



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### 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 rule review of rules impacting the practice of veterinary medicine

**Rule Number(s):** 4741-1-01, 4741-1-02, 4741-1-05, 4741-1-06, 4741-1-07, 4741-1-09, 4741-1-11, 4741-1-12, 4741-1-15, 4741-1-19, 4741-1-21, 4741-1-22, 4741-1-25, 4741-2-01

**Date of Submission for CSI Review:** 9/15/21

**Public Comment Period End Date:** 10/12/21

**Rule Type/Number of Rules:**

☐ New/\_\_\_ rules

☒ Amended/ 3 rules (FYR? X)

☐ No Change/ 11 rules (FYR? X)

☐ Rescinded/\_\_\_ rules (FYR? \_\_\_)

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.

### **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.

*Most of the rules in this package are subject to the five year rule review. The rules apply to the practice of veterinary medicine. Only two rules of the five year rule review have amendments: Rule 4741-1-11 OAC is increasing the number of online continuing education hours that a veterinarian must obtain upon their biennial renewal from six hours to 15 hours. Rule 4741-1-21 OAC is being amended to include the route of administration for medications that are administered by a veterinarian or registered veterinary technician.*

*Rule 4741-1-01 OAC, which is not a five year rule review, is being amended to permit a foreign graduate veterinary technician to obtain an initial license upon completion of the American Association of Veterinary State Board (AAVSB) Program for the assessment of veterinary education equivalence (PAVE).*

*The draft rules are written in plain language so that a member of the public without additional medical knowledge can understand the rules. The rules in this package are:*

*Rule 4741-1-01 OAC details the requirements for veterinary technician duties, registration and continuing education. The amended language permits a foreign graduate of a veterinary technician program to apply for licensure if they complete the PAVE program.*

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Rule 4741-1-02 OAC sets out the requirements for a Specialists license.

Rule 4741-1-05 OAC addresses prescribing, administering and dispensing of drugs.

Rule 4741-1-06 OAC provides the method of giving public notice.

Rule 4741-1-07 OAC addresses approved veterinary and animal technology colleges.

Rule 4741-1-09 OAC provides guidance for euthanasia and disposal of animals.

Rule 4741-1-11 OAC sets out the continuing education requirements for renewal of the veterinary and the registered veterinary technician license. The rule is being modified to increase the number of online continuing education hours permissible for renewal by the veterinarian from 6 hours to 15 hours.

Rule 4741-1-12 OAC provides guidance for embryo transfer: definition and practice

Rule 4741-1-15 OAC details the election of officers of the Board.

Rule 4741-1-19 OAC describes the veterinary student education requirements.

Rule 4741-1-21 OAC provides the recordkeeping requirements. The rule is being amended to include the documentation of the route of administration for drugs.

Rule 4741-1-22 OAC addresses the vaccination clinics held by Departments of Health.

Rule 4741-1-25 OAC provides guidance for those licensees who are found to be practicing impaired.

Rule 4741-2-01 OAC describes the general provisions of a veterinary business facility license.

- 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 the Chapter 4741. Section 4741.01(F) ORC authorizes the Board to adopt rules regulating the registration of a registered veterinary technician. R.C. 4741.13 authorizes the Board to adopt rules for the provision of a limited license to practice veterinary medicine. R.C. 4741.28(F) requires the Board to adopt rules regarding veterinary business facility licenses.*

- 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*

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5. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement. *Not applicable***
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 for these rules is to assure the public that licensed veterinarians and registered veterinary technicians (RVTs) are professional, trustworthy, and competent practitioners. The amendment to Rule 4741-1-11 OAC is meant to lessen the burden of obtaining continuing education hours by permitting the veterinarian to obtain half of their required hours in a two year period through online continuing education opportunities. The amendment to Rule 4741-1-21 OAC will clarify the route of administration for a drug that is either administered or prescribed, thus a safety feature for not only the veterinary practitioners, but the consumer/owner of the animal. Rule 4741-1-01 OAC is being amended to eliminate a barrier to licensure for veterinary technicians who are foreign graduates. This will assist with the recruitment of veterinary technicians to the State of Ohio.*
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 web site. The Board also tracks disciplinary actions to determine the type and frequency of any violations of the Rule.*
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 began initial review of the rules required under the five year review April 14, 2021 board meeting. The Executive Director of Ohio Veterinary Medical Association (OVMA) was in attendance. There were no amendments to the section of rules provided at either the April or May board meeting. On May 25, 2021, via email, OVMA was made aware that Rule 4741-1-11 OAC was coming up for review at the June board meeting as it has been controversial in the past. Another set of five year review rules were provided at the June board meeting. Rule 4741-1-11 OAC was amended with a recommendation from OVMA. Rule 4741-1-11 OAC and the remaining rules for five year review were presented to the Board members at their June board meeting. The Board did not*

