



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

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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):

Military Rule

Rule Number(s): 4721-1-18 OAC

Date of Submission for CSI Review: 5/14/2020

Public Comment Period End Date: 6/3/2020

Rule Type/Number of Rules:

New/ X rules

No Change/ rules (FYR?)

Amended/ rules (FYR? no)

Rescinded/ X rules (FYR?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 4741-1-18 OAC addresses the licensure requirements for an individual currently performing active duty for the United States Armed Forces, active Guard or Reserves. The modification to this rule now includes the spouse of a licensee or someone on active duty and waives the initial fee in accordance with newly enacted SB 7 (R.C.4743.041). The proposed rule will be filed as "New" and the current rule will be rescinded due to the new language consisting of greater than 50% of the rule in accordance with LSC and JCARR requirements.

- 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.**

R.C. 4741.03(C)(9) authorizes the Board to adopt rules necessary for the administration and enforcement of Chapter 4741. R.C 4741.041(H) requires the licensing agency to adopt rules under Chapter 119 of the Revised Code as necessary to implement the section of law

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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?**
Not Applicable
5. **If the regulation 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)?** *This rule is being implemented as required by newly enacted SB 7 (R.C. 4743.041) to provide a temporary six-year military license for those either serving or the spouse of an individual serving on active duty for the military in Ohio.*

How will the Agency measure the success of this regulation in terms of outputs and/or outcomes? *The Board will measure the success of this regulation as being written clearly and concisely so that the licensees and the public understand the rule, and therefore, will be compliant with the rule. The Board will monitor feedback from licensees and take to the Board members for review. Since the Board already waives renewal licensure fees and continuing education for licensed military personnel, there is already a plan in place that has efficiently renewed the licenses of active military personnel and therefore will apply now to initial licenses. Through feedback, the Board would evaluate the current method to see if changes are needed.*

7. **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.** *On April 22, 2020, the Board sent the proposed rule to the Ohio Veterinary Medical Association for review prior to the May Board meeting. There was no recommendation for change provided. The Board members reviewed the Rule at their May 13, 2020 board meeting and approved the rule as submitted to move forward in the process.*
10. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** *There were no recommendations for change to the proposed rule. The proposed rule and BIA will be posted on the Board web site for comment.*

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- 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?** *There was no scientific data utilized in the development of this rule. The rule is being modified to accommodate newly enacted law. The rule is being proposed as new due to more than 50 percent change in the current Rule 4741-1-18 OAC in accordance with JCARR requirements.*
- 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 reviewed whether a modification to an existing rule or whether an entirely new rule would be most appropriate. Since the Board already had a military rule dealing with waiver of renewal fees and CE for active duty military, the Board believed this current Rule 4741-1-18 OAC would address the requirements of the new law and therefore not increase the number of rules of the OVMLB.*
- 13. 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 this rule is to provide guidance to the licensee and what documentation is required to comply with the statute.*
- 14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?** *This rule is being modified to address a newly enacted law to provide a temporary 6 year military license to veterinarians and registered veterinary technicians. There is no other regulation providing a temporary military license prior to enactment of SB 7 in the Veterinary Medical Practice Act.*
- 15. 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 staff will seek verification during the six-year period to determine if the military temporary license meets the qualifications established by SB 7. Military licensees will submit an affidavit acknowledging that they must comply with requirements and that they will have the ability to obtain a regular veterinary or veterinary technician license should their circumstances change while holding a military license.*

Adverse Impact to Business

- 16. 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 are the licensees impacted by this rule.*

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b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); *Rule 4741-1-18 OAC is a rule that has been in existence, but is being modified to reflect recently enacted legislation to create a military license that is good for six years and without a fee. There are certain requirements for the veterinarian or RVT to meet before they can obtain an initial license. The applicant must:*

- *Provide proof of being on active duty (or their spouse)*
- *They must hold a valid license in another state or jurisdiction*
- *They must submit to a criminal background check.*

Once an application is complete, the Board staff issues the license within 24 hours. The applicant will receive an email verifying their license number. The public or employer can either call the office to verify a license or check on the Board's web site under "License Verification" to check the status of a licensee.

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. There is no cost for the initial application for the military veterinary license. The Board already had a fee waiver in place for active military for renewals. Now the Rule applies to a spouse of an active duty military person. It can be assumed that the cost of performing veterinary services (business and facility costs) are covered by the armed services that the applicant is employed by. Therefore, the operating costs should be minimal for the veterinarian or RVT. There will be a cost for the criminal background check that is controlled by the Attorney General's office through the BCII.

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? *The rule was drafted in response to newly enacted legislation and required under R.C. 4743.041(H).*

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. *There is a fee waiver for the initial military licenses which is good for a six-year period. There is already a fee waiver for renewals of licensees on active duty.*

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. This type of license is not subject to late renewal fees or penalties. The*

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individual always has the option of obtaining a regular veterinary or veterinary technician license should their circumstances change.

