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PRESENTATION OF
DEPARTMENT OF COMMERCE AND CONSUMER AFFAIRS
REGULATED INDUSTRIES COMPLAINTS OFFICE

TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE

TWENTY-FIFTH STATE LEGISLATURE
REGULAR SESSION, 2010

WEDNESDAY, MARCH 10, 2010
2:00 P.M.

TESTIMONY ON SENATE BILL NO. 2772 S.D.2
RELATING TO VETERINARY MEDICINE

TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND TO THE HONORABLE GLENN WAKAI, VICE CHAIR,
AND MEMBERS OF THE COMMITTEE:

The Department of Commerce and Consumer Affairs' Regulated Industries Complaints Office ("RICO") appreciates the opportunity to testify on Senate Bill No. 2772 S.D.2, Relating To Veterinary Medicine. My name is Jo Ann Uchida, RICO's Complaints and Enforcement Officer. RICO offers the following comments in support of this bill.

Senate Bill No. 2772 S.D.2 authorizes the Board of Veterinary Medicine to revoke or suspend a license or fine a licensee for conduct or practice that is contrary to recognized principles of medical ethics of the profession as adopted by

Testimony on Senate Bill No. 2772 S.D.2
March 10, 2010
Page 2

the Hawaii Veterinary Medical Association and the American Veterinary Medical Association.

RICO notes that this bill is substantially similar to House Bill No. 2929. This Committee heard House Bill No. 2929 and passed it out unamended, however, the bill was not heard by the subsequent committee.

At the present time, RICO prosecutes ethical violations in a variety of ways. A few boards, such as the Hawaii Medical Board, have explicit language in their licensing laws that identifies the applicable ethical standard to be applied. Some boards may reference a particular ethical standard in the course of issuing disciplinary orders.

Most professional licensing laws, however, do not specify a specific ethical standard to be applied. As a result, RICO relies on the language of §436B-19(9), Hawaii Revised Statutes, which prohibits conduct "contrary to recognized standards of ethics for the licensed profession or vocation." The language in this bill that specifies the ethical standard to be applied will remove any ambiguity as to the appropriate ethical standard. For this reason, RICO supports this bill.

Thank you for this opportunity to submit testimony on Senate Bill No. 2772 S.D.2.

**PRESENTATION OF THE
BOARD OF VETERINARY EXAMINERS**

**TO THE HOUSE COMMITTEE ON
CONSUMER PROTECTION AND COMMERCE**

**TWENTY-FIFTH LEGISLATURE
Regular Session of 2010**

**Wednesday, March 10, 2010
2:00 p.m.**

**TESTIMONY ON SENATE BILL NO. 2772, S.D. 2, RELATING TO
VETERINARY MEDICINE.**

**TO THE HONORABLE ROBERT N. HERKES, CHAIR,
AND MEMBERS OF THE COMMITTEE:**

My name is Lynn Bhanot, Executive Officer for the Board of Veterinary Examiners ("Board"). I appreciate the opportunity to present testimony on behalf of the Board in strong support of Senate Bill No. 2772, S.D. 2, Relating to Veterinary Medicine.

The purpose of this bill is to amend Section 471-10(b), HRS, by updating the current standards of practice of a licensed veterinarian to include language that recognizes the Hawaii Veterinary Medical Association and the American Veterinary Medical Association guidelines.

The Board supports Senate Bill No. 2772, S.D. 2 as it will provide clarification and consistency to enforce the veterinary standards of practice.

The Board respectfully requests your Committee's approval and passage of this measure. Thank you for this opportunity to testify on Senate Bill No. 2772, S.D. 2.

March 10, 2010

Representative Robert Herkes , Chair

Committee on Consumer Protection and Commerce
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2772, SD 2 Relating to Veterinary Medicine

Dear Chairman Herkes and Members of the Committee:

On behalf of the Hawaii State Board of Veterinary Examiners we are requesting you to pass SB 2772, SD 2. We request the language change to update our Hawaii Revised Statutes and establish a professional reference for the standard of conduct and practice for veterinarians in Hawaii.

Most professions in Hawaii establish a legal reference to a national standard for their profession, which for veterinarians is the American Veterinary Medical Association (AVMA). Our Hawaii Veterinary Medical Association (HVMA) already follows the standard of the AVMA principles of medical ethics but has no legal authority on regulating veterinarians.

