



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Theresa Stir, Ohio Veterinary Medical Licensing Board

FROM: Michael Bender, Business Advocate

DATE: February 8, 2023

RE: **CSI Review – Safe Haven Rule (OAC 4741-1-25)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) 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 Board as provided for in ORC 107.54.

Analysis

This rule package consists of one new rule and one rescinded rule proposed by the Ohio Veterinary Medical Licensing Board (Board). This rule package was submitted to the CSI Office on January 11, 2023, and the public comment period was held open through January 31, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 11, 2023.

Ohio Administrative Code (OAC) 4741-1-25 is rescinded and replaced by a new rule with the same number to replace the Board's past impairment program that is no longer in existence. OAC 4741-1-25, the proposed new rule, establishes a safe haven program for licensed veterinarians, registered veterinarian technicians, and applicants for licensure or registration to undergo treatment for impairment due to drug abuse or other medical condition or illness without fear of disciplinary action by the Board.

During early stakeholder outreach, the Board met with the Executive Director of the Ohio Physicians' Health Program (OhioPHP) at a May 2022 meeting to discuss efforts to establish a safe haven program. A draft rule was brought before the Board's November 2022 meeting and provided to the Ohio Veterinary Medical Association (OVMA) as well as OhioPHP representatives. During its

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

December 2022 meeting, the Board accepted recommended revisions from both the OVMA and OhioPHP. The OVMA advocated for removing language referencing the past program as it no longer exists while OhioPHP recommended program approval by the Board. The Board subsequently moved to progress with the rule as modified. No comments were received during the CSI public comment period.

The business community impacted by the rules includes veterinarians and registered veterinary technicians. The adverse impacts created by the rules include automatic suspension or other disciplinary action of an individual's license for failure to comply with the terms of the safe haven program. The Board states that the adverse impacts to business are justified to protect the public by ensuring professional, trustworthy, and competent practitioners.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.