



GOV. MSG. NO. 1171

EXECUTIVE CHAMBERS
HONOLULU

DAVID Y. IGE
GOVERNOR

JUN 17 2022

The Honorable Ronald D. Kouchi,
President
and Members of the Senate
Thirty-First State Legislature
State Capitol, Room 409
Honolulu, Hawai'i 96813

The Honorable Scott K. Saiki,
Speaker and Members of the
House of Representatives
Thirty-First State Legislature
State Capitol, Room 431
Honolulu, Hawai'i 96813

Dear President Kouchi, Speaker Saiki, and Members of the Legislature:

This is to inform you that on **JUN 17 2022**, the following bill was signed into law:

SB2798 SD1 HD2 CD1

RELATING TO VETERINARY MEDICINE.
ACT 071

Sincerely,

DAVID Y. IGE
Governor, State of Hawai'i

Approved by the Governor

on JUN 17 2022

THE SENATE
THIRTY-FIRST LEGISLATURE, 2022
STATE OF HAWAII

ACT 071
S.B. NO. 2798
S.D. 1
H.D. 2
C.D. 1

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 an individual licensed to engage in the
6 practice of veterinary medicine in another jurisdiction. A
7 courtesy permit issued pursuant to this section shall be valid
8 for a period of thirty days and may be renewed once in any
9 twelve-month period; provided that any courtesy permit issued
10 and renewed pursuant to this section shall not exceed sixty
11 total days in any twelve-month period; provided further that a
12 courtesy permittee's request for more than two courtesy permits
13 within a two-year period shall constitute prima facie evidence
14 that the courtesy permittee is engaged in the active practice of
15 veterinary medicine in the State and a license issued under
16 section 471-9 shall be required.

17 (b) Applicants for a courtesy permit shall:



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

15 (b) Applicants for a relief permit shall:

16 (1) Hold a current, unencumbered, and active license to
17 engage in the practice of veterinary medicine in
18 another 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 or practice from
16 the other jurisdiction is no longer current and
17 active; or
- 18 (B) The relief permittee's license or practice has
19 been limited or conditioned in any jurisdiction,
20 including the relief permittee's principal place
21 of business;



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



1 (3) Ensuring that the board has been notified in writing;

2 and

3 (4) Confirming that the sponsored individual has obtained

4 the appropriate courtesy permit or relief permit from

5 the board.

6 §471-D Veterinary telemedicine. (a) A veterinarian shall

7 only practice veterinary telemedicine within the context of the

8 veterinarian-client-patient relationship between medically

9 necessary examinations of an animal patient or medically

10 appropriate and timely visits to the premises where the animal

11 patient is kept.

12 (b) Only a veterinarian licensed in the State shall

13 provide veterinary telemedicine to an animal patient located in

14 the State.

15 (c) When practicing veterinary telemedicine, a

16 veterinarian shall:

17 (1) Conduct all necessary animal patient evaluations

18 consistently with currently acceptable standards of

19 care;



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

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

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

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

18 (e) A veterinarian may provide veterinary teleadvice or
19 veterinary teletriage without the prior establishment of a
20 veterinarian-client-patient relationship. An expert with a



1 poison control agency who is not a veterinarian may provide
2 veterinary teletriage.

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

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

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

15 §471-E Permit surcharge; fees. (a) There shall be
16 imposed on every courtesy permit and relief permit issued by the
17 board pursuant to sections 471-A and 471-B a \$100 surcharge that
18 shall be deposited into the compliance resolution fund
19 established under section 26-9(o) to defray the costs incurred
20 by the department in administering those permits.



1 (b) Application fees paid pursuant to this chapter shall
2 not be refundable. Pursuant to section 26-9(1), the director of
3 commerce and consumer affairs shall establish examination,
4 reexamination, license, renewal, restoration, enforcement, and
5 other fees relating to the administration of this chapter by
6 rule."

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

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

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

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

18 "Emergency response" means the response to a natural or
19 human-caused disaster.

20 "Indirect supervision" means the veterinarian is not on the
21 premises, but:



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

8 "Jurisdiction" means another state, the District of
9 Columbia, or any territory of the United States, or any province
10 of Canada.

