

**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 Amended Rules (OAC 4741-1-01; 4741-1-03; 4741-1-04; 4741-1-08; 4741-1-21; 4741-2-03; 4741-3-02; 4741-3-03; 4741-3-04; and 4741-3-05)**

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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 ten (10) amended rules on January 13, 2014. This package has been submitted by OVMLB for purposes of proposed changes to the included rules, and with the exception of OAC 4741-1-01 and 4741-1-21, pursuant to five-year rule review requirements. Generally, the package concerns rules which govern the admittance to and the practice of veterinary medicine in Ohio. 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 veterinary technicians (vet techs). OVMLB involved stakeholders early by notifying the impacted business communities and soliciting input. Stakeholders were involved throughout the process of the rule drafting. These stakeholder comments and suggestions were incorporated into the OVMLB amended rule package. OVMLB discussed the amended rule package at various meetings of its Board in 2013, with representatives of stakeholders present.

The rule package does contain various impacts to businesses. Costs include veterinarian license application fees, education and testing, which can range from a few hundred dollars to thousands depending on the components needed by that veterinarian; fees for vet tech registration, which are \$35; and general requirements for minimal equipment resources, facilities, medicine, staffing and services for a veterinary facility, which also can vary from hundreds to thousands of dollars depending on the needs of the veterinarian. Although these costs vary depending on the extent of services provided, all are adverse impacts.

Time and effort demands incurred by the business may include the requirement that vet techs, who are staff or potential staff for the businesses, complete certain certifications before becoming registered; a veterinarian's licensure requirements including education, application and testing; and acquiring all equipment, resources, facilities, medicine, staffing and services required for a veterinary facility to operate in compliance. All of these requirements are adverse impacts to businesses through expenditure of time and resources to comply.

### C. JUSTIFICATION FOR ADVERSE IMPACT

OVMLB, along with stakeholders, has determined that the current and amended language of these proposed rules regulating the admittance to the practice and administration of veterinary medicine is necessary for these businesses to provide safe and professional practice of veterinary medicine in Ohio. According to OVMLB, the current language will provide "public protection by ensuring that the licensees have met minimal standards."

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 safe and professional practice of veterinary medicine in Ohio. 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