

**MEMORANDUM**

**TO:** Theresa Stir, Ohio Veterinary Medical Licensing Board

**FROM:** Chris Smyke, Lt. Governor's Office

**DATE:** February 2, 2017

**RE:** **CSI Review – 2017 No Change Rules (OAC 4741-1-02, 4741-1-07, 4741-1-12, 4741-1-15, 4741-1-19, 4741-1-22, 4741-1-25)**

---

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

**Analysis**

The Ohio Veterinary Medical Licensing Board (Board) submitted a draft rule package consisting of seven no-change rules to the CSI Office as part of the five-year rule review requirement in Ohio statute. The rule package was submitted December 15, 2016 and the CSI public comment period closed January 6, 2017. No comments were received during that time.

The rule package covers several rules in the "General Provisions" chapter under the Ohio Veterinary Medical Licensing Board, including the registration of veterinary specialists (4741-1-02), approved veterinary and animal technology colleges (4741-1-07), and guidelines regarding embryo transfer procedures (4741-1-12). In addition, this package includes rules governing the election of Board officers (4741-1-15), the requirement that veterinary students must complete one year of study to carry out clinical duties specified in statute (4741-1-19), the duration that vaccination records must be maintained (4741-1-22) and requirements for an impaired licensee (4741-1-25).

The BIA describes the initial review of the rules subject for five-year review at the April 2016 Board meetings; the Board also placed the rules under review on its website for stakeholder feedback. The Board included the Ohio Veterinary Medical Association, the Ohio Association of

Veterinary Technicians and licensed practitioners of both veterinary medicine and animal technology in this review. The no-change rules in this package received no stakeholder feedback; however, a number of rules were identified as needing to be amended and are being addressed in a separate rule package. The no-change rules were reviewed again by the Board in November 2016 and were approved for submission to CSI.

The BIA identifies the impacted business community as veterinarians, registered veterinary technicians and corporations that own veterinary facilities. The impacts include disciplinary action due to noncompliance, including reprimand, monetary fines, required course work or suspension/revocation of a license. The BIA also cites the monetary cost of a license (\$245 per biennium for veterinarians and \$35 for veterinary technicians, as well as a one-time \$50 fee for specialists). In addition, under the Impairment Rule (OAC 4741-1-25), the licensee would be responsible for the cost of the recovery program which, based on the program, may range from \$6,000 to \$20,000 for 30-day inpatient treatment or from \$5,000 to \$10,000 for three-month outpatient addiction treatment.

The BIA justifies the adverse impact to the regulated business community with the need to protect and promote public safety. It specifically cites the need to require the maintenance of vaccination records so that consumers know where to obtain the records, the need to ensure that veterinarians who market themselves as “specialists” have the proper accreditation, and to ensure that a veterinarian is present for an embryo transfer, which includes surgery and dangerous drugs.

### **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 Ohio Veterinary Medical Licensing Board of Ohio 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