

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Veterinary Medical Licensing Board

Regulation/Package Title: Amended 2017 Rules

Rule Number(s): 4741-1-01, 4741-1-05, 4741-1-06, 4741-1-09, 4741-1-11, 4741-1-21 and 4741-2-01 OAC.

Date: December 15, 2016

**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☒ Rescinded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.

**Regulatory Intent**

1. Please briefly describe the draft regulation in plain language. The rules in this package were subject to the five year review, except for Rules 4741-1-01 and 4741-1-21 OAC. Rule 4741-1-01 OAC is being amended to permit electronic application for licensure. Rule 4741-1-21 OAC was amended as a result of an issue that arose that required clarification by the Board. Due to the extensive alteration of the rule, the Board is rescinding current Rule 4741-1-21 OAC and proposing a new Rule 4741-1-21 OAC. The draft package of rules consists of rules pertaining to the practice of veterinary medicine in the State of Ohio. The draft rules

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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 OAC sets out the requirements for certification of a registered veterinary technician initial application as well as biennial renewal. The Board has modified the rule which will enable the applicant to apply for licensure online.

Rule 4741-1-05 OAC provides the veterinarian prescriber direction regarding the prescribing, administering and dispensing of drugs. The proposed amendment clears up a clerical error to refer to the pharmacy laws AND rules.

Rule 4741-1-06 OAC describes the method of giving public notice for the proposal of adopting, amending or rescinding rules. This modification permits for electronic means of providing notice.

Rule 4741-1-09 OAC provides direction for the euthanasia and disposal of animals. The proposed modifications eliminates the requirements "euthanasia elsewhere" before releasing the animal.

Rule 4741-1-11 OAC provides the requirements for continuing education required for renewal as a veterinarian or a registered veterinary technician. The proposed revision will mirror the national standards set by the accrediting agency, as well as make it easier for the licensee to obtain continuing education via the internet.

Rule 4741-1-21 OAC defines requirements for Recordkeeping. Due to the major renovation of this rule, the current Rule will be rescinded with the proposed rule being filed as new. The new rule clarifies the requirements for documentation in the medical record.

Rule 4741-2-01 OAC describes the general provisions for a veterinary business facility license. The modification mirrors the language in the statute and clarifies which veterinary practitioner must be licensed in Ohio.

**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. Section 4741.01(F) ORC authorizes the Board to adopt rules regulating the registration of a registered veterinary technician. ORC 4741.13 authorizes the Board to adopt rules for the provision of a limited license to practice veterinary medicine. ORC 4741.28(F) requires the board to adopt rules regarding veterinary business facility licenses.

**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?**

Not applicable.

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**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.

Rule 4741-1-01 OAC is being amended in order to allow the Registered Veterinary Technician to apply for licensure and renewal through the new DAS e-licensing system which requires online applications.

Rule 4741-1-05 OAC is being amended to make an edit change which should have read federal “laws” rather than “rules” as the term regulations is already contained in the rule. This rule is necessary for the prescriber to ensure animal safety and that the prescriber of drugs is knowledgeable of the laws and rules regulating prescribing, administering and dispensing drugs.

Rule 4741-1-06 OAC is being amended to make more consumer friendly for requesting information from the Board related to rules. The request can be via email or fax.

Rule 4741-1-09 OAC is being amended at the request of interested parties to make it clear that there is no stipulation that euthanasia “elsewhere” be a condition of return to the owner.

Rule 4741-1-11 OAC provides guidelines to the Board staff and licensed practitioners for what the Board members believe are acceptable requirements for continuing education in maintaining licensure to registered veterinary technicians and veterinarians. Rule 4741-1-11 OAC required updating to ease the ability to obtain continuing education hours for the busy practitioner and to reflect national standards. This rule:

- Provide guidance to the veterinarian and the registered veterinary technician on what continuing education courses will satisfy their requirement for maintaining a license in the State of Ohio and reflects national standards.
- Provides a waiver of the CE requirement for renewal during special circumstances.
- Eases the ability to obtain online continuing education by removing the requirement that the continuing education must be “realtime”.