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

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

16 "Veterinarian-client-patient relationship" means a
17 relationship that exists when:

- 18 (1) The veterinarian and client agree for the veterinarian
19 to assume responsibility for making medical judgments
20 regarding the health of the animal patient;



1 (2) The veterinarian has sufficient knowledge of the
2 animal patient to initiate a general or preliminary
3 diagnosis of the medical condition of the animal
4 patient, which means that the veterinarian is
5 personally acquainted with the keeping and care of the
6 animal patient and has recently physically examined
7 the animal patient or made timely and medically
8 appropriate visits to the premises where the animal
9 patient is kept;

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

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

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



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

5 "Veterinary telemedicine" means the practice of veterinary
6 medicine subsequent to the establishment of a veterinarian-
7 client-patient relationship where animal patient care,
8 treatment, and services are provided through the use of
9 electronic communication, including telephone and audio-visual
10 technology, consistent with the veterinarian's professional
11 judgment.

12 "Veterinary telesupervision" means the remote supervision
13 of a veterinary assistant, veterinary technician, or other
14 employee of a veterinarian who administers medication or who
15 renders auxiliary or supporting assistance under the responsible
16 supervision of a veterinarian.

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



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

3 "Practice of veterinary medicine" means the assessment,
4 diagnosis [~~or~~], treatment, or prescribing for the prevention,
5 cure, or relief of, or the giving of advice concerning, a
6 disease, pain, injury, deformity, or other [~~physical~~] condition
7 of an animal, or a change of a physical characteristic of an
8 animal for cosmetic or utility purposes. [~~It~~] "Practice of
9 veterinary medicine" includes medical, surgical, and dental care
10 of animals."

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

13 "~~§~~471-2 **License required.** No person shall engage in the
14 practice of veterinary medicine, either gratuitously or for pay,
15 or shall offer to so practice, or shall announce or advertise,
16 publicly or privately, as prepared or qualified to so practice,
17 or shall append the letters "Dr." or affix any other letters to
18 the person's name with the intent thereby to imply that the
19 person is a practitioner of veterinary medicine, without having
20 a valid unrevoked license obtained from the Hawaii board of



1 veterinary medicine; provided that nothing in this chapter
2 prevents or prohibits the following:

3 (1) Any person from gratuitously treating animals in case
4 of emergency;

5 (2) The owner of any animal or animals and the owner's
6 full-time, regular employees from caring for and
7 treating any animals belonging to the owner;

8 (3) Any student enrolled in any veterinary school or
9 college or any employee of a veterinarian from working
10 under the direct supervision of a veterinarian;

11 (4) Any person from practicing veterinary medicine in the
12 employ of the United States government while engaged
13 in the performance of the person's official duties;

14 (5) Any person licensed to engage in the practice of
15 veterinary medicine in any [~~state, or any certified~~
16 ~~scientist or professional in animal care,~~]
17 jurisdiction, from practicing in [~~this~~] the State when
18 in [~~actual~~] consultation with [~~or under the~~
19 ~~sponsorship of~~] veterinarians of this State; provided
20 that the [~~person licensed from another state, or the~~
21 ~~certified scientist or professional in animal care,~~



1 ~~shall not open an office, or appoint a place to meet~~
2 ~~patients, or receive calls within the limits of the~~
3 ~~State,]~~ veterinarian receiving consultation shall
4 maintain the veterinarian-client-patient relationship;

5 (6) Any farmer from giving to another farmer the
6 assistance customarily given in the ordinary practice
7 of animal husbandry; [e]

8 (7) Any applicant who meets the licensing requirements of
9 practicing veterinary medicine under a veterinarian by
10 temporary permit; provided the applicant applies for
11 and takes the [first] examination scheduled by the
12 board. [A] The temporary permit shall not be
13 renewed[-];

14 (8) An individual licensed to engage in the practice of
15 veterinary medicine in another jurisdiction from
16 practicing in the State under a sponsor and indirect
17 supervision of a veterinarian as part of an emergency
18 response or enforcement action pursuant to chapter
19 711; provided that the sponsor shall file notification
20 with the board regarding the arrival of the sponsored
21 individual; provided further that the sponsored



1 individual shall serve in an emergency capacity for no
 2 longer than twenty-one consecutive days; or
 3 (9) Any person who has obtained a courtesy permit or
 4 relief permit pursuant to sections 471-A and 471-B
 5 from practicing in the State."

