

JAN 21 2022

---

---

# 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 four 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 from another jurisdiction. A  
6 courtesy permit issued pursuant to this section shall be valid  
7 for a period of thirty calendar days and may be renewed once in  
8 any twelve-month period; provided that any courtesy permit  
9 issued and renewed pursuant to this section shall not exceed  
10 sixty total calendar days in any twelve-month period.

11 (b) Applicants for a courtesy permit shall:

12 (1) Hold a current, unencumbered, and active license in  
13 another jurisdiction;

14 (2) Incidental to the person's practice in another  
15 jurisdiction, desire to practice veterinary medicine  
16 in the State on a temporary, not permanent or  
17 recurring, basis; and



# S.B. NO. 2799

- 1        (3) Have a sponsor.
- 2        (c) A courtesy permittee shall:
- 3        (1) Consent to the personal and subject matter  
4        jurisdiction and disciplinary authority of the board;
- 5        (2) Practice under the level of supervision determined by  
6        the sponsor;
- 7        (3) Not practice independently of the sponsor within the  
8        limits of the State;
- 9        (4) Comply with this chapter and rules adopted by the  
10       board;
- 11       (5) Cease to offer or render veterinary services in the  
12       State as an individual and on behalf of the sponsor  
13       if:
- 14       (A) The courtesy permittee's license in the other  
15       jurisdiction is no longer current and active; or
- 16       (B) The courtesy permittee's practice has been  
17       limited or conditioned in any jurisdiction,  
18       including the courtesy permittee's principal  
19       place of business;
- 20       (6) Notify the board within fifteen days if:



# S.B. NO. 2790

1           (A) Any disciplinary action or board proceeding  
2           relating to the courtesy permittee's license is  
3           commenced in any jurisdiction; or

4           (B) The courtesy permittee is convicted of any  
5           criminal offense in any jurisdiction or foreign  
6           country; and

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

11           (d) An applicant may apply for a courtesy permit under  
12           this section or a relief permit under section 471-B, or both;  
13           provided that any combination of courtesy or relief permits  
14           issued pursuant to this section or section 471-B shall not  
15           exceed sixty days in any twelve-month period.

16           **§471-B Relief permit.** (a) The board may issue a relief  
17           permit to a veterinarian from another jurisdiction to conduct  
18           the practice of a board-licensed veterinarian who is absent from  
19           their practice. A relief permit issued pursuant to this section  
20           shall be valid for a period of thirty calendar days and may be  
21           renewed once in any twelve-month period; provided that any



## S.B. NO. 2799

1 relief permit issued and renewed pursuant to this section shall  
2 not exceed sixty total calendar days in any twelve-month period.  
3 A relief permit may be renewed in a subsequent twelve-month  
4 period. More than two requests for relief permits within a two-  
5 year period shall be prima facie evidence that the relief  
6 permittee is engaged in the active practice of veterinary  
7 medicine in the State and a license issued under section 471-9  
8 shall be required.

9 (b) Applicants for a relief permit shall:

10 (1) Hold a current, unencumbered, and active license in  
11 another jurisdiction;

12 (2) Incidental to the person's practice in another  
13 jurisdiction, desire to practice veterinary medicine  
14 in the State on a temporary, not permanent or  
15 recurring, basis; and

16 (3) Have a sponsor; provided that the sponsor shall not  
17 have to be physically present on the same island.

18 (c) A relief permittee shall:

19 (1) Consent to the personal and subject matter  
20 jurisdiction and disciplinary authority of the board;



# S.B. NO. 2798

- 1        (2) Not practice independently of the sponsor within the  
2        limits of the State;
- 3        (3) Comply with this chapter and rules adopted by the  
4        board;
- 5        (4) Cease to offer or render veterinary services in the  
6        State as an individual and on behalf of the sponsor  
7        if:
- 8        (A) The relief permittee's license from the other  
9        jurisdiction is no longer current and active; or
- 10       (B) The relief permittee's practice has been limited  
11       or conditioned in any jurisdiction, including the  
12       relief permittee's principal place of business;
- 13       (5) Notify the board within fifteen days if:
- 14       (A) Any disciplinary action or board proceeding  
15       relating to the relief permittee's license is  
16       commenced in any jurisdiction; or
- 17       (B) The permittee is convicted of any criminal  
18       offense in any jurisdiction or foreign country;
- 19       and
- 20       (6) Pay all costs associated with any jurisdiction's  
21       investigation, enforcement, and collection efforts



# S.B. NO. 2798

1 pertaining to the relief permit issued pursuant to  
2 this section, as may be ordered by the board.

3 (d) An applicant may apply for a relief permit under this  
4 section or a courtesy permit under section 471-A, or both;  
5 provided that any combination of relief or courtesy permits  
6 issued pursuant to this section or section 471-A shall not  
7 exceed sixty days in any twelve-month period.

8 §471-C Sponsors. A sponsor under this chapter shall be  
9 responsible for:

- 10 (1) Determining the level of supervision required for the  
11 sponsored veterinarian;
- 12 (2) The veterinary care given to the patient by the  
13 sponsored veterinarian;
- 14 (3) Ensuring that the board has been notified in writing;  
15 and
- 16 (4) That the sponsored veterinarian has obtained the  
17 appropriate courtesy permit or relief permit from the  
18 board.

19 §471-D Telemedicine. (a) A veterinarian shall practice  
20 veterinary telemedicine within the context of the veterinarian-  
21 client-patient relationship between medically necessary

1 examinations of a patient or timely medical visits to the  
2 patient.

3 (b) Only a board-licensed veterinarian shall provide  
4 telemedicine to a patient located in the State.