Rule 4741-1-21 OAC is being rescinded and submitted as a new rule due to the multiple revisions proposed. Rule 4741-1-21 OAC provides requirements for what information needs to

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be recorded in the medical record, how long the medical records need to be obtained, and the requirement of availability of the medical record to the subsequent veterinarian and owner of the animal. This rule:

- Requires medical records to be initiated and maintained on patients seen in the course of veterinary medical care.
- Sets the standards for what medical information needs to be documented for both companion animal practices, as well as herd and flock management.
- Requires the veterinarian to make the medical records available to a subsequent veterinarian and the owner to ensure continuity of care.

Rule 4741-2-01 OAC is being amended to clarify and to mirror the law regarding terminology related to "majority controlling interest". ORC 4741.28 details the licensure of the Veterinary Business Facility

#### **4741.28 Veterinary business facility license required.**

*(A) As used in this section:*

*(1) "Veterinary business facility" means a structure or business location that is maintained for the purpose of regularly providing veterinary services and that is owned, operated, or controlled by either of the following:*

*(a) A for-profit business entity of which a majority controlling interest is vested in individuals who are not licensed veterinarians;*

*(b) A nonprofit entity of which a majority of the members of the board of directors are not licensed veterinarians.*

*(2) "Disciplinary action" means any of the actions specified in division (F)(1) of this section.*

*(B)*

*(1) Except as otherwise provided in division (B)(2) of this section or rules adopted under this section, no person shall operate a veterinary business facility in this state without a valid veterinary business facility license.*

*(2) A person who operates an existing veterinary business facility on the effective date of this section is not in violation of the licensure requirement during the time period that the initial application for licensure of the veterinary business facility is pending.*

*(C) A person who wishes to obtain a veterinary business facility license shall file an application with the state veterinary medical licensing board. The application shall include all of the following information:*

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*(1) The name and address of the veterinary business facility;*

*(2) The name and address of each licensed veterinarian who is a resident of this state and who will be responsible for the management of the provision of veterinary services at the veterinary business facility;*

*(3) The name and address of the entity that owns, operates, or controls the veterinary business facility and, if the entity is a subsidiary of another entity, the name of its parent entity. An application shall be accompanied by a fee of three hundred dollars.*

*(D) A veterinary business facility license expires biennially on June 1 in odd-numbered years and may be renewed. An application for renewal shall contain any information that the board requires, shall be accompanied by a renewal fee of three hundred dollars, and shall be submitted to the board not earlier than the first day of April and not later than the thirtieth day of April in odd-numbered years.*

*(E) Not later than ninety days following receipt of an application for an initial or renewed veterinary business facility license under this section, the board shall issue the license to the applicant unless grounds for denial of licensure exist as established in rules adopted under this section.*

*(F)*

*(1) The board shall adopt rules in accordance with Chapter 119. of the Revised Code that establish grounds for the following:*

*(a) Refusal to issue or renew a veterinary business facility license;*

*(b) Suspension or revocation of a veterinary business facility license;*

*(c) Imposition of civil penalties of up to ten thousand dollars on a person who owns, operates, or controls a veterinary business facility;*

*(d) Seeking the issuance, by a court having jurisdiction in the county in which a veterinary business facility is located, of an injunction that would require the closure of the veterinary business facility.*

*(2) The board may adopt rules in accordance with Chapter 119. of the Revised Code that establish both of the following:*

*(a) Circumstances in which a veterinary business facility is not considered to be in violation of the licensure requirement during the time period that an application for licensure of the veterinary business facility is pending;*

*(b) Any other provisions necessary for the administration of this section.*

*(G) The board may conduct an inspection of a veterinary business facility in accordance with section 4721.26 of the Revised Code to determine if grounds exist for disciplinary action.*

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*(H) On determining that grounds may exist for disciplinary action against a veterinary business facility, other than the refusal to issue a veterinary business facility license, the executive director of the board shall file written charges with the board. The board subsequently shall conduct a hearing in accordance with Chapter 119. of the Revised Code concerning the charges. If, at the conclusion of the hearing, the board determines that grounds for disciplinary action exist, the board shall take the appropriate disciplinary action.*

