

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Veterinary Medical Licensing Board

Regulation/Package Title: 2014 Rules No Change

Rule Number(s): 4741-1-10, 4741-1-14, 4741-1-23, 4741-2-02, 4741-2-04, 4741-3-01,
OAC.

Date: _____

Rule Type:

☐ New ☒ 5-Year Review

☐ Amended ☐ Rescinded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

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Rule 4741-1-10 OAC is a rule that permits the Board to take action against a license for failure to conform to or deviation from minimal standards of care of similar practitioners under the same or similar circumstances.

Rule 4741-1-14 OAC defines Animal Aide duties.

Rule 4741-1-23 OAC establishes the protocol for approval of euthanasia technician certification course curriculum.

Rule 4741-2-02 OAC provides notification requirements of a veterinary business facility.

Rule 4741-2-04 OAC lists the requirements to obtain a temporary permit to practice veterinary medicine in the State of Ohio.

Rule 4741-3-01 OAC states the purpose of the Veterinary Student Loan Repayment Program.

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. Section 4741.01(G) authorizes the Board to establish rules defining the duties and supervision required for the animal aide. ORC 4741.14 states that the Board shall determine by rule the specific purposes for which a temporary permit may be issued and the duration. ORC 4741.45 requires the Board to adopt rules for the Veterinary Student Loan Repayment program.

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

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 minimum standards of medical care as well as requirements for administering the Veterinary Student Loan Repayment Program (Chapter 3 of the 4741 OAC). Rule 4741-1-14 OAC defines the duties of the unlicensed animal aide and spells out the type of supervision required by the registered veterinary technician and/or veterinarian directing that specific task. Rule 4741-1-23 establishes what information shall be

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included in a euthanasia technician certification course curriculum in order to be approved in accordance with division (B) of ORC 4729.532. Rule 4741-2-02 spells out the notification requirements for a veterinary business facility for changes of control. Rule 4741-2-04 details the necessary requirements for obtaining a temporary permit to practice veterinary medicine in the State of Ohio.

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. The Board tracks all correspondence and complaints to determine if there is a further need to implement or modify a rule or to educate practitioners through educational opportunities, the Board newsletter or via the web site.

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 for five year review were listed out and provided to the Board members and placed in the Board's minutes in July, 2013. The list of rules was also provided to the Ohio Veterinary Medical Association via email. The list of rules was also provided to the RVTs at their annual conference. There was no feedback related to "No change" rules.

The No Change rules were again discussed at the November board meeting in which interested parties in other rules were in attendance. There was no additional discussion regarding these rules.

The rules will be posted on the Board's web site with the BIA for at least fifteen (15) business days with feedback to be provided to the Board and CSI.

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. Reference to the rule, will often reduce the number of inquiries related to that subject matter. For instance, Rule 4741-1-14 OAC relates to the duties of an animal aide. The Board, in conjunction with the OVMA, was able to develop a task list of duties that an animal aide can perform and those that an RVT can perform. That list is posted on the Board's web site with reference to the Rule in existence. The Board also provided educational presentations at the state RVT conference and the veterinary annual conference.

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.

Any issues that might arise as a result of the rules will come before the Board members at one of their monthly meetings for discussion. For example, inquiries as to interpreting a rule in the actual practice of veterinary medicine will be placed on the Board Agenda under correspondence and reviewed by the Board members. Additionally, interested parties are able to request time on the Board Agenda to discuss issues that might arise as a result of how a rule is written. 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, the Department of Agriculture and/or The Ohio State University College of Veterinary Medicine.

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);

Compliance with the No Change rules will involve making sure that only licensed individuals are practicing veterinary medicine, including that fees for licensure are paid, except for animal aides. Rule 4741-1-14 OAC permits an animal aide to be supervised by an RVT or a veterinarian for general duties, except in the case of drawing blood which requires a direct supervision by a veterinarian. This practice involves the time by the veterinarian or RVT for supervision. Rule 4741-2-02 also requires the time of the business owner to provide notification to the Board. Rule 4741-1-23 requires the Board to approve the curriculum for euthanasia technician programs in order to obtain certification through the Ohio Board of Pharmacy. The Board then places the approved program on the Board website. The veterinarian who employs the person seeking the euthanasia certificate may need to check the web site for an approved euthanasia program. Rule 4741-1-10 establishes minimum standards for the practitioner of veterinary medicine. If the Board members find a violation, there is the possibility of a fine, reprimand or suspension of license as outlined in ORC 4741.22.

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.

Rule 4741-1-14 OAC permits an animal aide to assist an RVT or veterinarian in veterinary care. The time required to have a veterinarian directly supervise an animal aide in drawing blood is minimal. Direct supervision as defined in ORC 4741.01 means the veterinarian is in the immediate area and within audible range, visual range, or both of a patient and the person administering to the patient. So in an emergency situation, the aide can be drawing blood while the veterinarian is performing other necessary medical care. Additionally, the time it takes for the

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Veterinary Business owner to notify the Board of a change in location, etc. is minimal as the notification can be performed via fax or email.

The fee for a limited license is outlined in ORC 4741.17 and is required to be paid in order for the veterinarian to obtain a limited license.

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

The Board determined that compliance with Rule 4741-1-10 is necessary to ensure to the public that the Board regulates the safe practice of veterinary medicine by reviewing standards (i.e. national standards through the American Animal Hospital Association and American Veterinary Medical Association). Additionally, the Board would need to know the changes regarding a Veterinary Business Facility license holder. Since the Veterinary Business Facility is not owned by a licensed veterinarian, the public might need to know how to obtain medical records, should a facility move to another location, or bought by another company. See the paragraph above for justification of Rule 4741-1-14 regarding the duties of an animal aide.

Regulatory Flexibility

15. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain 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?

If a violation of the Rules are found by the Board, the Board would issue a Notice of Opportunity for a Hearing in accordance with ORC 119.01 to 119.13 which may involve fines. However, there are no fines or penalties involved for paperwork violations of the No Change rules.

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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