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*make any further revisions to rule 4741-1-11 OAC. On June 28, 2021, OVMA was provided via email the rules that were being reviewed at the July board meeting. There was open discussion with input from OVMA. A modification was suggested to Rule 4741-1-21 OAC. The Board members approved the five year rules to be filed at their September 8, 2021 board meeting. In addition, the Board members reviewed information received from the AAVSB regarding the implementation of the new AAVSB PAVE program which would review the education equivalency for the veterinary technician foreign graduate. The Board approved the program which entails making a revision to Rule 4741-1-01 OAC. The Board approved submission of the rule for filing. The Rule was provided to the OVMA for review and discussion. No comments were received regarding Rule 4741-1-01 OAC.*

- 10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** *The Board worked collaboratively with the OVMA in the review of these rules. OVMA provided input and suggested language into these set of rules of which an acceptable set of rules were adopted.*
- 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 to develop or review this rule. Research was done to compare regulations for continuing education as well as medical record documentation of other states' regulations and the American Association of Veterinary State Board's Practice Act Model.*
- 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 review each rule to determine if amendments were needed or even if the rules was necessary. The Board members agreed that each rule was necessary for the practice of veterinary medicine in the State of Ohio and for public safety. The Board did not consider any regulatory alternatives.*
- 13. Did the Agency specifically consider a performance-based regulation? Please explain.** *The Board did not consider a performance-based regulation. The purpose of the rules is to provide guidance to the licensee and what documentation or continuing education might be required to comply with the statutes.*
- 14. 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 medicine. There is no other Agency that has the authority to regulate the licensure of veterinary medicine.*

**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 will promote the implementation of the regulations through educational opportunities, through the interested party associations, postings on the Board web site and through its newsletter distributed to all licensees. Any issues that might arise as a result of the rules will come before the Board members at one of their monthly board 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 to provide guidance. 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) under "Board Information". Additionally, any pertinent issues related to the rules are done in consultation with the appropriate representative from the Ohio Veterinary Medical Association (OVMA), Ohio Association of Veterinary Technicians, the Department of Agriculture and/or The Ohio State University College of Veterinary Medicine.*

#### **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; and*
- b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,);** *Rule 4741-1-11 OAC deals with the requirements for continuing education (CE) for the veterinarian and registered veterinary technician. The cost for renewal of the license for a veterinarian is \$155 for a biennium. The cost for renewal for a veterinary technician is \$35.00 for a biennium. The RVT must obtain 10 CE hours while the veterinarian must obtain 30 hours. The current rule only permits 6 online CE hours for renewal. The amended rule will permit 15 hours online CE hours for the veterinarian. There is oftentimes a cost for obtaining continuing education. Online CE is at a lesser cost to the licensee and does not involve travel away from the veterinary practice, parking expenses, meal expenses, etc. Therefore the increase in online hours is a cost effective and time-saving measure being put into place for the veterinarian. Rule 4741-1-21 OAC deals with the requirements 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*

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*veterinary practice only operates as a spay/neuter clinic, there will not be a need for radiology equipment as they can outsource that aspect of care. Therefore, the cost will be lower for this type of clinic versus a full-service veterinary hospital. The amendment to Rule 4741-1-21 OAC does not impact the cost of providing veterinary medical care or increase the amount of time required to comply with the Rule.*

*There will be a cost to the veterinary technician for completion of the AAVSB PAVE program of between \$200 to \$300 for the applicant fee. Depending on if the applicant needs to take a "Gap" course, there could be an additional fee. Document translation to English fees are an additional cost to the candidate. (AAVSB source) and*

**c. Quantify the expected adverse impact from the regulation.**

*There has not been any increase in initial or renewal licensure fees since 1997. These rules do not change any fees, fines or penalties.*

*The cost of continuing education varies. It can be provided free. For instance, provided by pharmaceutical companies or at regional association meetings. CE can be obtained on-line ranging from free to several hundred dollars depending on the number of hours of the CE course. 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 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.*