*(I) The board shall seek the issuance, by a court having jurisdiction in the county in which is located a veterinary business facility that is in violation of the licensure requirement established in this section, of an injunction that would require the unlicensed veterinary business facility to be closed until an application for its licensure is filed. The injunction shall be in addition to any other penalties established by law.*

*(J) Any change in the information specified in division (C)(1), (2), or (3) of this section shall be reported in writing to the board not later than ninety days after the change occurs.*

**6. 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 education practitioners through educational opportunities, the Board newsletter, or via the web site. The Board also tracks disciplinary actions to determine the type and frequency of any violations of the Rule.

**Development of the Regulation**

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

The Ohio Veterinary Medical Association, the Ohio Association of Veterinary Technicians, John Izzo, Esq representing a corporate veterinary business and licensed practitioners (veterinarians and RVTs) and animal owners are the stakeholders.

The initial review was performed by the Board members and then submitted to the interested parties as mentioned above.

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

The rules and proposed suggestions for change were first provided to the Ohio Veterinary Medical Association (OVMA) in April, 2016 via email. The rules proposed for five year review were listed in the April Board minutes (easily accessible on the Board web site) and placed on the Board web site. Rule 4741-1-21 OAC was reviewed first as a result of an issue identified

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during a disciplinary case discussion. The OVMA representative and Mr. Izzo attended the board meetings during discussion of the rules providing input.

The proposed rules were discussed at each board meeting beginning in April through November 2016. OVMA provided suggested language for amending the proposed rules in this package which the Board took into consideration. After discussion, the Board accepted the proposed changes.

The rules will be posted on the Board's web site with the BIA for at least fifteen (15) business days with feedback to be provided to the Board and CSI.

**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?**

There were no scientific data utilized to develop or review this rule.

**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 or even if the rule was needed. The Board members agreed that each rule was necessary for the practice of veterinary medicine in the State of Ohio and public safety. The Board did not consider any regulatory alternatives.

**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.* The Board did not consider a performance-based regulation. The purpose of the rule is to provide guidance to the licensee and what documentation or continuing education might be required to comply with the statute.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** The rules are specific to the license to practice veterinary medical practice. 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.**

Any issues that might arise as a result of the rules will come before the Board members at one of their monthly 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](http://www.ovmlb.ohio.gov). Additionally, any pertinent issues related to the rules are done in consultation with the appropriate representative from the OVMA, OAVT, the Department of Agriculture and/or The Ohio State University College of Veterinary Medicine. The Board will notify the licensees through its newsletter, post on the Board web site, through the associations (and their publications and web sites) and speaking engagements throughout the state.

#### **Adverse Impact to Business**

**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;**

Veterinarians and registered veterinary technicians

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

Rule 4741-1-11 OAC deals with the requirement for continuing education (CE) for the veterinarian and registered veterinary technician. The cost for renewal of the license of veterinarian is \$155.00 for a biennium. The cost for renewal of a veterinary technician (RVT) is \$35.00 for a biennium. The RVT must obtain 10 CE hours while the veterinarian must obtain 30 hours of CE. If the licensee is late in submitting their renewal application and fee, a late fee will be assessed.

As for Rule 4741-1-01 OAC, there is no adverse impact. It eases the ability for the applicant to seek initial licensure through electronic means. The fee remains the same.

Rule 4741-1-21 OAC deals with the requirement for medical records to be maintained for three (3) years. Notwithstanding the fee for the license to practice veterinary medicine, the most important impact of any of the veterinary medical rules relates to the cost of the veterinary business. A main location would need to be available to store and easily retrieve the medical records populated, whether companion animal or livestock. Depending on the type of veterinary medicine provided, the costs will be different. If the veterinary practice only operates as a spay/neuter clinic, there will not be a need for radiology equipment as they can outsource that. Therefore, the cost will be lower for

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operating that type of clinic versus an emergency veterinary facility which will need immediate lab results and therefore would need an in-house lab and x-ray equipment which costs thousands of dollars. (An x-ray unit alone costs over \$18,000). For instance there is a small veterinary practice in Cleveland for sale for \$1.1 million which includes the practice, equipment, inventory and real estate. However, another small animal practice in Cleveland, including equipment and inventory, is being offered for \$250,000. That does not include the staff that would be required to perform veterinary services and if critical care animals, requires 24 hour staffing, thus increasing the veterinarian's costs.

