

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Veterinary Medical Licensing Board

Regulation/Package Title: 2012 Rules

Rule Number(s): 4741-1-01, 4741-1-02, 4741-1-05, 4741-1-06, 4741-1-07,
4741-1-09, 4741-1-11, 4741-1-12, 4741-1-18, 4741-1-19 and 4741-1-12 OAC

Date: 4/16/2012

Rule Type:

New

Amended

X 5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language. All of the rules in this package are "No Change" rules filed in accordance with the five year rule review. The draft package of rules consists of rules pertaining to the practice of veterinary medicine in the State of Ohio. The draft rules are written in plain language so that a member of the public

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without additional medical education can understand the rules. The rules in this package contain:

Rule 4741-1-01 OAC sets out the requirements for certification of a registered veterinary technician initial application as well as biennial renewal.

Rule 4741-1-02 OAC provides the requirements for being registered as a "Specialist" in the State of Ohio.

Rule 4741-1-05 OAC is a rule regarding prescribing, administering, and dispensing drugs in accordance with the Pharmacy laws (Chapter 4729 ORC).

Rule 4741-1-06 OAC prescribes the method of giving public notice regarding adoption, amendment or rescission of any rule by the Board.

Rule 4741-1-07 OAC is a rule stating that a license to practice may not be granted until satisfactory proof has been furnished to the Board that the applicant has graduated from an AVMA accredited veterinary program or a program that the board has certified as acceptable as comparable to those accredited by AVMA.

Rule 4741-1-09 OAC discusses euthanasia and disposal of animals.

Rule 4741-1-11 OAC spells out the form and content of continuing education requirements for renewal for registered veterinary technicians and veterinarians.

Rule 4741-1-12 OAC defines the practice of Embryo transfer.

Rule 4741-1-18 OAC provides an exemption of the biennial renewal fee for veterinarians or registered veterinary technicians serving in the armed forces.

Rule 4741-1-19 OAC states that specific duties spelled in law can only occur once the veterinary student has successfully completed the initial year of study at the approved veterinary college of medicine.

Rule 4741-1-25 OAC deals with the requirements for an impaired licensee.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Section 4741.03 (C) (9) ORC authorizes the Board to adopt rules, in accordance with Chapter 119 of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter.

3. Does the regulation implement a federal requirement? No Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?

Not applicable.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable

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5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The public purpose for these rules is to assure the public that licensed veterinarians and registered veterinary technicians (RVTs) are professional, trustworthy and competent practitioners. These no change rules provide guidelines to the Board staff and licensed practitioners for what the Board members believe are acceptable requirements for issuing certificates of licensure to registered veterinary technicians and Specialists, as well as continuing education in maintaining licensure. Rule 4741-1-06 OAC complies with the requirements in Section 119.02 ORC for giving public notice for proposed rules. Rule 4741-1-12 OAC provides direction as to the definition and practice of embryo transfer. This is a special procedure that the rule provides guidance for to veterinarians. The continuing education rules provide guidance for what is acceptable to meet the 30 hours of CE required of veterinarians and the 10 hours required of registered veterinary technicians as prescribed in law. Rule 4741-1-18 OAC provides that a veterinarian or RVT serving in the armed forces of the US shall be exempted from the biennial renewal fee. This rule details what is required to show the licensee is on active duty. Rule 4741-1-19 OAC provides that only a veterinary student who has completed his or her first year of initial study at an approved college can perform the duties spelled in out in law. This provides guidance to the veterinary student, veterinary college, as well as the veterinarian and the public that works with the veterinary student in clinical settings. Rule 4741-1-25 OAC spells out the requirements for an individual who has had a finding of being impaired by alcohol or drugs. This provides guidance to the licensee, the potential licensee, and assurances to the consumer of veterinary services on how the Board deals with impairment issues.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

The Board will measure the success of these regulations as being written clearly and concisely so that the licensees and the public understand the rules, and therefore, there will be compliance with the rules.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

The Ohio Veterinary Medical Association, the Ohio Association of Veterinary Technicians, and licensed practitioners (veterinarians and RVTs).

