



Common Sense Initiative

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Business Impact Analysis

Agency, Board, or Commission Name: Ohio Veterinary Medical Licensing Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

Five year review 2024 No Change rules

Rule Number(s): 4741-1-03, 4741-1-04, 4741-1-08, 4741-1-10, 4741-1-13, 4741-2-02, 4741-2-04, 4741-3-03, 4741-3-04, 4741-4-01, 4741-4-02, 4741-4-03, 4741-4-04 OAC

Date of Submission for CSI Review: 8/9/2023

Public Comment Period End Date: 9/1/2023

Rule Type/Number of Rules:

New/___ rules

No Change/ 12 rules (FYR? yes_)

Amended/ 1 rules (FYR? yes)

Rescinded/___ rules (FYR? __)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

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Reason for Submission

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

Which adverse impact(s) to businesses has the agency determined the rule(s) create?

The rule(s):

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

Regulatory Intent

2. **Please briefly describe the draft regulation in plain language.**

All of the rules in this package are subject to the five year rule review and being proposed as “No Change” with one amended rule. 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 4741-1-03 sets out the minimum standards for a stationary veterinary facility.

Rule 4741-1-04 specifies the requirements to obtain a veterinarian license. This rule is being modified to remove the “good moral character” language to comply with HB 263 of the 132nd General Assembly.

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

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

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

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 4741-4-04 provides the confidentiality statutes

- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.** 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 Chapter 4741. ORC 1347.15 ORC requires the Board to implement rules to protect confidential personal information.
- 4. 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*
- 5. If the regulation implements a federal requirement, but includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.** *N/A*
- 6. 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 of this regulation 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;

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(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;

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(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).

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

8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931? No

If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.

Development of the Regulation

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- 9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.** The Board posted the review of these rules in its Spring newsletter that was distributed to all licensees and posted on the Board web site in April, 2023. Comments were solicited regarding the proposed rules. No comments were received regarding the no change rules. The first set of no change rules were reviewed at the May 24, 2023 Board meeting. The second set of no change rules were reviewed at the June 14, 2023 board meeting. No recommendation for changes were made to the no change rules.
- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** The Ohio Veterinary Medical Association was involved with the review of the rules as well and had no recommendation for change to this set of rules. All discussion of the rules were held at the Board meetings in open forum. The Board approved the no change rules with acknowledgement of the OVMA.
- 11. 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.
- 12. 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.
- 13. 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.
- 14. 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

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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

15. Provide a summary of the estimated cost of compliance with the rule(s). Specifically, please do the following:

- a. **Identify the scope of the impacted business community:** This rule applies to veterinarians and registered veterinary technicians **and**
 - b. **Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).**

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 has been reduced to \$275 in recently enacted SB 33 for a two year period and \$30 for a registered veterinary technician.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. There are no changes in these rules to modify the impact on the business community.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? The mission of the Board is to protect the public by ensuring competent practitioners. 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

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18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? No. As a licensing agency of veterinarians and registered veterinary technicians, there is no alternative means of compliance.

19. 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 for the veterinarian. 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.

20. What resources are available to assist small businesses with compliance of the regulation? The Board has a healthy working relationship with the associations representing veterinarians and registered veterinary technicians. There is time placed on each monthly Board agenda for the representatives of these associations to speak regarding issues of concern or awareness. The Board has a web site that is updated frequently with important issues and resources, in addition to having a newsletter distributed twice a year to all licensees and posted on the Board website. Important information is also distributed timely through a listserve when necessary to **all licensees**. (Licensees are required to have a current email address through the Elicense system.) Board members and staff also present current issues regarding regulation at the veterinary and registered veterinary technicians' annual conferences.