



MEMORANDUM

TO: Theresa Stir, Esq., Ohio Veterinary Medical Licensing Board

FROM: Sean T. McCullough, Regulatory Policy Advocate

DATE: February 27, 2014

RE: **CSI Review – 2014 No Change Rules (OAC 4741-1-10; 4741-1-14; 4741-1-23; 4741-2-02; 4741-2-04; and 4741-3-01)**

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

I. INTRODUCTION AND BACKGROUND

The Ohio Veterinary Medical Licensing Board (OVMLB) submitted a rule package containing six (6) no-change rules on January 13, 2014. This package has been submitted by OVMLB for purposes of five-year rule review requirements. Specifically, the package concerns (1) a penalty provision for licensed veterinarians and registered veterinary technicians (vet techs) failing to comply with minimum standards of care requirements; (2) regulation of animal aides; (3) certification requirements for courses concerning euthanasia; (4) various notice requirements; (5) various notice requirements of veterinary businesses; (6) regulations concerning issuance of temporary veterinary medicine practice permits; and (7) the purpose of the veterinary student loan repayment program. OVMLB has cited R.C. § 4741.03(C)(9), 4741.01(G), 4741.14, and 4741.45 as authority to establish these rules. The official comment period for these rules was held open until January 31, 2014. No stakeholder comments were submitted during the CSI review period.

II. ANALYSIS

A. ADVERSE IMPACT ON BUSINESS

According to OVMLB, the scope of the impacted business community includes practicing veterinarians and vet techs. OVMLB involved stakeholders early by notifying both associations representing the impacted business communities and soliciting input. The OVMLB discussed the no-change rule package at various meetings of its Board in 2013, with representatives of stakeholders present, and no feedback was offered by stakeholders.

The rule package does contain various impacts to businesses. Costs and resource expenditures that may be incurred by business include a requirement that educational institutions wishing to offer a euthanasia technician certification must provide a certain number of credit hours and substantive material; associated fees for temporary permits to practice veterinary medicine; and potential penalties for veterinarians or vet techs failing to comply with certain minimal standards of care. All of these requirements have the potential to add costs and resource expenditures for a veterinary medical practice to ensure compliance.

Time and effort expenditures that may be incurred by business may include a requirement that a veterinarian supervise an animal aide if that veterinarian elects to permit that animal aide to conduct certain duties; that a veterinary medical practice provide notice to the OVMLB of certain changes to its business; that educational institutions wishing to offer a euthanasia technician certification must provide a certain number of credit hours and substantive material; and that an individual wishing to gain a temporary permit to practice veterinary medicine must apply to the OVMLB, provide certain information and obtain the permit for a maximum of one year; and potential penalties for veterinarians or vet techs failing to comply with certain minimal standards of care. All of these requirements add additional time and effort expenditures for a veterinary medical practice to ensure compliance.

B. JUSTIFICATION FOR ADVERSE IMPACT

Generally, the Board appears to justify the impacts to business by arguing that the rules provide regulation ensuring safe and professional standards of veterinary care in Ohio. According to OVMLB, the Board has determined that minimum standards of care as provided in the rules are “necessary to ensure the public that the Board regulates the safe practice of veterinary medicine.”

According to OVMLB, the Board notified stakeholders of the proposal of these no-change rules

through multiple direct contacts with each stakeholder's association in 2013, with no recorded input by stakeholders.

According to OVMLB, the Board actively involved stakeholders early on, and stakeholders' comments and suggestions were incorporated into the rule package.

The OVMLB has shown that adverse impacts to businesses providing veterinary care are outweighed by the need to ensure safe and professional practice of veterinary medicine in Ohio. No comments made on this rule package challenge the Board's justifications. Therefore, the adverse impact of this rule package to business is sufficiently justified.

III. RECOMMENDATIONS

After reviewing the BIA, and pursuant to the more detailed reasons outlined above, the CSI Office has no specific recommendations regarding the rule package.

IV. CONCLUSION

Based on the above analysis and recommendations, the CSI Office concludes that the OVMLB should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Mark Hamlin, Lt. Governor's Office