.

13 "Indirect supervision" means the Hawaii-licensed  
14 veterinarian is not on the premises, but:

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



1       "Jurisdiction" means another state, the District of  
2 Columbia, or any territory of the United States, or any province  
3 of Canada.

4       "Patient" or "animal patient" means any animal or group of  
5 animals receiving veterinary care from a veterinarian.

6       "Sponsor" means a veterinarian holding a current license in  
7 the State who requests the presence and medical assistance of a  
8 veterinarian licensed in another jurisdiction.

9       "Veterinarian-client-patient relationship" means a  
10 relationship that exists when:

11       (1) The veterinarian and client agree for the veterinarian  
12 to assume responsibility for making medical judgments  
13 regarding the health of the animal patient;

14       (2) The veterinarian has sufficient knowledge of the  
15 animal patient to initiate a general or preliminary  
16 diagnosis of the medical condition of the animal  
17 patient, which means that the veterinarian is  
18 personally acquainted with the keeping and care of the  
19 animal patient and has recently physically examined  
20 the animal patient or made timely and medically



1           appropriate visits to the premises where the animal  
2           patient is kept;

3           (3) The veterinarian is readily available or provides for  
4           follow-up care and treatment in case of adverse  
5           reactions or failure of the therapy regimen; and

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

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

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

19           "Veterinary telemedicine" means the practice of veterinary  
20 medicine subsequent to establishment of a veterinarian-  
21 client-patient relationship where animal patient care,



1 treatment, and services are provided through the use of  
2 electronic communication, including telephone and audio-visual  
3 technology, consistent with the veterinarian's professional  
4 judgment.

5 "Veterinary telesupervision" means the remote supervision  
6 of a veterinary assistant, veterinary technician, or other  
7 employee of a veterinarian who administers medication or who  
8 renders auxiliary or supporting assistance under the responsible  
9 supervision of a veterinarian.

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

15 2. By amending the definition of "practice of veterinary  
16 medicine" to read:

17 "Practice of veterinary medicine" means the assessment,  
18 diagnosis [~~or~~], treatment, or prescribing for the prevention,  
19 cure, or relief of, or the giving of advice concerning, a  
20 disease, pain, injury, deformity, or other [~~physical~~] condition  
21 of an animal, or a change of a physical characteristic of an



1 animal for cosmetic or utility purposes. [~~H~~] "Practice of  
2 veterinary medicine" includes medical, surgical, and dental care  
3 of animals."

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

6 "**§471-2 License required.** No person shall engage in the  
7 practice of veterinary medicine, either gratuitously or for pay,  
8 or shall offer to so practice, or shall announce or advertise,  
9 publicly or privately, as prepared or qualified to so practice,  
10 or shall append the letters "Dr." or affix any other letters to  
11 the person's name with the intent thereby to imply that the  
12 person is a practitioner of veterinary medicine, without having  
13 a valid unrevoked license obtained from the Hawaii board of  
14 veterinary medicine; provided that nothing in this chapter  
15 prevents or prohibits the following:

- 16 (1) Any person from gratuitously treating animals in case  
17 of emergency;
- 18 (2) The owner of any animal or animals and the owner's  
19 full-time, regular employees from caring for and  
20 treating any animals belonging to the owner;



- 1 (3) Any student enrolled in any veterinary school or
- 2 college or any employee of a veterinarian from working
- 3 under the direct supervision of a veterinarian;
- 4 (4) Any person from practicing veterinary medicine in the
- 5 employ of the United States government while engaged
- 6 in the performance of the person's official duties;
- 7 (5) Any person licensed to practice veterinary medicine in
- 8 any [~~state, or any certified scientist or professional~~
- 9 ~~in animal care,~~] jurisdiction, from practicing in this
- 10 State when in [~~actual~~] consultation with [~~or under the~~
- 11 ~~sponsorship of~~] licensed veterinarians of this State;
- 12 provided that the [~~person licensed from another state,~~
- 13 ~~or the certified scientist or professional in animal~~
- 14 ~~care, shall not open an office, or appoint a place to~~
- 15 ~~meet patients, or receive calls within the limits of~~
- 16 ~~the State;~~] licensed veterinarian receiving
- 17 consultation shall maintain the veterinarian-client-
- 18 patient relationship;
- 19 (6) Any farmer from giving to another farmer the
- 20 assistance customarily given in the ordinary practice
- 21 of animal husbandry; [~~or~~]



1 (7) Any applicant who meets the licensing requirements of  
2 practicing veterinary medicine under a veterinarian by  
3 temporary permit; provided the applicant applies for  
4 and takes the [~~first~~] examination scheduled by the  
5 board. [A] The temporary permit shall not be  
6 renewed[-];

7 (8) A veterinarian licensed in another jurisdiction from  
8 practicing in the State under a sponsor and indirect  
9 supervision of a Hawaii-licensed veterinarian as part  
10 of an emergency response or enforcement action  
11 pursuant to chapter 711; provided that the sponsor  
12 shall file notification with the board regarding the  
13 arrival of the out-of-state veterinarian; provided  
14 further that the sponsored veterinarian shall serve in  
15 an emergency capacity for no longer than twenty-one  
16 consecutive days; or

17 (9) Any person who has obtained a courtesy permit or  
18 relief permit pursuant to sections 471-A and 471-B  
19 from practicing in the State."

20 SECTION 4. Section 471-8, Hawaii Revised Statutes, is  
21 amended by amending subsection (a) to read as follows:





1           "(a) No person shall be licensed to engage in the practice  
2 of veterinary medicine unless the person has passed an  
3 examination of the qualifications and fitness to engage in the  
4 practice of veterinary medicine given by the Hawaii board of  
5 veterinary medicine. Before any applicant shall be eligible for  
6 examination under this chapter the applicant, at least sixty  
7 days before the date set for examination, shall file an  
8 application in the form as shall be prescribed by the board, pay  
9 to the department of commerce and consumer affairs application  
10 and examination fees, and furnish proof satisfactory to the  
11 board that the applicant:

12           (1) Is eighteen or more years of age; and

13           (2) Is a graduate of [~~a~~]:

14           (A) A veterinary college meeting all the standards  
15           established by the American Veterinary Medical  
16           Association[~~r~~] Council on Education, or, in lieu  
17           thereof, has actively practiced for ten out of  
18           twelve years immediately preceding the date of  
19           application in a state having standards for  
20           licensing comparable to those in this State[~~r~~];  
21           or



1           (B) A foreign college of veterinary medicine who has  
2           successfully completed the requirements  
3           established by the American Veterinary Medical  
4           Association Educational Commission for Foreign  
5           Veterinary Graduates or the American Association  
6           of Veterinary State Boards Program for the  
7           Assessment of Veterinary Education Equivalence."

8           SECTION 5. In codifying the new sections added by section  
9 1 of this Act, the revisor of statutes shall substitute  
10 appropriate section numbers for the letters used in designating  
11 the new sections in this Act.

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

14           SECTION 7. This Act shall take effect on July 1, 2023.

S.B. NO. 2798  
S.D. 1  
H.D. 1

**Report Title:**

Veterinarians; Courtesy Permits; Relief Permits; Out-of-state  
Veterinary Telemedicine; Licensure Examination; Surcharge

**Description:**

Authorizes the Hawaii board of veterinary medicine to grant temporary courtesy and relief permits for out-of-state veterinarians. Permits licensed veterinarians to practice veterinarian telemedicine. Allows for international veterinary school graduates to qualify for the licensure examination. Creates a permit surcharge. Effective 7/1/2023. (HD1)

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