Rule 4741-2-01 OAC provides guidance for the veterinary business facility (VBF) license holders. A VBF license needs to be obtained in the event that a veterinary facility wants to operate when a veterinarian does not own the majority share of an operation. For instance, there are several corporations who operate a VBF with the requirement of a supervising veterinarian who is licensed in Ohio. The initial cost of obtaining a license for a VBF is \$300.00. The costs for operating are similar to any other veterinary facility as described in the above paragraph. The cost of a biennial renewal for a VBF is \$300.00.

If the Board members find a violation of the Rules, the Board could issue a Notice of Opportunity for a Hearing in accordance with ORC 119.01 to 119.13 which may involve reprimand, suspension of a license, monetary penalties and/or revocation of a license as established in ORC 4741.22.

and

**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.*

Rule 4741-1-11 OAC

There has not been any increase in the licensure or renewal fees for RVTs or veterinarians for over 17 years. According to Section 4741.17 ORC, the cost for a renewing license of a registered veterinary technician is \$35 for a two year period. The cost for a renewing license for a veterinarian is \$155 for a two year period. The RVT must obtain 10 hours of continuing education in that two year period ORC 4741.19(C) while the veterinarian is required to obtain 30 hours of CE (ORC 4741.16).

The cost of continuing education varies. It can be provided free. For instance, provided by a pharmaceutical companies or at regional association meetings. CE can be obtained on-line. The price range for online courses varies from free to several hundred dollars depending on the number of hours of the CE course. There is no limitation on the number of hours a licensee can obtain through the internet. Or the licensee can obtain their CE hours at a national, state, or local conference. For instance, the Ohio Veterinary Medical Association holds an annual conference at a cost of \$160.00 for an RVT and \$270 for a veterinarian for a three day conference.

First time renewals of a license are exempt from the requirement for continuing education for that biennium.

#### Rule 4741-1-21 OAC

Due to the variety of types of veterinary medical practices (see above paragraph), it is difficult to ascertain a monetary figure for the operation of a stationary veterinary clinic, but it is above \$50,000 per year. However, since there are no confidentiality requirements for the veterinary medical records, the medical records can be stored in an easily retrievable area that is secured by the veterinarian. The change in the rule makes it clear that even if a client owes the veterinary practice money that should not deter the client from obtaining a copy of the medical records for the continued care of the animal.

#### Rule 4741-2-01 OAC

The amended language being proposed merely mirrors the law to clarify the terminology used in the rule related to “majority controlling interest”. The rule is a simpler version of the law which permits non-veterinarians to own and operate a veterinary facility. There is the cost of obtaining a license, as well as employing a “supervising veterinarian” who has a valid Ohio license to practice veterinary medicine.

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

The Board is complying with the national standards established by the American Association of Veterinary State Boards (AAVSB) for licensure of veterinarians and certification of veterinary technicians in the State of Ohio. By complying with national standards, the Board can accomplish its mission of public protection by ensuring that the licensees have met minimal standards. This also enables mobility of the veterinarian or RVT to seek licensure in another state that recognizes reciprocal licenses.

The rules as proposed will:

- Remove barriers to obtaining an initial license and to obtaining continuing education.

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- The Continuing Education rule mirrors changes in the AAVSB national standards for approval of CE.
- Permits clients to obtain medical records for their pet despite owing the veterinary practice for services rendered.
- Provides guidance to non-veterinarians who own and/or operate a veterinary medical practice.
- Provides direction for prescribing, administering and dispensing drugs which is important in public/animal protection.
- Modernizes and makes easier the ability for the public to obtain rules from the Board by removing the step to supply a stamped envelope.

