



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 Amended rules

Rule Number(s): 4741-1-01, 4741-1-04, 4741-1-11, 4741-1-14, 4741-1-16, 4741-1-17, 4741-1-20, 4741-1-23, 4741-3-01, 4741-3-02, 4741-3-05, and 4741-4-05 OAC

Date of Submission for CSI Review: 8/9/2023 resubmitted 8/23/23

Public Comment Period End Date: 9/1/23

Rule Type/Number of Rules:

New/ 1 rules

No Change/ rules (FYR?)

Amended/ 11 rules (FYR? yes)

Rescinded/ 1 rules (FYR? no)

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.**

Rule 4741-1-01 details the requirements for veterinary technician (RVT) registration, duties, and continuing education. The amended language is in response to recently enacted legislation (HB 509 of the 134th General Assembly) which removed the requirement for a picture upon initial application. The enacted House Bill 509 also reduced the fees for RVTs for initial licensure but eliminated the ability for an RVT to renew late. This rule will permit an RVT to renew with the current penalties assessed. Language was also amended to comply with HB 263 of the 132nd General Assembly.

Rule 4741-1-04 provides the requirements for licensure as a veterinarian. The modification removes the “of good moral character” language to comply with enactment of HB 263 of the 132nd General Assembly.

Rule 4741-1-11 relates to continuing education for renewal of licenses. The amended language is meant to clarify the online versus in-person hour requirements of continuing education for licensees upon renewal. The modification for veterinarians requires 12 hours of CE to be in-person while the remaining 18 hours for veterinarians can be obtained online. The RVT can obtain six hours of continuing education online and the remaining four hours must be in-person CE. This will require a New rule due to the percentage of modifications in the Rule.

Rule 4741-1-14 defines the duties of an animal aide. The amended version adds the registered veterinary technician as a practitioner who can provide oversight for collecting blood samples.

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Rule 4741-1-16 sets the standards for a companion animal vaccination clinic. Since the Board transitioned to the Elicense system, the Board no longer prints a “renewal license” and does not require one to be posted. However, the public should know who the veterinarian is performing services at a vaccination clinic. Therefore, this amended rule requires something to be posted in a conspicuous location regarding the identity of the veterinarian.

Rule 4741-1-17 sets the standards for home visits for companion animals. The amended version sets out requirements for notification to the client of after hour care.

Rule 4741-1-20 sets the standards for a livestock ambulatory unit. The amended rule merely requires the proper storage of drugs and biologics.

Rule 4741-1-23 provides the requirements for a euthanasia technician certification course curriculum. The modification in the rule mirrors recent statutory changes of R.C.4729.532. The amended rule also clarifies that the laboratory portion of the course must be an in-person lab with oversight by a veterinarian or registered veterinary technician.

Rule 4741-3-02 provides the applicable definitions utilized in this section of the OAC. The rule was modified to include llamas and alpacas to the definition of large animal veterinary services and livestock.

The amendments to these rules are merely wordsmithing or corrections in grammar.

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

Rule 4741-3-05 provides the criteria for selection of applicants for the loan.

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

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.
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 rules provide guidelines to the

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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.

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(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.

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

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. There were a few comments received from the public regarding Rule 4741-1-11 OAC, only one in writing, requesting that all online CE be permitted to meet the requirement for renewal (as HB 509 permitted). The proposed amendments to the rules were provided to the Ohio Veterinary Medical Association prior to the Board members review at their May 24, 2023, June 14, 2023, July 12, 2023, and August 9, 2023 board meeting so that discussion could be held.
10. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** The Board members, along with OVMA representatives, were provided several versions of the amended rules to aid in developing agreed to language. The Board selected the more simplistic Rule 4741-1-01 OAC, regarding registered veterinary technicians licensure and practice, of which OVMA agreed. Rule 4741-1-11 OAC regarding continuing education and the law permitting all CE to be virtual did not receive agreement between the board members and OVMA. Therefore, the rule was tabled for further discussion at the June and July board meeting. The remaining amended rules were accepted without further discussion. At the August board meeting, as proposed by OVMA, there were revisions made to Rule 4741-1-11 OAC that would permit 18 hours of CE for veterinarians and 6 hours of CE for RVTs to be completed online for the mandatory hours required for renewal. All other rules were accepted as amended at previous meetings.
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?** Research of other Veterinary Boards through the American Association of Veterinary State Boards was obtained to determine how other states addressed the continuing education and the number of hours obtained virtually. Research was also performed of other professional licensing agencies, such as nurses and attorneys, as to how many CE hours were permitted online.
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 not consider an alternative regulation as there is no other entity that regulates the

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practice of veterinary medicine and licensure/renewal requirements of which these rules apply.

- 13. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** This rule relates to the practice of Veterinary medicine. 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 Board will post the amended regulations in its newsletter that is distributed to all licensees, as well as emphasized at the educational opportunities presented, namely the Ohio Veterinary Medical Association Midwest Veterinary Conference and the Ohio Veterinary Technician Association Discovery Conference. 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, or via the listserv and web site. The Board also tracks disciplinary actions to determine the type and frequency of any violations of the Rules. 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:**
- Identify the scope of the impacted business community:** These rules apply to veterinarians and registered veterinary technicians **and**
 - Quantify and identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance, etc.).** The renewal costs for a veterinarian is \$155 for a two year period and \$35 for an RVT renewal. Rule 4741-1-11 OAC deals with the requirement for continuing education (CE) for the veterinarian and registered veterinary technician. The RVT must obtain 10 hours of CE for a two year period while the veterinarian must obtain 30 hours of CE for a two year period. The costs of CE varies from free to a three day conference at a fee of (\$330) for the OVMA Midwest Conference in February, 2022. There are multiple universities, medical facilities and veterinary organizations that offer free CE. There is an impact of at least time for the licensee to comply with the CE hour requirement. The Veterinary Practice Act provides a waiver of CE for those who may

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not be able to obtain the required CE due to illness or other circumstances. There is also waiver capabilities for the licensee impacted by active military duty.

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.

16. Are there any proposed changes to the rules that will reduce a regulatory burden imposed on the business community? Please identify. There has not been any increase in the licensure or renewal fees for RVTs or veterinarians for over 20 years. As mentioned above, the cost of continuing education varies. It can be provided free. For instance, provided by a pharmaceutical company or a regional veterinary association meeting. CE can be obtained on-line, usually at a much lesser cost than an in-person CE event. The price range for online courses varies from free to several hundred dollars depending on the number of hours of the CE course. The licensee can obtain their CE hours at a national, state, or local conference. Most employers pay for their employees to attend or obtain the CE online. The intent of the Board was to reduce the burden of travel, cost of hotels, etc for the licensee to obtain their continuing education in order to renew their license by permitting 15 hours of continuing education for veterinarians and six hours for registered veterinary technicians to be obtained online.

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 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.

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? No. The rule impacts veterinarians and registered veterinary technicians, but could be helpful to small business by streamlining a process for a licensee to obtain their continuing education who often pay for their employees.

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.

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

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issues and resources, in addition to having a newsletter distributed twice a year to all licensees and posted on the Board website.

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