*As mentioned previously, due to the variety of veterinary medical practices, it is difficult to ascertain a monetary figure for the operation of a stationary veterinary clinic, but it is above \$50,000 per year. There are a number of emergency veterinary facilities in Ohio which require immediate lab results and therefore would need an in-house lab and xray equipment which costs thousands of dollars (An xray unit alone costs over \$18,000). For instance, in 2019, there was a small veterinary practice in Cleveland for sale for \$1.1 million which included the practice, equipment, inventory and real estate. However, another small animal practice in Cleveland, including equipment and inventory was being offered for \$250,000. That does not include the staff that would be required to perform veterinary services and if critical care animals, requiring 24 hour staffing, thus increasing the veterinarian's costs. A veterinary business facility license can be obtained by a non-veterinary owned facility for \$300 for a biennial license. Ohio has seen an increase in corporate ownership of veterinary facilities in recent years.*

**17. 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*

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*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 enable mobility of the veterinarian or RVT to seek licensure in another state that recognizes reciprocal licenses. Additionally, the acceptance of PAVE removes a barrier for the foreign graduate and helps with recruitment of RVTs to the State of Ohio.*

### **Regulatory Flexibility**

- 18. 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 CE hours must 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.*
- 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. R.C. 4741.17 establishes fees for late renewals. The Board does not discipline a licensee for late renewals 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 requirements of continuing education.*
- 20. 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 a newsletter distributed twice a year to all licensees and posted on the Board 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. Said applicant shall deliver to the board the following:
- (1) A completed application 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

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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.

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4741-1-02

**Specialist.**

- (A) Application: A person wishing to be registered as a "specialist" in a veterinary specialty shall make application upon a form provided by the state veterinary medical licensing board and shall provide all required credentials with said application. The licensing board, after consideration of the application and credentials, may register the applicant as a "specialist" in the veterinary specialty stated, for purposes of practice in Ohio.

"Specialties" shall be those currently recognized by the American board of veterinary specialties. A current list of licensing board approved specialties will be maintained in the licensing board office.

- (B) Prohibitions: Veterinarians licensed to practice in this state may not represent themselves as specialists until they have met the requirements of a specialty board or college recognized by the American board of veterinary specialties. Interns, residents and board qualified veterinarians are not considered specialists until they have met the specific requirements, passed all tests and received certification from a specialty organization as stated in paragraph (A) of this rule.

Any diplomate of a specialty recognized by the American board of veterinary specialties must notify the licensing board office within thirty days of failure to maintain current diplomate status, at which time the specialty license will be declared null and void.

No veterinarian shall use the title of "specialist" or represent himself or herself as a specialist unless registered by the state veterinary medical licensing board pursuant to division (C) of section 4741.01 and division (D) of section 4741.19 of the Revised Code and rule 4741-1-02 of the Administrative Code. Violation of this prohibition shall be grounds for the suspension or revocation of any license or permit issued by the board.

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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 and regulations in the prescribing, administering and dispensing of drugs.

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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.

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4741-1-07

**Approved veterinary and animal technology colleges.**

A license to practice, or application for examination for licensure may not be granted until satisfactory proof has been furnished to the board that the applicant has graduated from an accredited college of veterinary medicine or a college approved by the licensing board. In addition to American veterinary medical association (AVMA) accredited veterinary programs, the board may approve a veterinary program which certifies to the satisfaction of the board that its veterinary medical degree program is comparable to those accredited by the AVMA.

The register of all colleges and universities that teach veterinary medicine or animal technology and are approved by the board shall be maintained in a form compatible with approved office procedures and in a manner readily available to the board and the public upon request.

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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.

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4741-1-11

**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 medical 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 medical programs of state veterinary medical associations or veterinary technician associations;
  - (3) Medical 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 medical programs approved by the board, not associated with RACE or AVMA and its suborganizations.
- (B) All veterinarians and registered veterinary technicians may acquire medical continuing education hours from national, state, and local seminars, programs, meetings, laboratory, course studies and/or online courses. Online courses shall not exceed fifteen hours for veterinarians and six hours for registered veterinary technicians.
- (C) Non-medical 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 medical 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 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.

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4741-1-11

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- (E) Veterinarians must report thirty hours of continuing education per renewal. Of the required hours, at least twenty hours must be approved medical and directly related to the practice of veterinary medicine. No more than ten hours may be in practice management/professional development.
- (F) Registered veterinary technicians must report ten hours of continuing education per renewal. Six hours must be approved medical and directly related to the practice of veterinary medicine. No more than four hours may be in practice management/professional development.
- (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.
- (H) 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.
- (I) Prior to the expiration of a biennial license or registration on March first, the executive director shall cause to be sent 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 sent in May of the odd numbered year. Renewal applicants must certify completion of required continuing education at the time of renewal.