We rarely have complaints concerning veterinarians in Hawaii. However, when we do, our current language in the Hawaii Revised Statutes is too broad and has no recognized professional reference for the minimum standards of veterinary conduct or practice. The suggested language in SB 2772, SD 2 will establish this legal reference to both the HVMA and AVMA as a minimum standard by which all veterinarians must adhere to.

We hope you will pass SB 2772, SD 2 to update our laws to ensure the delivery of quality veterinary medical services to our community. Thanks you for the opportunity to submit this testimony.

Sincerely,

Rebecca H. Rhoades, D.V.M.,
Chairperson
Hawaii Board of Veterinary Examiners
Phone: 808-632-0610x106



HAWAII VETERINARY MEDICAL ASSOCIATION
P.O. BOX 61309, HONOLULU, HAWAII 96839-1309

ERIC AKO DVM
Owner Practitioner, The PET DOCTOR
Executive Vice President, Hawaii VMA
Immediate Past Chair, Board of Veterinary Examiners, State of Hawaii

To Representative Glenn Wakai, Vice Chair
Committee on Consumer Protection and Commerce
Wednesday, March 10, 2010
2:00 pm
Conference Room 325
State Capital
SB2772, SD2

Dear Sirs:

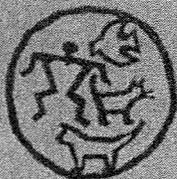
Veterinarians across the state have been informed about SB2772, SD2, via their island representatives of the Executive Board of the HVMA. Veterinarians are in favor of SB2772, SD2. No objections were received of any kind.

Veterinarians have earned the public trust and hope to retain it by following the AVMA (American Veterinary Medical Association) Principles of Veterinary Medical Ethics.

Please support SB2772, SD2.

Respectfully yours,

Eric Ako DVM



HAWAIIAN HUMANE SOCIETY

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The Hawaiian Humane
Society is dedicated to
promoting the human-
animal bond and
the humane treatment of
all animals.

March 9, 2010

Representative Robert N. Herkes, Chair

Committee on Commerce and Consumer Protection
Hawaii State Capitol
415 South Beretania Street
Honolulu, HI 96813

RE: SB 2772, SD2 Relation to Veterinary Medicine

Dear Chairperson Herkes and Members of the Committee:

On behalf of the Hawaiian Humane Society, we are encouraging you to pass SB 2772, SD2. We request this language change to update our statutes and establish a professional standard for the conduct and practice for veterinarians in Hawaii.

We rarely have complaints concerning veterinarians. However, our experience is such that the current language in the statutes is too broad and has no recognized minimum standards of veterinary conduct or practice. This suggested language will establish a minimum benchmark by which all veterinarians must adhere to.

We hope you will pass SB 2772, SD2 to update our laws to ensure the delivery of quality veterinary medical services to our community.

Sincerely,

Pamela Burns
President & CEO



improving the quality of lives of pets and their people.

House Committee on Consumer Protection & Commerce
Wednesday, March 10, 2:00 p.m., Room 325
Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine
By Alicia Maluafiti, President – Poi Dogs & Popoki

Position: Support With Amendments

Aloha Chair Herkes, Vice Chair Wakai, and members of the Committee,

My name is Alicia Maluafiti, volunteer Board President for Poi Dogs & Popoki (PDP), testifying in support SB 2772 SD 2 – Relating to Veterinary Medicine.

However, PDP proposes the following **amendment to strengthen the criminal penalties for practicing veterinary medicine without a license:**

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] **Class C Felony.**

As the former Director of Community Relations at the Hawaiian Humane Society and founder and former President of the Oahu Society for the Prevention of Cruelty to Animals, I have seen firsthand the horrific conditions suffered by animals at the hands of their owners and others. But it is always with great dismay and frustration when we learn about how easily it is for uneducated owners to seek out care from unlicensed individuals pretending to be experienced in providing animals with veterinary care.

PDP was directly involved with KITV 4's breaking news story of the Pearl City man accused of practicing veterinary medicine without a license. It was after witnessing the atrocities against the puppy featured in the story and listening to the horror tales of the young girl victimized by this fraud, that we recognized the opportunity to finally address this underground activity. We take this action with the endorsement, support and collaboration of my own, personal veterinarian and clinic staff who must try to save the lives of these animals after they've been mutilated by these fake vets. More than any other time, the public is ready to elevate this issue – and crime – against pets and their people.

