

Rule Summary and Fiscal Analysis (Part A)**State Veterinary Medical Licensing Board**

Agency Name

Division

Theresa Stir

Contact

**77 South High St. 16th floor Columbus OH
43215-6108**

Agency Mailing Address (Plus Zip)

614-644-9040

Phone

614-644-9038

Fax

theresa.stir@ovmlb.state.oh.us

Email

4741-2-01

Rule Number

AMENDMENT

TYPE of rule filing

Rule Title/Tag Line

General provisions of a veterinary business facility license.**RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **Yes**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **4741.03(C)(9), 4741.28**

5. Statute(s) the rule, as filed, amplifies or implements: **4741.28**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

This rule is being filed in accordance with the five year review. There is a proposed change.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

The rule specifies the general provisions of a veterinary business facility license which is issued to a veterinary business facility not fully owned by a currently licensed veterinarian. The change would correct an oversight when the rule was initially implemented. The rule should mirror the state law that permits the Board to refuse to issue a license for the specified violations. The amended rule would correct that. The other change is to delete the term "knowing" for a violation of Chapter 4741 of the Revised Code. The burden of proving a "knowing" violation is too onerous. The change would mirror the current state law of Section 4741.22 ORC.

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

This response left blank because filer specified online that the rule does not incorporate a text or other material by reference.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

Not Applicable.

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so. If applicable, indicate each specific paragraph of the rule that has been modified:

Not Applicable.

12. 119.032 Rule Review Date: 7/5/2012

(If the rule is not exempt and you answered NO to question No. 1, provide the

scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

FISCAL ANALYSIS

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

0.00

No cost associated with the proposed rule.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

The Veterinary Business Facility license requires an application, listing of a supervising veterinarian and a fee of \$300. There is also a biennial renewal of a fee of \$300. There are no late fees assessed to the Veterinary Business Facility License renewal.

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

S.B. 2 (129th General Assembly) Questions

18. Has this rule been filed with the Common Sense Initiative Office pursuant to R.C. 121.82? **Yes**

19. Specific to this rule, answer the following:

A.) Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? **Yes**

A veterinary business facility not fully owned by a currently licensed veterinarian, must meet the requirements of Section 4741.28 of the Revised Code to obtain a veterinary business facility license in order to provide veterinary medical services in the State of Ohio.

B.) Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? **Yes**

A veterinary business facility must meet and comply with all requirements as set forth in section 4741.28 ORC and rules adopted, and any other applicable state or federal laws and rules. Failure to meet and maintain these requirements shall be considered noncompliance and may affect the facility's licensure status. The violations listed mirror those of Section 4741.22 ORC which apply to veterinarians and registered veterinary technicians.

C.) Does this rule require specific expenditures or the report of information as a condition of compliance? **Yes**

The Veterinary Business facility license can be obtained at the initial cost of \$300 and biennial renewal fee of \$300. There are no late penalties assessed for renewing late for the Veterinary Business Facility license.