### **Regulatory Flexibility**

**16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.** There is a waiver provision for continuing education for unusual circumstances during renewal. The request must be placed in writing and the continuing education hours must then be made up in the following renewal cycle. There are no other alternative means of compliance as the rules are dictated by the state law.

**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 based on a written complaint filed with the Board related to substandard veterinary medical practice. As with all violations, the Board takes mitigating factors into consideration. The Board exempts first-time renewers from the mandatory requirement of continuing education.

**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 these 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 the annual newsletter posted on the web site. The Board's contact information is as follows:

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4741-1-01

**Animal technician duties, registration and continuing education requirements.**

"Registered veterinary technician" is a person who holds a registration certificate issued by the Ohio veterinary medical licensing board. The registered veterinary technician activities and duties must in all ways be compatible with Chapter 4741. of the Revised Code.

- (A) A person desiring to be registered as a registered veterinary technician shall be of good moral character ~~and make a written request to the board for registration~~. Said applicant shall deliver to the board the following:
- (1) A completed application ~~supplied~~ prescribed by the board;
  - (2) A photograph of applicant;
  - (3) A transcript showing satisfactory proof that the applicant has graduated from a board approved veterinary technology program;
  - (4) A registration fee as prescribed in Chapter 4741. of the Revised Code.
  - (5) A passing score of four hundred twenty-five or a converted score of seventy-five on the veterinary technician national examination (VTNE).
- (B) In addition to the requirements set forth in paragraph (A) of this rule, an applicant for registration must submit to a criminal records check in accordance with section 4741.10 of the Revised Code within a year of requesting registration. The criminal records check must be completed by the bureau of criminal identification and investigation in which the results indicate that the individual has not been convicted of, pleaded guilty to, or had a judicial finding of guilty for any violation set forth in section 4741.22 of the Revised Code.
- (1) An applicant requesting a criminal records check shall provide the bureau of criminal identification and investigation with the applicant's name and address and with the Ohio veterinary medical licensing board name and address.
  - (2) The applicant shall ask the superintendent of the bureau of criminal identification and investigation in the request to obtain from the federal bureau of investigation any information it has pertaining to the applicant.
- (C) Every action of the registered veterinary technician, as related to the practice of veterinary medicine, must be under the supervision of the licensed veterinarian. The

registered veterinary technician must not be presented to the public in any way to imply that the registered veterinary technician is licensed to practice veterinary medicine. The licensed veterinarian must not offer, undertake, or represent to the public that the registered veterinary technician is able to diagnose, surgically operate or prescribe for any animal disease, pain, injury, deformity or physical condition.

- (D) The registered veterinary technician shall not diagnose, prescribe or change the prescribed order of the licensed veterinarian for the use of any drug, medicine, appliance or treatment for any animal.
- (E) The registered veterinary technician shall not invade the integument or the tissue of any animal for the purpose of performing any phase of a surgical procedure not defined as a normal management practice for livestock. The registered veterinary technician may act as a surgical assistant for a licensed veterinarian.
- (F) Prior to the expiration of a biennial registration on March first, in odd-numbered years, the executive director shall cause to be mailed or emailed in January of the registration year, a "notice for renewal application," listing the continuing education hours acquired prior to the biennial registration. The registered veterinary technician shall submit the biennial renewal fee as set forth in division (A)(10) of section 4741.17 of the Revised Code.

A registration becomes inactive if not renewed at the end of the biennium. An inactive registration may be reactivated upon application to the board. A registration that is inactive for more than four years expires if no application for reactivation is made. Upon expiration, a registration becomes void.
- (G) A waiver for continuing education hours may be granted by the board for unusual circumstances if a request is made in writing to the office of the board. The hours must be made up in the following calendar year, in addition to the regular required continuing education hours. No more than one waiver may be considered within a six-year period.
- (H) Registered veterinary technicians are exempt from listing continuing education hours for the first biennium after original registration.
- (I) No veterinary technology student shall engage in the duties of a registered veterinary technician unless under the direct supervision of a licensed veterinarian or his or her assigned registered veterinary technician.