5 (c) When practicing veterinary telemedicine, a  
6 veterinarian shall:

7 (1) Conduct all necessary patient evaluations consistent  
8 with currently acceptable standards of care;

9 (2) Take appropriate precautions to safeguard the  
10 confidentiality of a client's or patient's records;

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

14 (4) Maintain appropriate medical records with sufficient  
15 information for continued care that is readily  
16 available upon request by the client.

17 (d) Prescribing medications via veterinary telemedicine  
18 shall require a veterinarian-client-patient relationship and  
19 shall be at the professional discretion of the veterinarian.

20 The indication, appropriateness, and safety considerations for  
21 each prescription issued in association with telemedicine



1 services shall be evaluated by the veterinarian in accordance  
2 with all jurisdictional, federal laws, and standards of care.

3 (e) A veterinarian may provide veterinary teleadvice,  
4 veterinary teleconsulting, or veterinary teletriage without the  
5 prior establishment of a veterinarian-client-patient  
6 relationship. An expert with a poison control agency who is not  
7 a veterinarian may provide veterinary teletriage.

8 (f) A veterinarian may provide veterinary telesupervision  
9 for tasks that do not require immediate supervision as specified  
10 by rules adopted by the board.

11 (g) Veterinary telemedicine shall constitute the practice  
12 of veterinary medicine in the State when the veterinarian or the  
13 patient are in the State. The board shall have jurisdiction  
14 over a veterinarian practicing veterinary telemedicine within  
15 the State regardless of where the veterinarian's physical  
16 offices are located.

17 (h) A United States Department of Agriculture Animal and  
18 Plant Health Inspection Service Certificate of Veterinary  
19 Inspection or health certificate shall require a physical  
20 examination and shall not be executed by telemedicine."





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

3 1. By adding thirteen new definitions to be appropriately  
4 inserted and to read as follows:

5 "Client" means the patient's owner, owner's agent, or  
6 other person presenting the patient for care.

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

12 "Emergency response" means the response to a natural  
13 disaster, animal rescue, or cruelty case that needs urgent  
14 attention.

15 "Indirect supervision" means the board-licensed  
16 veterinarian is not on the premises, but:

- 17 (1) Has given either written or oral instructions for  
18 treatment of the patient;  
19 (2) Is readily available by telephone or other forms of  
20 immediate communication; and



# S.B. NO. 2798

1        (3) Has assumed responsibility for the veterinary care  
2                    given to the patient by a person working under their  
3                    sponsorship.

4        "Jurisdiction" means any of the several states, the  
5 District of Columbia, or any territory or possession of the  
6 United States, or any province of Canada.

7        "Patient" means any animal or group of animals receiving  
8 veterinary care from a veterinarian.

9        "Sponsor" means a veterinarian holding a current license in  
10 the State who requests the presence and medical assistance of a  
11 veterinarian licensed in another jurisdiction.

12        "Veterinarian-client-patient relationship" means a  
13 relationship that exists when:

14        (1) The veterinarian and client agree for the veterinarian  
15                    to assume responsibility for making medical judgments  
16                    regarding the health of the patient;

17        (2) The veterinarian has sufficient knowledge of the  
18                    patient to initiate a general or preliminary diagnosis  
19                    of the medical condition of the patient;



# S.B. NO. 2798

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

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

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

13       "Veterinary teleadvice" means the provision of health  
14       information, opinion, guidance, or recommendations that are not  
15       specific to a particular patient.

16       "Veterinary teleconsulting" means the electronic  
17       consultation with a veterinarian or appropriate expert about  
18       patient care by a veterinarian who has established a  
19       veterinarian-client-patient relationship.

20       "Veterinary telemedicine" means the practice of veterinary  
21       medicine subsequent to an established veterinarian-



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

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

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

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

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. [~~It~~] "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 practice  
7 veterinary medicine, either gratuitously or for pay, or shall  
8 offer to so practice, or shall announce or advertise, publicly  
9 or privately, as prepared or qualified to so practice, or shall  
10 append the letters "Dr." or affix any other letters to the  
11 person's name with the intent thereby to imply that the person  
12 is a practitioner of veterinary medicine, without having a valid  
13 unrevoked license obtained from the Hawaii board of veterinary  
14 medicine; provided that nothing in this chapter prevents or  
15 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;



## S.B. NO. 2798

- 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 board-licensed veterinarian as part  
10 of an emergency response; provided that the sponsor  
11 shall file notification with the board regarding the  
12 arrival of the out-of-state veterinarian; provided  
13 further that the sponsored veterinarian shall serve in  
14 an emergency capacity for no longer than twenty-one  
15 consecutive days; or
- 16 (9) Any person who has obtained a courtesy permit or  
17 relief permit pursuant to sections 471-A and 471-B  
18 from practicing in the State."

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



# S.B. NO. 2798

1           "(a) No person shall be licensed to practice veterinary  
2 medicine unless the person has passed an examination of the  
3 qualifications and fitness to engage in the practice of  
4 veterinary medicine given by the Hawaii board of veterinary  
5 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, or, in lieu thereof, has actively  
17           practiced for ten out of twelve years immediately  
18           preceding the date of application in a state  
19           having standards for licensing comparable to  
20           those in this State~~[r]~~; or





# S.B. NO. 2798

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 1  
9 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 upon its approval.

15

INTRODUCED BY: 

# S.B. NO. 2798

**Report Title:**

Veterinarians; Temporary Permits; Courtesy Permits; Relief Permits; Out-of-state Veterinarians Telemedicine; Licensure

**Description:**

Authorizes the board 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.

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

