

**MEMORANDUM**

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

FROM: Sydney King, Regulatory Policy Advocate

DATE: October 30, 2014

RE: **CSI Review – 2015 No Change Rules (OAC 4741-1-13; 4741-4-01; 4741-4-02; 4741-4-03; 4741-4-04; and 4741-4-05)**

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.

Analysis

The Ohio Veterinary Medical Licensing Board (OVMLB) submitted a rule package containing six (6) no-change rules. Five of the rules address internal regulations for the Board and its employees. The rules are being reviewed under the five-year review process required by statute. The rule package was filed with the CSI Office on August 28, 2014, and the comment period for the rules closed on September 22, 2014.

The revised BIA states that Rules 4741-4-01; 4741-4-02; 4741-4-03; 4741-4-04; and 4741-4-05 contain no adverse impact to the business community. The rules are internal regulations for the Board and its employees, providing the policies for accessing confidential personal information. Because the rules are internal regulations, the CSI Office did not consider them in the review.

Rule 474-1-13 regulates livestock management practices. The rule states persons may perform certain general livestock management practices. This includes hoof trimming, deworming, tagging, ear notching, and branding. However, the rule limits other livestock management

practices to “owner’s agents” with the advice and consent of a licensed veterinarian. An “owner’s agent” is a full-time, part-time, or seasonal employee of the animal owner.

The CSI Office requested OVMLB to revise the BIA to clarify the impacted industry and costs. OVMLB submitted the revised BIA on October 23, 2014. The revised BIA states the impacted industry includes livestock owners and handlers. The costs associated with the regulations are time and expense of training a livestock handler (owner’s agent) by a licensed veterinarian to perform the tasks allowed.

According to the revised BIA, the rule was developed to provide guidance to inquiries received from livestock veterinary practitioners, livestock business practice owners and livestock owners. OVMLB states the rule language is a result of veterinarian members reviewing what procedures were medically safe for an unlicensed individual to perform on livestock in the place of the owner. OVMLB determined that training was necessary for some procedures because the use of medical equipment is necessary.

In this review of the existing rule, no comments were submitted. However, the CSI Office requested the Ohio Department of Agriculture to review the rule in order to avoid any duplication with similar regulations. Agriculture reviewed the rule stating that there was no duplication. The CSI Office performed additional stakeholder outreach asking the Ohio Farm Bureau (OFB) to review the rule for issues. The OFB did not identify any problems with the rule.

Upon review of the proposed rule and the revised BIA, the CSI Office has determined that the rule package satisfactorily meets the standards espoused by the CSI Office, and the purpose of the rule justifies the adverse impacts identified in the revised BIA.

Recommendations

For the reasons discussed above, the CSI Office does not have any recommendations for this rule package.

Conclusion

Based on the above comments, 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