4741-1-05

**Prescribing, administering, and dispensing drugs.**

- (A) As used in this rule, "drug" is defined in accordance with Chapter 4729. of the Revised Code.
- (B) A licensed veterinarian may prescribe, administer or dispense a drug or biologic only in those cases in which he or she has a valid veterinary-client-patient relationship (VCPR).
- (C) The licensed veterinarian must comply with all applicable state and federal laws ~~rules~~ and regulations in the prescribing, administering and dispensing of drugs.

4741-1-06

**Method of giving public notice.**

- (A) Prior to the proposed adoption, amendment or rescission of any rule by the state veterinary medical licensing board, public notice thereof shall be given at least thirty days prior to the date set for the public hearing thereon, by advertising in the Register of Ohio in accordance with applicable state law.
- (B) The board shall furnish the public notice required under section 119.03 of the Revised Code and as detailed by paragraph (A) of this rule to any person who requests notice in writing ~~and who supplies an addressed, stamped envelope.~~

4741-1-09

**Euthanasia and disposal of animals.**

- (A) A licensed veterinarian must make a reasonable attempt to communicate with the animal's owner, agent of the owner or person presenting the animal if the owner is unknown, prior to euthanasia or disposal.
- (B) Animals presented to a licensed veterinarian with no known owner or agent may be treated or euthanized or disposed of at the discretion of the attending veterinarian.
- (C) If the veterinarian is unwilling or unable to comply with the euthanasia request of the owner or agent, the animal must be released to the owner or agent ~~so that euthanasia can be sought elsewhere.~~

**Form and content of continuing education hours.**

- (A) The following programs designed to directly enhance the veterinarian's or veterinary technician's knowledge and skill in providing services relevant to the veterinary profession shall be approved for continuing education hours:
- (1) All scientific programs of the American veterinary medical association (AVMA), its constituent organizations and its recognized specialty groups and accredited veterinary medical institutions whose meetings impart educational material directly relating to veterinary medicine;
  - (2) All scientific programs of state veterinary medical associations or veterinary technician associations;
  - (3) Scientific and non-scientific clinical programs which are approved by the registry of the approved continuing education (RACE) of the American association of veterinary state boards (AAVSB); and
  - (4) All scientific and clinical programs approved by the board, not associated with RACE or AVMA and its suborganizations.
- (B) All veterinarians and registered veterinary technicians may acquire scientific or non-scientific clinical continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies and/or online courses. Online courses shall not exceed six hours.
- (C) Non-scientific practice management/professional development continuing education includes subject matter that helps make veterinary medical professionals more competent and capable in serving the public interest in the delivery of veterinary services but which is not necessarily scientific or clinical in nature. It can include but may not be limited to business management, regulatory compliance, jurisprudence, skills-based training in instrumentation, medical records, software management, communication, and veterinary ethics. Programs in wellness addressing mental health issues, such as compassion fatigue, burnout, and suicide ideation may qualify in this category.
- (D) All veterinarians and registered veterinary technicians may acquire non-scientific-practice management/professional development continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies, professional journals and/or online courses. Continuing education through professional journals shall not exceed two hours. Non-scientific-practice management/professional development continuing education hours obtained through online courses shall not exceed two hours.
- ~~(B)~~(E) Veterinarians must report thirty hours of continuing education per renewal. Of the

required hours, at least twenty hours must be ~~board~~ approved scientific or non-scientific clinical and directly related to the practice of veterinary medicine. No more than ten hours may be in non-scientific practice management/professional development. ~~related areas such as practice management.~~

~~(E)~~(F) Registered veterinary technicians must report ten hours of ~~board~~ approved continuing education per renewal. Six hours must be approved scientific or non-scientific clinical and directly related to the practice of veterinary medicine. No more than four hours may be in non-scientific practice management/professional development. ~~related areas such as practice management.~~

~~(D)~~(G) A licensed veterinarian or registered veterinary technician applying for an initial renewal is not required to complete the continuing education requirements but shall certify that they graduated within that biennium of the renewal period.

