

# The Ohio Veterinary Medical Licensing Board

## Annual Report FY 2021

*The Ohio Veterinary Medical Licensing Board's mission is to ensure that the citizens of Ohio are served by professional, trustworthy and competent veterinarians and veterinary technicians.*

### Overview

The Ohio Veterinary Medical Licensing Board (Board) typically meets the second Wednesday of the month and held 12 meetings in Fiscal Year 2021.

### Board Members:

|  |                                      |
|--|--------------------------------------|
| Dr. Nancy O'Connor, DVM, President       | Akron – term ends 12/31/2021         |
| Dr. Kim Riker Brown, DVM, Vice-President | Toledo – term ends 12/31/2022        |
| Dianne “Annie” Jones, RVT, Secretary     | Ostrander – term ends 12/31/2021     |
| Dr. Craig Miesse, DVM                    | Celina – deceased 6/29/2021          |
| Dr. Cynthia Kidd, DVM                    | Jackson – term ended 12/31/2020      |
| Dr. Matthew Verbsky, DVM                 | West Liberty – term ends 12/31/2021  |
| Dr. Scott Myers, DVM                     | Sharon Center – term ends 12/31/2023 |
| Susan Pohler JD, Consumer Member         | Columbus - term ends 12/31/2021      |

### Board Staff:

|                   |                       |
|-------------------|-----------------------|
| Theresa Stir, Esq | Executive Director    |
| Joseph McClain    | Licensure Coordinator |
| Andrea Jones      | Clerk                 |

### Fiscal

The Board is self-sustained fiscally through licensure fees. The Board was allotted \$ 435,046 for FY 2021. To date, the Board has paid \$ 82,550 in operating expenses and \$275,745 in payroll expenses for FY21 from the 4K90 Fund. The Board generated \$358,757 in Revenue for FY21. Of the total revenue in FY21 \$1,110 has been transferred to the Veterinary Student Loan Repayment Program in accordance with ORC 4741.17(A)(7).

The Board received acknowledgement for meeting the statutory requirements for expenditures with MBE and EDGE vendors in FY 20 and again, has surpassed the requirements for FY21.

### Policies, Law & Rules

#### HB 67 Veterinarian Student Debt Assistance Program

In the last General Assembly, legislation was enacted to create a new Veterinary Student Loan. HB 67 created the Veterinarian Student Debt Assistance Program selected by a lottery. Rules are currently being drafted to implement the Program and provide guidance. Information for the application, eligibility and contract terms will be available on the board web site as well as through alerts and publications.

In order to be eligible, prior to applying, the veterinarian must have performed charitable veterinary services in an amount determined by the Board in rules, but at a minimum, 12 hours. (Charitable veterinary services include free spay and neutering services and any other services specified by rule with a nonprofit organization, a humane society, law enforcement agency or a state, local, or federal government entity). There are other criteria for eligibility as well.

The funding for this particular scholarship is based on a formula of revenue that is generated from licensure fees minus the appropriation from the legislature for that fiscal year. The remainder is then placed in the scholarship fund. On July 15, 2021, as required by R.C. 4741.57, the Board certified to the Director of the Ohio Budget and Management the amount to be transferred from the Occupational Licensing and Regulatory Fund (4K90) to the Veterinary Student Debt Assistance Fund (5YG0). The Board will need to go to the Controlling Board to seek appropriation authority for the Loan Fund.