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4741-1-12

**Embryo transfer: definition and practice.**

(A) The practice of embryo transfer, as defined in Chapter 4741. of the Revised Code, will, at certain stages, require the services of a licensed veterinarian. Those stages may include, but are not limited to:

(1) Any surgical procedure performed for the purpose of embryo transfer; or

(2) The administration or dispensing of any controlled or prescription substance as defined in Chapter 4729. of the Revised Code, or in Chapter 4729. of the Administrative Code, or substances limited to use by or on the order of a licensed veterinarian.

(B) Any person who engages for a fee or other consideration in the practice listed in paragraph (A) of this rule, or in the generally accepted practice of veterinary medicine without being licensed to practice veterinary medicine, shall be guilty of practicing in violation of division (B) of section 4741.01 and division (A) of section 4741.19 of the Revised Code.

This rule shall be subject to the exemptions as specified in section 4741.20 of the Revised Code.

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4741-1-15

**Election of officers.**

The board shall consist of a president, vice president, , secretary, and four members. All persons in succession to be president shall be licensed veterinarians. Whenever possible, the order of succession for veterinary members shall be from member to vice president to president. The term of each officer shall be for one year. The board shall follow parliamentary procedure at all board meetings.

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4741-1-19

**Veterinary student education.**

- (A) A veterinary student shall have successfully completed the initial year of study at an approved college of veterinary medicine in order to perform the duties designated in division (B)(1) of section 4741.19 of the Revised Code.
- (B) A veterinary student successfully enrolled in an approved college of veterinary medicine may perform the duties designated in division (B)(2) of section 4741.19 of the Revised Code.

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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 and routes of administration) 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

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**Vaccination clinics.**

- (A) A veterinarian participating in a vaccination clinic sponsored by a city or general health district(s) shall maintain a copy of the vaccination record. The veterinarian shall maintain a copy of the vaccination record for a period of the labeled duration of the vaccination but not less than a period of three years.

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**Impairment.**

(A) A licensee may be subject to this rule when a finding has been made that he or she had practiced while impaired by alcohol or other drugs or when the licensee contacts the board and requests to participate in the program.

(B) Referral to and eligibility for the program

(1) All complaints involving allegations of impairment due to alcohol or chemical dependency shall be screened and investigated pursuant to section 4741.31 of the Revised Code.

(2) Eligibility for the program shall be determined by the board who shall review all relevant materials. Eligibility shall be determined upon criteria which shall include at a minimum the licensee's past or pending criminal, disciplinary or malpractice record, the circumstances of the licensee's referral to the board, or any other alleged violation. The decision on eligibility shall be consistent with the purpose of this program as described.

(C) Requirement for participation

(1) A licensee who participates in the program shall:

- (a) Sign an agreement for participation under this rule;
- (b) Remain free of alcohol, controlled substances, and prescription drugs, unless prescribed for a valid medical purpose;
- (c) Timely enroll and participate in a program approved by the board for chemical dependency;
- (d) Comply with any treatment recommendations and work restrictions or conditions deemed necessary by the board;
- (e) Submit random witnessed screens for alcohol or controlled substances as required by the program;
- (f) Execute releases valid under state and federal law to allow the board access to the licensee's counseling, treatment and monitoring records;
- (g) Have the licensee's supervising therapist file quarterly reports with the board;

- (h) Notify the board of any changes in the licensee's employer or place of employment within five days.

(D) Agreement for participation

(1) The agreement for participation in the program shall at a minimum include:

- (a) An acknowledgement by the licensee of the need for treatment for chemical dependency;
- (b) An agreement to participate at the licensee's expense in an approved treatment program;
- (c) An agreement to submit to random, witnessed drug screens at the licensee's expense, if deemed necessary;
- (d) An agreement to submit to practice restrictions at any time during the treatment regimen as deemed necessary by the board;
- (e) An agreement to furnish the board with signed consents for release of information from treatment providers and employers to the board for the purpose of monitoring the licensee's participation in the program;
- (f) An agreement to participate in treatment for a period of time as established by the program approved by policy of the board.

(2) The board may include additional requirements for an individual licensee, if the circumstances of the complaint of the licensee's condition warrant additional safeguards.

(3) The board shall approve a treatment facility for the purpose of participation in the procedure if:

- (a) The facility or treatment program is certified by the appropriate national or state certification agencies, where applicable;
- (b) Facility treatment plans and protocols are available to the board;
- (c) The facility has a random witnessed monitoring program of blood or urine as part of its treatment;

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- (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, 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;

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- (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.