~~(E)~~(H) ~~All veterinarians and registered veterinary technicians may acquire continuing education hours from national, state and local seminars, programs, meetings, or course studies that are approved by the board. All continuing education hours must meet the following requirements:~~

- ~~(1) Board approved hours specific to the practice of veterinary medicine and/or surgery can be acquired through lecture, seminar, laboratory, or realtime online courses.~~
- ~~(2) Non-board approved continuing education hours may include but are not limited to: Alternative therapies, practice management, public relations and personal growth or may be obtained in forms which may include but are not limited to professional journals and auto-tutorials.~~

~~(F)~~(I) Due to prolonged or extenuating illnesses or emergencies, alternative requirements for continuing education will be determined on a case by case basis. A request for waiver must be submitted to the board with documentation of the illness or emergency within thirty days of submission of a license or registration renewal.

~~(G)~~(J) Prior to the expiration of a biennial license or registration on March first, the executive director shall cause to be mailed in January of the renewal year, a "Notice For Renewal Application" for a renewal cycle of the licensed veterinarian or a registered veterinarian technician. For the veterinarian holding a limited license, the executive director shall cause the biennial license renewal application to be mailed in May of the odd numbered year. Renewal applicants must certify completion of required continuing education at the time of renewal.

## \*\*\* DRAFT - NOT YET FILED \*\*\*

4741-1-21

**Record keeping.**

- (A) Every veterinarian performing any act requiring a license pursuant to the provisions of Chapter 4741. of the Revised Code shall prepare, or cause to be prepared, a record documenting the health status of the animal(s) treated and any necessary data such that another veterinarian may follow the rationale and continue therapy if necessary. The record shall be dated and shall include all pertinent medical data such as vaccination, drug types and doses and all relevant medical and surgical procedures performed, including anesthesia monitoring. The records shall identify the owner of the animal(s) and provide an address and telephone number or other means of contact.
- (B) Records for companion animals shall include identifying information such as age, sex, species and breed or description and the animal's name, if known. Animals used for economic purposes that are treated on an individual basis shall be similarly identified. Animals used for economic purposes that are treated on a herd basis may be identified collectively, provided the treatment information is reflective of accepted medical practice for the species and lists doses of all drugs dispensed and administered.
- (C) All regulated substances shall be recorded as required by federal and/or state regulations.
- (D) Records, including imagery, diagnostic tests, laboratory data, surgery reports, progression of the disease process and other pertinent information, shall be maintained by the treating practice. Records shall be released upon request from a treating veterinarian and must be returned to the originating practice within a reasonable time. Copies of records must be available upon request from the owner of an animal at a reasonable cost to the owner.
- (E) Records shall be kept for a period of three years following discharge of the animal(s) from veterinary care.

4741-1-21

**Recordkeeping.**

- (A) A veterinarian performing a physical examination, diagnosis, treatment or surgery on an animal or group of animals shall prepare a written record or computer record concerning the animals containing, at a minimum, the following information:
- (1) Name, address, and telephone number of owner;
  - (2) Identity of the animal, herd, or flock;
  - (3) Except for herds or flocks, the age, sex, color, and breed;
  - (4) Dates of examination, treatment and surgery;
  - (5) Brief history of the condition of each animal, litter, herd, or flock;
  - (6) Examination findings;
  - (7) Laboratory and radiographic tests performed and reports;
  - (8) Differential diagnosis;
  - (9) Procedures performed/treatment given and results;
  - (10) Drugs (and their dosages) administered, dispensed, or prescribed;
  - (11) Surgical procedures shall include a description of the procedure, the name of the surgeon, the type of sedative/anesthetic agent used, the route of administration and the dosage; and
  - (12) Anesthesia monitoring performed during surgical procedures.
- (B) Individual records must be maintained on each patient, except that records on livestock or litters of animals may be maintained on a per-client basis.
- (C) Medical records and radiographs are the physical property of the hospital or the proprietor of the practice that prepared them. Records, including radiographs, must be maintained for a minimum of three years after the last visit.
- (D) Medical records shall be released upon request from a treating veterinarian with a legitimate interest, and shall be returned to the originating practice within a reasonable time if requested. Copies of records must be made available upon request from the owner of an animal at a reasonable cost to the owner and within a reasonable time. A veterinarian may not withhold the release of veterinary medical records for nonpayment of a professional fee.
- (E) All regulated substances shall be recorded as required by federal and/or state regulations

