

CSI - Ohio

The Common Sense Initiative

MEMORANDUM

TO: Theresa Stir, Executive Director, Ohio Veterinary Medical Licensing Board

FROM: Mark Hamlin, Director of Regulatory Policy

DATE: June 15, 2012

RE: CSI Review – 2012 Amended Rules (OAC 4741-1-15, 4741-1-21, 4741-1-22, and 4741-2-01)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis. This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

The proposed rule package addresses various aspects of the Ohio Veterinary Medical Licensing Board (OVMLB) structure and licensing process. Of the four proposed rules, three are being reviewed under the Ohio Revised Code 119.032 five-year review requirement. The rule package and associated Business Impact Analysis (BIA) was filed with the CSI Office and electronically sent to stakeholders on April 18, 2012. The public comment period was held open through May 9, 2012. As discussed below, comments received caused the Board to consider additional changes, and a final determination on the Board's direction was made at its June 13 meeting.

In its BIA, the Board described a robust stakeholder input process that included providing information in a newsletter, an email to a listserv of licensed veterinarians, registered veterinary technicians, and veterinary business facility license holders. In addition, the Board presented at annual conventions of both the Ohio Veterinary Medical Association (OVMA) and the Ohio Association of Veterinary Technicians (OAVT).

One of the proposed rules, OAC 4741-1-15, relates to the election of OVMLB officers and does not adversely impact businesses in Ohio. During the comment period, the Board received one

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question seeking clarification on this rule. A second rule, OAC 4741-1-22, addresses veterinarians participating in vaccination clinics. During the comment period, the Board heard from the OVMA that vaccination clinics are becoming a larger issue in the industry, and further discussion about guidelines would be appropriate. As such, the Board expressed its intent to withdraw the proposed amendment to expand the rules applicability to all vaccination clinics, and instead the Board will file the rule as a “No Change.” The third proposed rule, which makes minor changes to the veterinary business facility licensing provisions of OAC 4741-2-01 (and is not being reviewed under the Board’s five-year review) received no comments.

The fourth rule in the package, OAC 4741-1-21, deals with record-keeping requirements for licensed veterinarians. In its requirements for the treatment of animals used for economic purposes, the existing rule requires descriptions of drugs dispensed, and the Board proposes to include the term “administered” here as well. Although this change did not receive any comments, the Board did receive a letter objecting to the existing rule as being insufficient to protect consumers of veterinary services. In its BIA and in a follow-up discussion with the CSI Office, the Board emphasized that this rule in particular seeks to strike a balance between the needs of consumers (and subsequent treating veterinarians) to have access to information about an animal’s care, and the impact on a veterinarian’s ability to maintain a practice and operate a business. Board staff expressed its belief that the proposed rule does strike the proper balance, but at its May 9, 2012 meeting, the Board directed staff to send a copy of the submitted comments to the two main stakeholder associations (OVMA and OAVT) for reaction. At its June 13 meeting, the Board voted to proceed with the rules as drafted.

In general, the CSI Office finds that the OVMLB did involve stakeholders in the review and development of these rules, and was responsive to suggestions and concerns of these stakeholders. The Board adequately identified the public purpose to justify the rules which impact businesses, and is intending to strike the appropriate balance. As such, we believe the rule package satisfactorily meets the standards espoused by the CSI Office.

Recommendations

For the reasons described above, the CSI Office has no recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Agency should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review (JCARR).