

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Veterinary Medical Licensing Board

Regulation/Package Title: 2019 No Change Rules

Rule Number(s): 4741-1-01, 4741-1-03, 4741-1-04, 4741-1-08, 4741-1-10, 4741-1-13,
4741-1-14, 4741-1-16, 4741-1-17, 4741-1-18, 4741-1-20, 4741-1-23, 4741-2-
034741-2-04, 4741-3-01, 4741-3-02, 4741-3-03, 4741-3-04, 4741-4-01, 4741-4-02, 4741-4-03,
and 4741-4-05

Date: January 9, 2019

Rule Type:

☐ New	☒ 5-Year Review
☐ Amended	☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

All of the rules in this package are subject to the five year rule review and being proposed as “No Change”. The package of rules consists of rules pertaining to the licensure and practice of veterinary medicine in the State of Ohio. The draft rules are written in plain language so that a member of the public without additional medical education can understand the rules. The rules in this package contain:

Rule 4741-1-01 which defines Registered Veterinary Technician duties, registration and continuing education requirements.

Rule 4741-1-03 sets out the minimum standards for a stationary veterinary facility.

Rule 4741-1-04 specifies the requirements to obtain a veterinarian license.

Rule 4741-1-08 sets out the minimum requirements for a mobile veterinary practice.

Rule 4741-1-10 defines action for departure from, or the failure to conform to, minimal standards of care.

Rule 4741-1-13 specifies what constitutes livestock management practices.

Rule 4741-1-14 defines the duties of an animal aide.

Rule 4741-1-16 sets the standards for a companion animal vaccination clinic.

Rule 4741-1-17 sets the standards for home visits for companion animals.

Rule 4741-1-18 provides for military experience and exemptions.

Rule 4741-1-20 sets the standards for a livestock ambulatory unit.

Rule 4741-1-23 provides the requirements for a euthanasia technician certification course curriculum.

Rule 4741-2-02 provides the notification requirements of a veterinary business facility.

Rule 4741-2-03 describes the limited licensure application and limits of veterinary services.

Rule 4741-2-04 describes the temporary permit to practice.

Rule 4741-3-01 describes the purpose of the veterinary student loan repayment program.

Rule 4741-3-02 provides the applicable definitions utilized in this section of the OAC.

Rule 4741-3-03 defines a veterinary resource shortage area.

Rule 4741-3-04 states the criteria for prioritizing underserved areas.

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Rule 4741-4-01 provides the definitions for this section of the OAC regarding confidentiality requirements.

Rule 4741-4-02 specifies procedures for accessing confidential personal information.

Rule 4741-4-03 provides valid reasons for accessing confidential personal information.

Rule 4741-4-05 describes restricting and logging access to confidential personal information in computerized personal information systems.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

Section 4741.03(C)(9) ORC authorizes the Board to adopt rules, in accordance with Chapter 119 of the Revised Code, which are necessary for its government and for the administration and enforcement of this chapter. ORC 1347.15 ORC requires the Board to implement rules to protect confidential personal information.

3. Does the regulation implement a federal requirement? No. Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? No
If yes, please briefly explain the source and substance of the federal requirement.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not applicable.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The public purpose for these rules is to assure the public that licensed veterinarians and registered veterinary technicians (RVTs) are professional, trustworthy and competent practitioners. These no change rules provide guidelines to the Board staff and licensed practitioners for what the Board members believe are acceptable minimum standards of medical care as well as complying with other statutory requirements for licensure. ORC 4741.01(B) defines the practice of veterinary medicine as follows:

(B) The "practice of veterinary medicine" means the practice of any person who performs any of the following actions:

(1) Diagnoses, prevents, or treats any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;

(2) Administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition or performs a surgical procedure on any animal;

(3) Prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus for any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal;

(4) Uses complementary, alternative, and integrative therapies on animals;

(5) Renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in divisions (B)(1) to (4) of this section;

(6) Represents the person's self, directly or indirectly, publicly or privately, as having the ability and willingness to perform an act described in divisions (B)(1) to (4) of this section;

(7) Uses any words, letters, abbreviations, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine.