4741-2-01

**General provisions of a veterinary business facility license.**

- (A) A veterinary business facility not vested with a majority controlling interest ~~fully owned~~ by one or more ~~a~~ currently Ohio licensed veterinarians, must meet the requirements of section 4741.28 of the Revised Code to obtain a veterinary business facility license in order to provide veterinary medical services in the state of Ohio.
- (B) The board shall evaluate whether a program has met the requirements of section 4741.28 of the Revised Code before issuing an initial license.
- (C) A veterinary business facility will maintain minimum standards of sanitary and hygienic methods to be used in the humane care and treatment of animals as established in rule 4741-1-03 of the Administrative Code.
- (D) A veterinary business facility must meet and comply with all requirements as set forth in section 4741.28 of the Revised Code and rules adopted by the board in accordance with Chapter 119. of the Revised Code; and any other applicable state or federal laws and rules. Failure to meet and maintain these requirements shall be considered noncompliance and may affect the facility's licensure status. The board has the authority to suspend or revoke a license, to refuse to issue or, renew a license, ~~suspend, or revoke a license,~~ and/or impose a civil penalty of up to ten thousand dollars on a person who owns, operates or controls a veterinary business facility for any violation of Chapter 4741. of the Revised Code and/or rules established by the board. The board shall suspend or revoke a license or impose civil penalties only pursuant to an adjudication process in accordance with Chapter 119. of the Revised Code for the following, but not limited to:
  - (1) Any violation of Chapter 4741. of the Revised Code or rules established by the board;
  - (2) Falsification of or fraudulent submission of licensure or renewal application;
  - (3) False or misleading advertisement which causes any person to act to the person's detriment in the care or treatment of any animal;
  - (4) Failure to conform to the rules of the board or the standards of the profession governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals;
  - (5) Obtains a fee on the assurance that an incurable disease can be cured;
  - (6) Divides fees or charges or has any arrangement to share fees or charges with

- any other person, except on the basis of services performed;
- (7) Violates the federal and state laws regulating the storage and use of controlled substances;
  - (8) Fails to report promptly to the proper official any known reportable disease;
  - (9) Fails to report promptly vaccinations or the results of tests when required to do so by law or rule;
  - (10) Has been adjudicated incompetent for the purpose of holding the license or permit by a court, as provided in Chapter 2111. of the Revised Code, and has not been restored to legal capacity for that purpose;
  - (11) Permits a person not a licensed veterinarian, a veterinary student, ~~or~~ a registered veterinary technician, or an animal aide to engage in work or perform duties in violation of this chapter;
  - (12) Has knowledge that the managing veterinarian is guilty of gross incompetence or gross negligence;
  - (13) Is practicing with a revoked, suspended, expired, or terminated license;
  - (14) Makes or files a report, health certificate, vaccination certificate, or other document which the facility knows is false, or negligently or intentionally fails to file a report or record required by an applicable state or federal law;
  - (15) Makes available a dangerous drug, as defined in division (D) of section 4729.02 of the Revised Code, to any person other than for the specific treatment of an animal patient;
  - (16) Refuses to permit a board investigator or the board's designee to inspect the business premises during regular business hours, except as provided in division (A) of section 4741.26 of the Revised Code;
  - (17) Violates any order of the board or fails to comply with a subpoena of the board;
  - (18) Fails to maintain medical records as required by rule of the board;

- (19) Engages in cruelty to animals;
  - (20) Uses, prescribes, or sells any veterinary prescription drug or biologic, or prescribes any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship.
- (E) It is the responsibility of the veterinary business facility to establish whether the managing veterinarian holds a current, valid Ohio license.