### **HB 263 (effective April 12, 2021)**

- Requires the OVMLB to adopt a list of specific criminal offenses for which a conviction, judicial finding of guilt, or plea of guilty may disqualify an individual from obtaining an initial license.
- Allows the Board to consider a listed offense when deciding whether an individual is disqualified from receiving an initial license, provided the state licensing authority considers the offense in light of specific factors supported by a preponderance of the evidence.
- Prohibits the Board from considering a listed disqualifying offense when the offense occurred outside of time periods specified in the bill (five years for most offenses).
- Prohibits the Board from refusing to issue an initial license to an individual based solely on being charged with or convicted of a criminal offense or a nonspecific qualification such as “moral turpitude” or lack of “moral character.”
- Requires the Board, if refuses to issue an initial license because of a specific disqualifying offense, to notify the applicant of the reason for the refusal, the applicant’s right to an administrative hearing, the earliest date the applicant may reapply, and the individual’s ability to offer evidence of rehabilitation upon reapplication.
- Places the burden of proving the relationship between a disqualifying offense and the licensed occupation on the Board in any proceeding reviewing the authority’s denial of an initial license based on a disqualifying offense.
- Allows the Board authorized by law to limit or otherwise place restrictions on a license to limit or restrict a license to comply with a community control sanction, post-release control sanction, or a court established intervention plan.

The Board already has a list of disqualifying criminal offenses on the Board web site that would prohibit an individual from obtaining a Board license. There is also an application on the Board web site for “pre-consideration” by the Board prior to application if an individual is uncertain as to whether a criminal offense would permit them to apply for a veterinary license.

More information will be forthcoming related to initial licenses. This law does not apply to renewal applications

### **HB 33 (effective April 12, 2021)**

Requires veterinarians (but not RVTs) to report to an officer (law enforcement, humane society agent or animal control-type professional) orally or in writing if they have knowledge or reasonable cause to suspect a violation involving animal abuse. Provides immunity for reporting.

#### **Licensed Veterinarians**

1. For a first violation of the reporting requirement, requires the Veterinary Medical Licensing Board to issue a confidential warning and explanation of the bill's reporting requirements.
2. For a second violation of the reporting requirement or for knowingly making a false report, requires the Board to impose a civil penalty as follows: a. \$100 for a second violation of the reporting requirement or a first violation of the bill's prohibition against knowingly making a false report; and b. \$500 for any subsequent violation.
3. Authorizes the Board to assess costs for the hearing if civil penalties are imposed, in accordance with current law.

#### **Rules**

The Board has amended Rule 4741-1-18 OAC in order to comply with recent enactment of SB 7 which provides an active-duty military veterinary practitioner or their spouse a free six-year veterinary license to practice in Ohio. In FY21, the Board issued one (1) Temporary Military Veterinary License.

The Board amended Rule 4741-1-23 OAC to comply with recent enactment of HB 24 which permits employees of dog wardens to obtain certification as a euthanasia technician. The Rule was amended to include the employees of dog wardens as well as establish the euthanasia drug(s) to be utilized.

The Board is currently reviewing rules under the five-year review and anticipate making minor amendments to two rules. Several bills have been introduced in this General Assembly which may necessitate further rule changes in the next fiscal year.

In response to the COVID-19 pandemic, the Board issued, at their June 2020 board meeting, a Resolution waiving the limit on online continuing education hours required for license renewal. The Resolution will end after the Veterinarian renewal in March 2022. The rule related to continuing education is currently being reviewed for its five-year review and is likely to increase the number of online CE hours permitted for renewal.

#### **Veterinary Student Loan Repayment Program**

HB 458 of the 126<sup>th</sup> General Assembly created a veterinary loan program to address current and future shortages of veterinarians in large animal and regulatory public health situations in Ohio. Loan repayment grants can be up to \$20,000 for a two-year commitment of service. Pursuant to Section 4741.17(A)(7) ORC, the Board transferred \$ 1110.00 to the Veterinary Student Loan

Repayment fund (ALI 888-602) in FY21 to reflect \$10.00 from each veterinary license renewal from July 1, 2020 to June 30, 2021.

In accordance with Section 4741.47 ORC, an annual progress report regarding the implementation and progress of the Veterinary Student Loan Repayment Program was provided to the Governor, Speaker of the House, and Senate President prior to March 1, 2021.

For FY 21, there were two eligible candidates who submitted an application for consideration by the Board for the Veterinary Student Loan. A \$20,000 award was provide to Dr. Krom, DVM working in Highland County of Ohio for a service commitment of two years. The second veterinarian declined the \$20,000 award due to the inability to complete the service commitment.