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

8 "§471-8 Examinations; qualifications of applicants. (a)

9 No person shall be licensed to engage in the practice of
 10 veterinary medicine unless the person has passed an examination
 11 of the qualifications and fitness to engage in the practice of
 12 veterinary medicine given by the Hawaii board of veterinary
 13 medicine. Before any applicant shall be eligible for
 14 examination under this chapter the applicant, at least sixty
 15 days before the date set for examination, shall file an
 16 application in the form as shall be prescribed by the board, pay
 17 to the department of commerce and consumer affairs application
 18 and examination fees, and furnish proof satisfactory to the
 19 board that the applicant:

- 20 (1) Is eighteen or more years of age; and
- 21 (2) Is a graduate of [a]:



1 (A) A veterinary college meeting all the standards
2 established by the American Veterinary Medical
3 Association~~[7]~~ Council on Education, or, in lieu
4 thereof, has actively practiced for ten out of
5 twelve years immediately preceding the date of
6 application in a state having standards for
7 licensing comparable to those in this State~~[-]~~;
8 or

9 (B) A foreign college of veterinary medicine who has
10 successfully completed the requirements
11 established by the American Veterinary Medical
12 Association Educational Commission for Foreign
13 Veterinary Graduates or the American Association
14 of Veterinary State Boards Program for the
15 Assessment of Veterinary Education Equivalence.

16 (b) Examinations shall be given by the board [~~twice each~~
17 ~~year except when there are no applications pending. They]~~,
18 which shall be composed of written questions, a part of which
19 shall consist of those aspects of veterinary medicine common to
20 the State on toxic substances, parasite diseases, unique soil
21 conditions, and quarantine standards. The same questions shall



1 be given to each person being examined during a particular
2 examination. The subject matter of the examinations shall
3 embrace the subjects and demonstrations of practical ability
4 normally covered in the curricula of American veterinary
5 colleges. The form of the examination shall be determined by
6 the board. Applicants shall certify on the application that
7 they have read, understood, and agree to comply with the laws
8 and rules that the board determines are required for licensure.

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

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

14 (1) An applicant is a graduate of:

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

18 (B) A foreign college of veterinary medicine who has
19 successfully completed the requirements
20 established by the American Veterinary Medical
21 Association Educational Commission for Foreign



1 Veterinary Graduates or the American Association
2 of Veterinary State Boards Program for the
3 Assessment of Veterinary Education Equivalence;

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

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

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

17 (5) The temporary permit shall be valid until the results
18 of the Hawaii state board examination taken by the
19 permittee are known; provided, that failure of the
20 Hawaii state board exam, the National Board



1 Examination, or Clinical Competency Test shall
2 immediately terminate the temporary permit; and
3 (6) In any event, no permit shall be valid for longer than
4 twenty-four months."

5 SECTION 5. In codifying the new sections added by section
6 1 of this Act, the revisor of statutes shall substitute
7 appropriate section numbers for the letters used in designating
8 the new sections in this Act.

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

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



S.B. NO. 2798
S.D. 1
H.D. 2
C.D. 1

APPROVED this 17 day of June , 2022

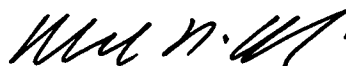
A handwritten signature in black ink, appearing to read "David Ige". The signature is fluid and cursive, with a large, sweeping flourish at the end.


GOVERNOR OF THE STATE OF HAWAII

THE SENATE OF THE STATE OF HAWAI‘I

Date: May 3, 2022
Honolulu, Hawaii 96813

We hereby certify that the foregoing Bill this day passed Final Reading in the Senate of the Thirty-First Legislature of the State of Hawai‘i, Regular Session of 2022.


President of the Senate


Clerk of the Senate

SB No. 2798, SD 1, HD 2, CD 1

THE HOUSE OF REPRESENTATIVES OF THE STATE OF HAWAII

Date: May 3, 2022
Honolulu, Hawaii

We hereby certify that the above-referenced Bill on this day passed Final Reading in the House of Representatives of the Thirty-First Legislature of the State of Hawaii, Regular Session of 2022.



Scott K. Saiki
Speaker
House of Representatives



Brian L. Takeshita
Chief Clerk
House of Representatives