20. What resources are available to assist small businesses with compliance of the regulation? *The Board has a good working relationship with the associations representing the veterinarians and representing the veterinary technicians. There is time placed on each monthly board meeting agenda for the representatives of the associations to speak regarding any issue of concerns or awareness. The Board has a web site that is updated frequently with important issues and resources. The Board also presents at the association conferences, produces a semiannual newsletter and sends notices via its listserv when needed regarding important topics and issues.*

The Board's contact information is as follows:

Ohio Veterinary Medical Licensing Board

77 South High St., 16th Floor

Columbus, OH 43215

614-644-5281

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PROPOSED RULE 4741-1-18 OAC

4741-1-18 Military Licensure and Renewal ~~Military experience and exemption~~

(A) “Military duty” has the same meaning as in section 4743.041 of the Revised Code.

(B) To meet the requirements set forth in section 4743.041 of the Revised code, the board shall issue an expedited license to a veterinary or registered veterinary technician applicant if the individual or the individual’s spouse is on military duty in this state and the applicant complies with the following:

(1) The applicant holds a valid license or certificate to practice the veterinary profession issued by another state or jurisdiction;

(2) The applicant complies with application requirements set forth in Rule 4741-1-04 of the Administrative Code for the veterinarian and Rule 4741-1-01 of the Administrative code for the registered veterinary technician.

(3) The applicant presents adequate proof to the board that the applicant or the applicant’s spouse is on military duty in this state.

(C) The board shall, within twenty-four hours after receiving the report under division (A) of section 4776.04 of the Revised code, notify the applicant applying for an expedited license in accordance with this rule that the Board has received the results of a criminal records check.

(D) The board shall issue an expedited license to practice as a veterinarian or a registered veterinary technician under this rule, provided that the applicant meets the requirements of this section, within fourteen days of having received the results of a criminal records check.

(E) The board shall deny an applicant the license or revoke the license under this section if any of the following circumstances occur:

(1) The applicant’s license issued by another state or jurisdiction expires or is revoked, or the individual is not in good standing.

(2) With respect to an applicant who was eligible for a license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution or annulment of the marriage;

(3) The individual is in violation of section 4741.22 of the Revised Code or rules adopted thereunder.

(F) There will not be a fee charged to an applicant who qualifies under this section.

(G) The license under this section shall not be valid for a period longer than six years, and is subject to renewal with proof of continued eligibility during the renewal cycle.

(H) (A) Eligibility for licensee renewal.

In Accordance with section 5903 of the Revised Code, the board has determined that there are no military programs of training, military specialties and lengths of service that are substantially equivalent to or which exceed the educational and supervised training requirement for licensure as a veterinarian or a registered veterinary technician.

~~(B)~~ (I) Definitions related to military service and veteran status.

- (1) "Military" in accordance with division (A) of section 5903.03 of the Revised Code, means the armed forces of the United States or a reserve component of the armed forces of the United States., including the Ohio national guard of the national guard of any other state.
- (2) "Member" means any person who is serving in the military.
- (3) "Veteran" means any person who has completed service in the military and who has been discharged under honorable conditions, or who has been transferred to the reserve with evidence of satisfactory service.

~~(C)~~ (J) License renewal

- (1) Veterinarians or registered veterinary technicians serving in the military shall be exempted from the biennial renewal fee provided written documentation is submitted to the board office evidencing that said licensee or the licensee's spouse, is on active duty in the military. Upon receipt of said documentation and submission of the required continuing education hours, the board shall waive the biennial fee and ~~a certificate of renewal~~ shall be issued to the licensee/registrant.
- (2) Those licensees/registrants who had been actively engaged in the military during the biennial period and submitted satisfactory evidence to the board of honorable discharge or separation under honorable conditions shall be exempt from the biennial renewal fee for that biennium.
- (3) The licensee/registrant may submit an application to the board, stating that the licensee/registrant requires an extension of the current continuing education reporting period because the licensee/registrant has served on active duty during the current or a prior reporting period. The licensee shall submit proper documentation certifying the active duty service and the length of the active duty. Upon receiving the application and proper documentation, the board shall extend the current reporting period by an amount of time equal to the total number of months that the license/registrant spent on active duty during the current reporting period. For purposes of this rule, any portion of a month served on active duty shall be considered a full month.
- (4) The board shall consider relevant education, training, or service completed by a licensee/registrant as a member of the armed forces of the United States or reserve components thereof, the Ohio national guard, the Ohio military reserve, the Ohio naval militia, or the national guard of any other state in determining whether a licensee/registrant has fulfilled required continuing education.

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4741-1-18

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- (1) The applicant’s license issued by another state or jurisdiction expires or is revoked, or the individual is not in good standing.
 - (2) With respect to an applicant who was eligible for a license under this section as the spouse of an individual on military duty, six months have elapsed since the divorce, dissolution or annulment of the marriage.
 - (3) The individual is in violation of section 4741.22 of the Revised Code or rules adopted thereunder.
- (F) There will not be a fee charged to an applicant who qualifies under this section.
- (G) The license under this section shall not be valid for a period longer than six years, and is subject to renewal with proof of continued eligibility during the renewal cycle.

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4741-1-18

2

(H) Eligibility for renewal.

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4741-1-18

3

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