

**MEMORANDUM**

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

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

**DATE:** February 2, 2017

**RE:** **CSI Review – 2017 Amended Rules (OAC 4741-1-01, 4741-1-05, 4741-1-06, 4741-1-09, 4741-1-11, 4741-1-21, 4741-2-01)**

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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 (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 amended rules<sup>1</sup> to the CSI Office, and five of them were reviewed 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 miscellaneous aspects of the practice of veterinary medicine. The five rules subject to five-year review regulate the prescription of drugs, public notice of Board rule changes, euthanasia and disposal of animals, continuing education requirements and veterinary business licensure. The proposed amendments to these rules would fix a clerical error, permit electronic notification of Board rules, remove the stipulation of "euthanasia elsewhere" upon release of an animal to its owner, revise continuing education requirements to reflect national standards, and align rule language with statute. OAC 4741-1-01 and 4741-1-21, while not subject to five-year review, are proposed for amendment to allow registered veterinary technicians (RVT) to apply for licensure online and to clarify the recordkeeping requirements for

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<sup>1</sup> OAC 4741-1-21 is being amended by more than 50 percent. Therefore, the Legislative Service Commission requires that the rule be rescinded and replaced with a new rule with the same number.

veterinarians.

The rules subject to five-year review were reviewed at the Board's April 2016 meeting and posted online for public review and the proposed changes were sent electronically to the Ohio Veterinary Medical Association (OVMA). The amendments to OAC 4741-1-21 arose as a result of a disciplinary case discussion. The proposed rules were discussed in each Board meeting from April to November 2016. The stakeholders involved included OVMA, a representative of a corporate veterinary business, licensed veterinary practitioners, and animal owners. OVMA provided suggested language which was incorporated into the draft rules.

The BIA identifies the impacted business community as veterinarians and RVTs. The adverse impacts include license application fees for veterinarians, RVTs and veterinary business facility license holders, as well as the time to complete continuing education. In addition, the recordkeeping rules impose an administrative cost on veterinary businesses that varies based on the services that a given location provides. The BIA provides a detailed monetary cost estimate of each of these adverse impacts.

The BIA justifies the adverse impact to the regulated business community with the need to comply with the national standards of the American Association of Veterinary State Boards for licensure of veterinarians and RVTs, as well as approval of continuing education. This compliance protects the public by ensuring minimum standards and enables the mobility of licensed professionals in states that recognize reciprocity of licenses. In addition, the amended rules permit electronic access to license applications, continuing education and Board rule changes, as well as direction for owning/operating veterinary medical practices and prescribing, administering, and dispensing 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 Licensing Board 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