



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:

Theresa Stir, Theresa.stir@ovmlb.state.oh.us 614-644-9040 direct line

Regulation/Package Title (a general description of the rules' substantive content):

Veterinarian Student Debt Assistance Program

Rule Number(s): 4741-3-06, 4741-3-07, 4741-3-08, 4742-3-09

Date of Submission for CSI Review: 9/15/2021

Public Comment Period End Date: 10/12/2021

Rule Type/Number of Rules:

- New/ 4 rules
 Amended/ rules (FYR?)
 No Change/ rules (FYR?)
 Rescinded/ rules (FYR?)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.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

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.**

The rules are being promulgated as a result of the enactment of HB 67 in the 133rd General Assembly. HB 67 created a new student loan fund (Veterinarian Student Debt Assistance Program) and these rules provide the guidance for the new student loan program.

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. 4741.51 requires the Board to adopt rules necessary to implement and administer the veterinarian student debt assistance program.*

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?** *If yes, please briefly explain the source and substance of the federal requirement.*

Not applicable

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

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 rules are being promulgated to provide criteria for eligibility for the new loan based on charitable services, defining charitable services, and what is required of the licensee once selected for the Veterinary Student Debt Assistance Program.*
7. **How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?** *The success of the regulation will be measured by having rules written in plain language, compliance with the rules and minimal questions from those impacted regarding the provision of the rules.*
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 has developed the rules in conjunction with the Ohio Veterinary Medical Association (OVMA). The initial draft of the rules was sent to OVMA on May 4, 2021. The Board reviewed the initial draft at their May Board meeting. The second draft was sent to OVMA via email on May 25, 2021 with a revised version sent via email on June 8, 2021. The Board reviewed the draft rules at their June Board meeting with consultation from OVMA. The Board again reviewed the rules at their July Board meeting with OVMA's input. There was a modification required for Rule 4741-3-07 OAC, The revised draft rule was then sent to OVMA via email on July 27, 2021 for their review prior to the August 12, 2021 board meeting. There were no further recommendations for modification to this set of rules at the August Board meeting. The Board members approved filing the rules as proposed with the CSI Division of the Lt. Governor's Office at the September 8, 2021 board meeting.*
10. **What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?** *The Ohio Veterinary Medical Association (OVMA) provided some helpful language to the Board while the rules were being developed. OVMA has worked jointly with the Board in the development of the rules.*
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*

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

data utilized in the development of these rules. These rules are promulgated as required by the newly enacted HB 67.

- 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? There are no other rules related to the newly enacted HB 67. The rules address the new creation of the Veterinarian Student Debt Assistance Program specific to veterinarians who are licensed and regulated by the Board. The Board will solely administer the Program.**
- 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 for this set of rules. The rules were developed in accordance with R.C. 4741.51.**
- 14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation? Since the Veterinarian Student Debt Assistance Program is a newly developed loan program as a result of the enactment of HB 67 of the 133rd General Assembly (effective April, 2021), there are no other regulations to consider.**
- 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 rules will be posted on the Board's web site of which notification is sent to the Board's listserv, distributed through the Board's newsletter and relayed by the Board at trade association conferences. 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. Interested parties are also able to request time on the Board Agenda to discuss issues that might arise as a result of how a rule is written or implemented. The discussion will then be reflected in the board minutes which are posted monthly on the Board web site at www.ovmlb.ohio.gov under "Board Information". Any pertinent issues related to the rules will be done in consultation with the appropriate representative from the OVMA or the Ohio Association of Veterinary Technicians, the Department of Agriculture, The Ohio State University College of Veterinary Medicine and/or other state agencies whose regulations may impact the practice 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; The purpose of the new Veterinarian Student Debt Assistance Program is to provide a "loan payment" in**

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

exchange for charitable services to a nonprofit entity, Humane Society, law enforcement agency or a state, local, or federal government entity. Those business entities will benefit from the charitable services provided by the veterinarian. and

b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); *In exchange for the loan payment, the veterinarian must sign a contract. In accordance with R.C. 4741.54(B)(4) If the veterinarian fails to complete the obligations in the contract, the veterinarian must pay back the amount specified in the contract. There is no fee or penalty associated with these set of rules. and*

