



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Theresa Stir, Ohio Veterinary Medical Licensing Board

FROM: Joseph Baker, Business Advocate

DATE: November 23, 2021

RE: **CSI Review – Five year review of rules impacting the practice of veterinary medicine (OAC 4741-1-01, 4741-1-02, 4741-1-05, 4741-1-06, 4741-1-07, 4741-1-08, 4741-1-11, 4741-1-12, 4741-1-15, 4741-1-19, 4741-1-21, 4741-1-22, 4741-1-25, and 4741-2-01)**

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 eleven no change and three amended rules proposed by the Ohio Veterinary Medical Licensing Board (Board). This rule package was submitted to the CSI Office on September 15, 2021, and the public comment period was held open through October 12, 2021. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on September 15, 2021.

The rules in this package outline the qualifications and duties of veterinary technicians, describe the process for veterinarians seeking to qualify as specialists in the practice of veterinary medicine, specify limitations on prescribing or administering drugs or biologics except in cases where a valid client relationship exists, require the Board to provide public notice prior to rescinding, adopting or amending rules, require applicants for licensure to provide proof of graduation from an accredited college prior to licensure, require veterinarians to make a reasonable attempt to inform the animal's owner prior to euthanizing or disposing of the animal, specify continuing education

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requirements for veterinarians and veterinary technicians, state certain processes involved in embryo transfers may only be performed by a veterinarian, specify the structure and constitution of the Board, and allow for students at veterinary colleges to engage in certain components of veterinary medicine when under the supervision of a veterinarian.

OAC 4741-1-01 specifies the qualifications and responsibilities of registered veterinary technicians, including payment of a registration fee, a passing score on the veterinary technician national examination, passage of a criminal backgrounds check, completion of continuing education hours prior to renewing registration, and limits on practicing except when supervised by a licensed veterinarian. The rule is amended to allow for a person to provide a certificate of completion of the American Association of Veterinary State Boards (AAVSB) Program for the Assessment of Veterinary Education Equivalence for Veterinary Technicians in lieu of a transcript establishing graduation from an accredited program. The Board notes in the BIA that this change will allow for foreign veterinary technician graduates to obtain an initial license upon completion of the AAVSB Program. OAC 4741-1-02 establishes requirements for veterinarians seeking to qualify as specialists in particular disciplines of veterinary medicine and prohibits veterinarians from representing themselves as specialists unless they have met the requirements of a specialty board or college recognized by the American Board of Veterinary Specialties. To be registered as a specialist in Ohio under the rule, a practitioner must first apply to the Board for consideration and provide credentials demonstrating the individual's qualifications.

OAC 4741-1-05 permits licensed veterinarians to prescribe, administer or dispense a drug or biologic only in cases where a valid veterinary client-patient relationship exists and in compliance with all state and federal laws. OAC 4741-1-06 requires public notice to be given prior to the Board adopting, amending, or rescinding any rules. OAC 4741-1-07 prohibits a license or examination for licensure to be granted prior to proof being provided to the Board that the applicant has graduated from an accredited college of veterinary medicine or college approved by the Board. OAC 4741-1-09 requires licensed veterinarians to make a reasonable attempt to communicate with the animal's owner or agent prior to euthanizing or disposing of the animal but allows veterinarians to euthanize or dispose of animals presented to the veterinarian with no known owner or agent.

OAC 4741-1-11 outlines the standards for continuing education courses and complying with continuing education minimum requirements. The rule also requires veterinarians to complete 30 hours of continuing education during each renewal period, while veterinary technicians must complete 10 hours. The rule is amended to allow veterinarians to complete 15 hours of continuing education online (previously were allowed to complete 6 hours online). OAC 4741-1-12 specifies that embryo transfers require the services of a licensed veterinarian during any surgical procedures

or when administering or dispensing a controlled or prescription substance. The rule also prohibits any person from performing such an activity when the individual is not licensed to practice veterinary medicine. OAC 4741-1-15 describes the structural processes of the Board, including that it consists of a president, vice president, secretary, and four members (all officers serving one-year terms) and that all persons in succession to be president be licensed veterinarians. OAC 4741-1-19 states that a veterinary student shall have successfully completed the initial year of study at an approved college prior to performing or assisting in surgery under supervision of a licensed veterinarian, but that any enrolled student may engage in other activities when under veterinary supervision.

OAC 4741-1-21 specifies the record-keeping responsibilities for veterinarians and information that must be maintained and released upon request. The rule currently requires veterinarians to maintain a record of drugs administered, dispensed, and prescribed, and is amended to also require maintaining a record of the way the drug was administered. OAC 4741-1-22 requires veterinarians participating in a vaccination clinic to maintain a copy of the vaccination record for three years. Lastly, OAC 4741-1-25 establishes requirements for a treatment program for licensees who have been found to have practiced under the impairment of drugs or alcohol or who have self-referred themselves into the program.

During early stakeholder outreach, the Board collaborated with the Ohio Veterinary Medical Association (OVMA) to develop the rules and discussed the rules during its public meetings. Based on OVMA input, the Board revised the rules prior to submitting for CSI review. Two comments were received during the CSI public comment period. The OVMA shared its support for the rules as drafted. Additionally, one individual asked for clarification regarding the use of the title “veterinary technician.” The Board responded to the comment stating that the title is defined in statute and that the Board adopts the statutory use of the title.

The business community impacted by the rules includes veterinarians and registered veterinary technicians and their employers. The adverse impact to business includes the cost of completing continuing education requirements and payment of licensure renewal costs (\$155 for veterinarians and \$35 for technicians over the biennium). The adverse impact to business also includes the costs of maintaining records relating to the practice of veterinary medicine for the period required by the rules, expenses associated with completing education in a specialty profession and documenting completion to the Board (if seeking to practice in a specialty area of veterinary medicine), costs associated with completing veterinary medical school at an accredited facility prior to becoming licensed to practice, costs connected to making an effort to identify animal owners prior to disposing of the animal, and any expenses connected to participation in a treatment program following the licensee being deemed to have practiced under impairment. The Board notes that

continuing education courses are sometimes provided at no-cost and that the amendment to the rule allows for more hours to be completed online, which usually results in a lower cost for participants. The Board states in the BIA that the adverse impact to business is necessary to comply with national standards, enable Ohio-licensed veterinarians and technicians to seek licensure in other states, and to assure the public that licensed veterinarians and technicians are 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 Ohio Veterinary Medical Licensing Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.