The Board reviewed the law regulating the Registered Veterinary Technician in Ohio and the duties they are permitted to perform as prescribed in ORC 4741.19(C):

(C) No person shall act as a registered veterinary technician unless the person is registered with the board on a biennial basis and pays the biennial registration fee. A registered veterinary technician registration expires biennially on the first day of March in the odd-numbered years and may be renewed in accordance with the standard renewal procedures contained in Chapter 4745. of the Revised Code upon payment of the biennial registration fee and fulfillment of ten continuing education hours during the two years immediately preceding renewal for registration. Each registered veterinary technician shall notify in writing the executive director of the board of any change in the registered veterinary technician's office address or employment within ninety days after the change has taken place.

(1) A registered veterinary technician operating under veterinary supervision may perform the following duties:

(a) Prepare or supervise the preparation of patients, instruments, equipment, and medications for surgery;

(b) Collect or supervise the collection of specimens and perform laboratory procedures as required by the supervising veterinarian;

- (c) Apply wound dressings, casts, or splints as required by the supervising veterinarian;*
- (d) Assist a veterinarian in immunologic, diagnostic, medical, and surgical procedures;*
- (e) Suture skin incisions;*
- (f) Administer or supervise the administration of topical, oral, or parenteral medication under the direction of the supervising veterinarian;*
- (g) Other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian.*
- (h) Any additional duties as established by the board in rule.*

(2) A registered veterinary technician operating under direct veterinary supervision may perform all of the following:

- (a) Induce and monitor general anesthesia according to medically recognized and appropriate methods;*
- (b) Dental prophylaxis, periodontal care, and extraction not involving sectioning of teeth or resection of bone or both of these;*
- (c) Equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth.*

The degree of supervision by a licensed veterinarian over the functions performed by the registered veterinary technician shall be consistent with the standards of generally accepted veterinary medical practices.

These sections of the law define the majority of licensees that the Board oversees which assists with defining and providing guidance on minimum standards of practice, licensure requirements, and renewal of licenses. ORC 4741.13 permits the issuance of a Limited License and requires the board to adopt rules (Rule 4741-2-03 OAC). ORC 4741.14 permits the issuance of a Temporary License and requires the Board to adopt rules (Rule 4741-2-04 OAC). ORC 4741.40 through 4741.47 provide for the veterinary student loan repayment program. ORC 4741.45 requires the Board to adopt rules for the program (Rules 4741-3-01, 4741-3-02, 4741-3-03, 4741-3-04 OAC).

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

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The Board will measure the success of these regulations as being written clearly and concisely so that the licensees and the public understand the rules, and therefore, there will be compliance with the rules. The Board tracks all correspondence and complaints to determine if there is a further need to implement or modify a rule or to educate practitioners through educational opportunities, the Board newsletter, or via the web site.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

On July 16, 2018, a notification was placed on the Board web site of notification of the five year review and the rules being reviewed. Additionally, each month on the Board's agenda, it was noted that rules were being reviewed. The Board also sent out an annual newsletter in November, 2018 detailing the rules being reviewed. Suggestions for amendments were sought and any feedback to be sent to the Board office. No correspondence for amendment has been received for the five year review rules.

The Ohio Veterinary Medical Association were involved with the review of the rules as well and had no recommendation for change to these rules. All discussion of the rules were held at the Board meetings in open forum.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

Sections of the rules were reviewed at each monthly board meeting. No changes were recommended to these rules from any of the interested parties or by the Board members.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

These particular No Change rules have been in existence for over five years. There have not been any comments received in the Board office regarding these rules. There have not been any violations of these rules that have been brought before the Board for consideration. The Board solicits input at the annual veterinary association conferences, through the associations, through the Board's web site, and via the Board's newsletter. There was no scientific data used or generated for these rules.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The Board did review each rule to determine if amendments were needed and the necessity of the rules. In light of no inquiries or issues brought before the Board related to these rules in the past five years, the Board did not make any changes.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No. The purpose of the rules is to provide guidance to the licensee and what veterinary actions, etc. might be required to comply with the statute. These rules are filed as no change due to there has been no evidence to suggest that a change is needed.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

The No Change rules are specific to the license to practice veterinary medical practice in the State of Ohio. There is no other Agency that has the authority to regulate the licensure of veterinary medicine.

13. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.

The rules will be posted on the Board's website of which notification is sent to the Board's listserve, distributed through the Board's newsletter, and relayed by the Board at the OVMA and OAVT annual conference presentations. Any issues that might arise as a result of the rules will come before the Board members at one of their monthly board meetings for discussion. For example, inquiries as to interpreting a rule in the actual practice of veterinary medicine will be placed on the Board Agenda under correspondence and reviewed by the Board members. Additionally, interested parties are able to request time on the Board Agenda to discuss issues that might arise as a result of how a rule is written. The discussion will then be reflected in the board minutes which are posted monthly on the Board web site at www.ovmlb.ohio.gov. Any pertinent issues related to the rules are done in consultation with the appropriate representative from the OVMA or OAVT, the Department of Agriculture, The Ohio State University College of Veterinary Medicine and/or another state agency whose regulations may impact the practice of veterinary medicine.

Adverse Impact to Business

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14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:

a. Identify the scope of the impacted business community;

The impacted community impacted by these rules are the veterinarians and registered veterinary technicians.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

Noncompliance with the No Change rules may involve disciplinary action or an Advisory Letter against the license of the individual. Discipline could be a reprimand, suspension of license, required course work, monetary fine and/or revocation of a license. The initial license cost of a veterinarian is \$425 for a two year period and \$35 for a registered veterinary technician.

c. Quantify the expected adverse impact from the regulation.

The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a "representative business." Please include the source for your information/estimated impact.

The initial license cost of a veterinarian is \$425 for a two year period and \$35 for a registered veterinary technician for a two year period. The cost of renewal is \$155 for a veterinarian and \$35 for a registered veterinary technician. The renewal period is every two years. (ORC 4741.17)

Due to the variety of types of veterinary medical practices, it is difficult to ascertain a monetary figures for the operation of a stationary veterinary clinic, but it is well above \$50,000 per year. Mobile veterinary practices have less overhead so therefore can operate a slightly lesser cost, through the requirements for veterinary care remain the same. The livestock ambulatory unit is similar in that the unit is usually a veterinarian's truck and supplies that he or she travels with to farms for livestock operations. They may or may not have a main veterinary facility from which they have a permanent base of operations.

Insurance?

The Ohio Veterinary Medical Practice Act does not require insurance or surety for veterinary medical care and therefore does not come into play with any of the proposed rules.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

The Board determined that the regulatory intent justifies the impact on business because the regulations are intended to protect the public and promote public safety by:

- Providing guidance to the veterinarian and registered veterinary technician to obtain a license and renew and to maintain a safe veterinary practice;
- Encouraging a recently graduated veterinarian to practice in a veterinary resource shortage area and how to apply for a student loan;
- Assuring that confidential personal information remains confidential and accessed by only authorized individuals.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

As a licensing agency of veterinarians and registered veterinary technicians, there is no alternative means of compliance.

17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?

The Board does not fine licensees or impose penalties for first-time paperwork violations. Under section 4741.17 ORC, there are established fees for late renewal. The Board does not typically discipline a licensee for a late renewal unless there has been a violation of minimum standards based on a written complaint filed with the Board. As with all violations, the Board takes mitigating factors into consideration.

18. What resources are available to assist small businesses with compliance of the Regulation?

The Board has a working relationship with the associations representing veterinarians and registered veterinary technicians. There is time placed on each monthly board agenda for the representatives of the associations to speak regarding any issue of concern or awareness. The Board has a web site that is updated frequently with important issues and resources, in addition to having a semi annual newsletter posted on the web site. The Board's contact information is as follows:

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