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 expected adverse impact from the regulations. This is an option available to those veterinarians who wish to have a portion of their student loan paid in exchange for charitable services.*

17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community? *The Board was required to promulgate these rules in accordance with R.C. 4741.51. There is no adverse impact to the regulated business community but a benefit as a result of the new .*

Regulatory Flexibility

18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain. *The rule does not provide any exemptions or alternative means of compliance for small businesses. The rule applies to veterinarians who wish to participate in the Veterinarian Student Debt Assistance Program. It is not related to their business of the practice of veterinary medicine other than to require charitable services in exchange for student loan payment.*

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? *There are no fines or penalties associated with this set of rules.*

20. What resources are available to assist small businesses with compliance of the regulation? *The Board staff are available by telephone and via email to address questions or concerns. The Board members and staff provide presentations to the trade association conferences and the veterinary college. Additionally, the Board disseminates a bi-annual newsletter that addresses any law and rule changes impacting the practice of veterinary medicine which can be found under Publications on the Board’s web site at www.ovmlb.ohio.gov.*

*** DRAFT - NOT YET FILED ***

4741-3-06

Purpose of the Veterinarian Student Debt Assistance Program.

The board shall provide a Veterinary Student Debt Assistance Program which provides full or partial reimbursement for veterinary student tuition; other educational expenses and/or room and board while the veterinarian was enrolled in an accredited veterinary college in recognition of charitable services performed prior to entering the lottery as well as during the two year contract with the Board. The eligible candidates will be selected through a random lottery system.

*** DRAFT - NOT YET FILED ***

4741-3-07

Definitions.

For purposes of this chapter, the following definitions apply:

(A) "Board" means the Ohio Veterinary Medical Licensing Board.

(B) "Charitable Services" means veterinary services performed without direct compensation, other than for reimbursement of expenses, for a nonprofit organization, a humane society, law enforcement agency or a state, local, or federal government entity at a minimum of 12 hours. Charitable services include, but not limited to:

(1) Spay and neutering services;

(2) Vaccination clinics;

(3) Assistance to government entities with animal disease outbreaks;

(4) Wellness exams and treatment of animals owned by underserved populations in need.

(C) "Lottery" means the Board may approve an eligible veterinarian for participation in the program by a random drawing of the eligible veterinarians in the odd calendar year. Those veterinarians selected will receive the same award amount designated by the Board ranging between \$5000 to \$10,000 dependent on the total funds in the veterinary student debt assistance fund created in section 4701.26 of the Revised Code.

(D) "Program" means the Student Debt Assistance Program.

*** DRAFT - NOT YET FILED ***

4741-3-08

Eligibility.

In order to be eligible to participate in the program, a veterinarian must meet all of the following requirements:

- (A) Prior to applying, the veterinarian must perform 12 hours of charitable veterinarian services within a one year period. Evidence of service or an affidavit attesting to the charitable services performed must be submitted with the application found on the Board web site;
- (B) The veterinarian is a United States citizen, United States national, or a permanent resident of the United States.
- (C) The veterinarian has a current license without restriction and has been engaged in the practice or instruction of veterinary medicine in Ohio for more than six months prior to application
- (D) The veterinarian has taken out an educational loan that was used for educational expenses incurred while the veterinarian was enrolled in a veterinary college;
- (E) The veterinarian is not a member of the Board at the time application is submitted;
- (F) The veterinarian is not an active program participant under contract with the Board;
and
- (G) The veterinarian has not been under contract as a program participant with the Board within a year prior to submitting an application.

*** DRAFT - NOT YET FILED ***

4741-3-09

Letter of Intent.

(A) Once the Board makes a selection from the lottery system, the Board will notify the selected veterinarians and send a letter of intent in which the veterinarian agrees to:

(1) Perform twelve (12) hours of charitable services in Ohio in a one year period for two consecutive years; and

(2) Reside in Ohio for the two year period of the contract.

(B) The veterinarian must return the signed letter of intent within thirty days upon receipt in order to enter into a contract with the Board for participation in the program. If the letter of intent is not received, the veterinarian forfeits their selection and another veterinarian will be chosen to participate.