



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 New Rules (OAC 4741-1-16; 4741-1-17; and 4741-1-20)

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 three (3) new rules on January 13, 2014. This package creates regulations for veterinary vaccination clinics and the practice of veterinary medicine not taking place in traditional veterinarian offices/hospitals. According to OVMLB, the suggestions for these rules were initiated by the business community, and specifically, Ohio veterinarians who were concerned about the uncertainty caused by a lack of regulations around practices taking place outside traditional locations. 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. One stakeholder comment was submitted during the CSI review period.

II. ANALYSIS

A. ADVERSE IMPACT ON BUSINESS

According to OVMLB, the scope of the impacted business community consists of licensed veterinarians. Stakeholders were involved throughout the process of the rule drafting, which began in 2012 and continued through 2013. The OVMLB discussed the new rule package at various meetings of its Board in 2012 and 2013, with stakeholders present and frequently providing input. Stakeholder comments and suggestions were incorporated into the OVMLB new rule package.

The rule package does contain various impacts to businesses. Costs incurred by required licensure, equipment, facilities, staff, records and medication are all adverse impacts to business. Moreover, different vaccination clinic costs could depend on the location and circumstances of the clinic (e.g., in a pet store, or a mobile site). Time and resource demands incurred by the veterinarian may include supervision of staff and certain initial requirements for an establishment of “veterinarian-client-patient” relationship before providing certain medical services. These time and resource demands are adverse impacts to the veterinary care business.

B. JUSTIFICATION FOR ADVERSE IMPACT

OVMLB has determined, along with stakeholders, that the regulation of veterinary vaccination clinics and the practice of veterinary medicine taking place outside of traditional veterinarian offices/hospitals is necessary for these businesses to provide safe and professional practice of veterinary medicine. For example, according to OVMLB, “[h]aving drugs/supplies are necessary in the event of an adverse reaction to a vaccination.”

According to OVMLB, the Board actively involved stakeholders early on, and stakeholders’ comments and suggestions were incorporated into the rule package. CSI is not aware of any stakeholders who have challenged OVMLB’s justification for these new rules. Furthermore, the only comment made on this rule package is expressly in support of the current language.

The OVMLB has shown that adverse impacts to businesses providing veterinary care is outweighed by the determination by the OVMLB and stakeholders that the proposed rules are necessary to ensure the safe and professional practice of veterinary medicine in Ohio. Therefore, the adverse impact to business here 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.

VI. 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