### Licensure

In April, 2018, the Board transitioned to the DAS ELicensing system which requires all initial applications and renewal of licenses to occur through the online portal. The Board has successfully renewed all types of licenses as of through the ELicensing system and has implemented the new temporary Military license in the system.

The Board is currently responsible for the licensure requirements of 4895 veterinarians, 4506 registered veterinary technicians, 223 limited licensed veterinarians (whose practice is limited to an academic institution, governmental laboratory, or performing a residency in veterinary medicine), 163 Specialist Veterinary Licenses, and 184 business facility licenses. The number of practitioner licensees varies slightly from year to year as indicated here:

#### RVTs:

|           |     |        |      |
|-----------|-----|--------|------|
| FY17 New: | 361 | Total: | 3838 |
| FY18 New: | 348 | Total: | 4289 |
| FY19 New: | 348 | Total: | 4277 |
| FY20 New: | 288 | Total: | 4621 |
| FY21 New: | 289 | Total: | 4506 |

#### Veterinarians:

|           |     |        |      |
|-----------|-----|--------|------|
| FY17 New: | 244 | Total: | 4397 |
| FY18 New: | 267 | Total: | 4429 |
| FY19 New: | 266 | Total: | 4697 |
| FY20 New: | 262 | Total: | 4612 |
| FY21 New: | 295 | Total: | 4895 |

### Complaint & Disciplinary Process

During FY 21, the Board received 219 complaints. The Board collected \$ 9842.40 in Disciplinary Fines.

#### Summary of Board Disciplinary Actions FY 2021

|   |    |
|---|----|
| Surrendered license in lieu of discipline           | 0  |
| Adjudication Orders issued                          | 5  |
| Settlement Agreements Entered                       | 18 |
| Notices issued                                      | 30 |
| Referrals to Prosecutor and/or other state agencies | 2  |
| Advisory Letters                                    | 48 |
| On site investigations                              | 10 |
| Compliance Inspections                              | 17 |
| 30 day follow up letters to compliance inspections  | 0  |

|                                       |    |
|---------------------------------------|----|
| No Jurisdiction of the subject matter | 29 |
|---------------------------------------|----|

The Board contracts with the Ohio Department of Agriculture for investigations of complaints. Once the Board reviews a complaint and medical records, they will determine if the complaint warrants an actual on-site investigation. The Board members will direct the investigator what information they need that is germane to the complaint filed. The Board has found this arrangement very satisfactory.

Upon receipt of a complaint, the complainant is notified in writing of the Board complaint process and the file number issued to the complaint so they can follow the disciplinary process in the Board minutes which are posted on the web site. Once a discipline is issued by the Board, it is entered into a national databank for other state regulatory agencies of veterinary medicine, flagged in the state e-licensing system, and entered onto the Board's web site. The majority of complaints were for allegations of substandard medical/surgical veterinary care, which requires an investigation. The costs for sending responses, investigative costs and disciplinary/hearing costs have remained steady. There appears to be an increased expectation by pet owners that veterinary medicine operate in the same fashion as human medicine, especially regarding medical records and prescriptions. Additionally, the Board receives a significant number of complaints for which the Board does not have statutory authority such as veterinary fees charged to the consumer, boarding issues or grooming issues.

In settling the complaints, the Board saved approximately \$54,000 in Adjudication hearing costs. This is an area that is variable in the Board budget and therefore, the Board tends to be more conservative with expenditures in the event that an Adjudication is warranted.

Investigations are performed as a result of a written complaint to the Board and the need by Board members for more information not gleaned from the medical records, radiographs or narratives submitted. An investigation will focus on the complaint. For instance, if the complaint is that the veterinarian is allowing unlicensed individuals to administer intravenous medications, the investigator will check medical records, the controlled substance logs and interview the staff. Compliance inspections are performed as a physical inspection of a veterinary hospital/clinic after a letter has been sent to the owner of the veterinary facility giving them five-day's notice as required by Section 4741.26 ORC. The investigator will also look at the drug stock to determine if there are expired drugs comingled with the current drugs and the review of the controlled substance logs.