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

The rules and proposed suggestions for change was placed in the Winter 2012 newsletter that went out in each veterinary renewal in January, 2012 and to the listserve of registered veterinary

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technicians of those the Board had on file. Additionally, a Board representative presented to annual convention of the Ohio Veterinary Medical Association in February 2012 and the Ohio Association of Veterinary Technicians in October 2011. There is an assigned representative from each association that also attends the Board meetings and whom the Board corresponds with at least monthly with the Agenda, etc. Regarding these “No change” rules, there was no feedback.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

These particular No Change rules have been in existence for many years and have proven effective in relaying accurate information to the veterinarians, registered veterinary technicians, and consumers-- which would explain why there are no requested changes to these rules. The rules provide needed guidance, especially in the area of continuing education. Reference to the rule, will often reduce the number of inquiries related to that subject matter. For instance, licensees need to know how many online courses qualify towards their continuing education hours which the rule does not limit. In the instance of when an abandoned animal is presented to the veterinarian, the rule will provide guidance, but does not ask a veterinarian to track how many times this rule comes into play.

What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives? The Board did review each rule to determine if amendments were needed. In light of no inquiries or issues brought before the Board in the past five-years related to these rules, the Board did not make any changes.

10. Did the Agency specifically consider a performance-based regulation? Please explain.

Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance. No. The purpose of the rule is to provide guidance to the licensee and what documentation, etc. might be required to comply with the statute. These rules are filed as no change due to there has been no evidence to suggest that a change is needed.

11. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? The No Change rules are specific to the license to practice veterinary medical practice. There is no other Agency that has the authority to regulate the licensure of veterinary medicine.

12. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

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Regarding continuing education, the Board staff reviews each renewal application for the appropriate number and type of continuing education opportunity. Any issues that might arise as a result of the rules will automatically come before the Board members at one of their monthly meetings for discussion. The discussion will then be reflected in the Board minutes which are posted monthly on the Board web site at www.ovmlb.ohio.gov. Additionally, any pertinent issues related to the rules are done in consultation with the appropriate representative from the OVMA or OAVT.

Adverse Impact to Business

13. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

Veterinarians and registered veterinary technicians

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);

In Rule 4741-1-01 OAC, the requirement for certification is a completed application, a photograph of the applicant, a transcript showing satisfactory proof that the applicant has graduated from a board approved veterinary technology program, a registration fee, a passing score of 75 on the veterinary technician national examination (VTNE) and a criminal background check. In Rule 4741-1-02 OAC, the Specialist must be recognized by the American board of veterinary specialties. In Rule 4741-1-11 OAC, the renewal applicant must complete the necessary continuing education. There are multiple routes of obtaining the CE hours (online, conferences, district meetings, pharmaceutical company presentations, etc.). Some of these CE opportunities have a cost associated with them. Rule 4741-1-25 OAC regarding the impaired practitioner attributes all costs of the rehabilitation program and any drug screening to the impaired practitioner.

and

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

According to Section 4741.17 ORC, the cost for an initial and renewing license of a registered veterinary technician is \$35.00. In addition the cost of the VTNE is \$300.00 and \$350.00 for a paper VTNE application (*as quoted by the American Association of Veterinary State Boards*). The BCII criminal background check is \$22

and \$24 for the FBI background check (*BCII*) plus the processing fee from the company obtaining the prints or law enforcement agency.

14. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board is complying with the national standards established by the American Association of Veterinary State Boards for certification of veterinary technicians in the State of Ohio. By complying with national standards, the Board can accomplish its mission of public protection by ensuring that the licensees have met minimal standards. This also enables mobility of the RVT to seek licensure in another state that recognizes reciprocal licenses. The requirements for criminal record checks and issuing licenses are established in state law.

Regulatory Flexibility

15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. There is a waiver provision for continuing education for unusual circumstances. The request must be placed in writing and the continuing education hours must then be made up in the following renewal cycle. There are no other alternative means of compliance as the rules are dictated by the state law.

16. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

Under Section 4741.17 ORC, there are established fees for late renewal. The Board does not typically discipline a licensee for a late renewal unless there has been a violation based on a written complaint filed with the Board related to substandard veterinary medical practice. As with all violations, the Board takes mitigating factors into consideration. Additionally, the Board will accept a letter on official military letterhead indicating that the licensee is on active duty with the armed forces. There are no late fees attributed to the military exemption. The Board exempts first-time renewers from the mandatory requirement of continuing education.

17. What resources are available to assist small businesses with compliance of the regulation?

The Board has a working relationship with the associations representing veterinarians and registered veterinary technicians. There is time placed on each monthly Board Agenda for the representatives of these associations to speak regarding any issue of concern or awareness. The Board has a web site that is updated frequently with important issues and resources, in addition to having the annual newsletter posted on the web site. The Board's contact information is as follows:

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