The amendment to SB 2772 is critically necessary to put these people out of business and ensure parity with the animal cruelty statute. As we have repeatedly seen in previous cases, animal cruelty convictions are difficult to achieve. After speaking with a former City Prosecuting Attorney, we believe that practicing without a license will be an

easier case to prosecute because it is less subjective. An important differentiation between the two statutes is ear cropping – a procedure that is defined as the “practice of veterinary medicine,” but the act itself is NOT considered a crime of cruelty against animals. Although we do not condone ear cropping for cosmetic purposes, it the pain and suffering of the animal that we are most concerned about. And in the case of these illegal practices, we know that the animals are not receiving qualified, professional care from a licensed practitioner and therefore are lacking in administration of pain medications and other pharmaceuticals necessary for a complete and healthy recovery.

We ask the committee to please consider amending SB 2772, elevate the crime of practicing without a license to a class C felony, achieve parity with the animal cruelty penalties, and help us improve the quality of lives of pets and their people. Mahalo for the opportunity to comment.

Testimony on SB 2772 SD 2 – Relating to Veterinary Medicine
By Stacie Welsh
House Committee on Consumer Protection & Commerce
Wednesday, March 10, 2:00 p.m., Room 325

Position: Support With Amendments

Aloha Chair Herkes, Vice Chair Wakai, and members of the Committee,

My name is Stacie Welsh and I support SB 2772 SD 2 – Relating to Veterinary Medicine. But I encourage the committee to consider accepting an amendment to the bill to strengthen the criminal penalties for practicing veterinary medicine without a license.

[§471-15] Criminal penalties. Any person convicted of violating section 471-2 shall have committed a [misdemeanor and be subject to a fine not to exceed \$500 or imprisoned not more than six months, or both] Class C Felony.

I am a volunteer in the Hawaii Pet Community and an avid animal lover and protector. When I saw the story of the four month old dog 'Boss' on KITV 4 my heart was broken and I was outraged as a citizen that there is not a stronger law in place for anyone doing surgery on animals without a license. Animals who suffer through surgery or 'a procedure' as the Pearl City man stated without proper care, medication, and follow up are prone to infections, unnecessary pain and suffering, or even death from the lack of education or training by the person doing the surgery.

Animal owners who try to save a few dollars and use an unlicensed practitioner are putting their animals and themselves at risk. Animals that live rough lives through unnecessary surgery, infections, procedures, and pain learn to trust no one and in the end are more likely to attack people. Dogs that attack people have been conditioned by people to trust no one and quickly realize that no one is looking out for their well being. Therefore, dogs that live this existence experience a lonely, isolated, and untrustworthy world around them trying to protect themselves the only way they know how.

I do believe that Hawaii needs a stiffer law in place to punish people who try to do surgeries or procedures on animals without a license. Unfortunately, penalties for practicing surgeries or procedures without a license have not been severe enough to stop people from charging animal owners reduced fees for procedures – such as sterilization, eye surgery, ear cropping, C-section, and voice box removal - all without the necessary anesthesia and follow up medications to minimize pain, suffering, and infection. And like most victims that find themselves on the losing end of a scam, animal owners using these services offered by unlicensed practitioners are afraid to speak out for fear of being judged by the community around them.

Elevating the punishment from a misdemeanor to a class C felony gives animal owners the right to stand up against these unlicensed practitioners, discourages violators from practicing without a license, and provides our law enforcement personal another tool to keep our animals safe and healthy.

I sincerely appreciate your time and respectfully ask you to consider the amendment to the SB 2772 SD 2. Mahalo for the opportunity to testify.

Aloha Chair Robert Herkes, Vice-Chair Glenn Wakai, and Members of the
Committee on Consumer Protection,

I support Senate Bill 2772 because it specifies the ethical standard that
veterinarians are to be held to. I support SB 2772 because I believe in animal
rights and welfare, and I believe SB 2772 is a step in the right direction toward
elevating Hawaii to the national standards set in the fight for the prevention of
cruelty to animals.

It is clear from the testimony previously submitted in support of this Bill from
members of the veterinary community, the Board of Veterinary Examiners, and the
Veterinary Medical Association that there is ample support for this Bill in the
veterinary community. I am writing in support of this Bill as a member of the local
community and an animal welfare advocate.

The Animal Legal Defense Fund released a report earlier this year showing that
Hawaii is one of the worst five states in the country to live as an animal based on
the lack of strength behind our animal cruelty statutes. If we are going to rise
above this horrifying truth, we are going to have to advance animal welfare from
all angles, including this Bill to provide clarity and consistency for enforcing
ethical standards of veterinary practice.

Please support SB 2772!

Mahalo for your time and consideration,

Stacy Takekawa

William S. Richardson School of Law
First-Year Law Student