The Board determined that they would like to increase the number of compliance inspections performed as permitted within the allotted budget. There are approximately 900 veterinary facilities in Ohio. It is unknown the exact number because the Board does not license veterinary facilities owned by veterinarians. In FY15, there were 50 compliance inspections performed. In FY16, there were 257 random compliance inspection performed. For FY21, there was a decrease in inspections due to staffing issues and the veterinary facilities being closed due to COVID 19 Orders, however, the inspectors were able to complete 17 inspections, including those required as a result of a settlement agreement.

At the March 11, 2015 Board meeting, the Board passed a motion to deem AAHA accredited veterinary facilities as appropriately inspected and therefore will not have to undergo another

compliance inspection by the Board unless there is a written complaint submitted. There are approximately 120 veterinary facilities that are AAHA accredited in the State of Ohio.

### **Communication**

The Board staff consists of two full time members and one-part time clerk. The Board works diligently to return calls and address all correspondence within one business day. In an effort to keep veterinarians and RVTs current on regulatory issues impacting their practice, the Board issued an informative newsletter to its listserve in November and February. The newsletters are posted on the Board website. Additionally, the Board has updated the website to include recent Board decisions regarding veterinary and pharmacy issues, approved continuing education, and available resources. Board Agendas and Minutes are timely posted on the website. The Board has approved and posted the Public Records Policy in the Board office and on the website.

Due to the pandemic, many of the educational opportunities where the Board members and staff usually present were either cancelled or continued virtually. Theresa Stir, Executive Director, provided a webinar on Board licensing issues and veterinary wellness to the third-year veterinary students at The OSU College of Veterinary Medicine.

### **IT**

The Board contracts with DAS OIT for computer services.

### **Continuing Education**

The veterinarian must have 30 hours of approved continuing education (CE) to renew. The registered veterinary technician must have 10 hours of approved CE to renew. The Board approves those CE courses that do not fall within guidelines as set forth in Rule 4741-1-11 of the Ohio Administrative Code. As a result of the COVID pandemic, the Board decided to review and modify the limit of online continuing education.

The Board Members and staff completed the annual Ethics Training as prepared by the Ohio Ethics Commission in compliance with Executive Order 2019-11D. Board Members and Staff completed all required trainings.

### **National Membership**

The Board maintains membership with the American Association of State Veterinary Boards (AAVSB). The membership is not only necessary for staying current on regulatory issues nationwide, it permits access to the national system to report disciplinary actions against veterinarians and RVTs licensed in the State of Ohio. The AAVSB then notifies other states where the disciplined licensee may hold a veterinary license. Board members and staff are very involved with the national association. Two previous board members are currently serving on the AAVSB board as members with Dr. Redman currently serving as the past AAVSB President. Dr. Cindy Kidd, DVM and Dr. Nancy O'Connor currently serve on the AAVSB RACE Committee. Dr. Verbsky, DVM serves on the AAVSB Nominating Committee. Dr. Riker-Brown serves on the Finance Committee. Ms. Jones serves on the RVT Committee. Ms. Stir, the Executive Director, serves on the AAVSB Regulation Policy Task Force.

### **Priorities for FY22-23**

- 1) To continue participation and assist with updates in the State E-Licensing program for Licensure and Renewal of applicants in the practice of veterinary medicine in the State of Ohio.
- 2) To continue to provide fiscally sound, efficient services to the public and licensees.
- 3) To increase the number of compliance inspections of veterinary facilities performed each year.
- 4) To cooperatively work with the national and state association and other legislative and regulatory agencies regarding regulations impacting the practice of veterinary medicine.
- 5) To work cooperatively with the Ohio Board of Pharmacy, law enforcement and the Ohio Veterinary Medical Association in dealing with investigations of pharmaceutical violations. and
- 6) To participate in educational opportunities for veterinary practitioners and students to promote veterinary wellness, inclusive of assistance with addiction issues as well as mental health issues.

Respectfully prepared and submitted by:

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