

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio Veterinary Medical Licensing Board

Regulation/Package Title: Military experience and exemptions

Rule Number(s): 4741-1-18

Date: _____

Rule Type:

New

5-Year Review

Amended

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

Please include the key provisions of the regulation as well as any proposed amendments.

This rule is being promulgated to meet the requirements of Ohio Revised Code Section 5903.03 which requires licensing agencies to adopt a rule under Chapter 119. Of the Revised Code regarding which military programs of training, military primary specialties, and lengths

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of service are substantially equivalent to or exceed the educational and experience requirements for each license that the agency issues. The Board already has a current rule that provided for a waiver of renewal fees and continuing education requirements but was not inclusive enough to meet the requirements. In keeping with the Rule drafting requirements, because more than 50% of the rule was being revised, the Board rescinded the old Rule 4741-1-18 and is replacing with a new rule to address the requirements of ORC 5903.03. After conducting a review of the military specialties supplied by the Department of Veteran's Affairs, the Board was not able to find any specialty that was substantially equivalent to the licenses issued by the Ohio Veterinary Medical Licensing Board pursuant to Chapter 4741 of the Ohio Revised Code and was therefore directed to place that language in the Rule.

The Board is also defining "military" and "veteran" as required by the recent enactment of legislation (HB 98) in this Rule.

2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 4741.03(C)(9) authorizes the Board to adopt rules necessary for the administration and enforcement of Chapter 4741.

3. Does the regulation implement a federal requirement? 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.

No, the regulation is not related to federal requirements, laws or programs.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

Not Applicable.

5. 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 of this rule is to lessen the regulatory burden on active duty military personnel and Veterans who are licensed by the Ohio Veterinary Medical Licensing Board.

6. 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. Through feedback, the Board would evaluate the current method to see if changes were needed.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

At the July 9, 2014 Board meeting, the Board members were presented this Rule (along with the rules for their mandatory 5 year review) and found the rule acceptable for distribution to interested parties and posting on the Board's web site. On July 10, 2014 the rule(s) was sent to the Ohio Veterinary Medical Association and placed on the Board's web site.

On June 16, 2014, the rule was provided to the Ohio Department of Veterans Services.

At the August 13, 2014 Board meeting, there was time set on the Agenda to discuss any feedback regarding the proposed rule. There was no feedback to discuss. The Board approved moving forward with filing the Business Impact Assessment with the Common Sense Initiative Office.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

There were no comments received by the Ohio Veterinary Medical Licensing Board.

9. 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?

Not applicable.

10. 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 not consider other alternative regulations as this rule was mandated by law.

11. 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.*

No. The purpose of the rule is to provide guidance to the licensee in compliance with the statute.

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12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

This Board is the only licensing agency for veterinarians and registered veterinary technicians.

13. 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.

Since the Board already waives renewal fees and continuing education for active military personnel, the Board will continue to ask for an official letter or a copy of their active duty orders to be supplied with their renewal application. Since there is no fee involved, the Board staff can accept the application and documents via email which is helpful to the military personnel stationed overseas.

The Board has two upcoming presentations—one to the Ohio Association of Veterinary Technicians and one at the Ohio Veterinary Medical Association's annual convention at which this rule will be presented to the licensees. The Board also has a newsletter that will go out to the licensees in December/January at which this rule will be described.

Additionally, the Executive Director presents this rule to veterinary students for those interested in entering the military after graduation.

Adverse Impact to Business

14. 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 this rule is to lessen the regulatory burden and provide more flexibility for active duty military veterinarians and registered veterinary technicians.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance);

There should not be any adverse impact as the intent of the rule is to alleviate regulatory burden by waiving fee and continuing education requirements. The licensee can have his or her renewal application emailed to them if they would like. Since there are no fees involved, the licensee can email his or her completed application to the Board staff without needing a username and password to submit payment, etc.

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.

No adverse impact expected to the licensee.

15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?

Executive Order 2013-05K and recently enacted House Bill 98 both recognize the contributions and qualification of Ohio veterans and encourage streamlining of the certification and licensing process to take into account relevant military education, skills, training, and service. The regulatory intent is to ease the burdens in the licensing process for licensees serving in the military. The change in the rule defines military and veteran status and further articulates the ease of the burden of obtaining continuing education while in the military.

Regulatory Flexibility

16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.

Not applicable.

17. 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 fees or penalties.

18. What resources are available to assist small businesses with compliance of the regulation?

Board staff are always willing to help licensees with obtaining or renewing their license. The Board has a communication policy that all calls, emails, etc. will be responded to within 24 hours, and all voice mails will be taken off the machine by 9:00 a.m. and before the end of the day so that a call can be returned. The Board has a web site that is updated frequently with important issues and resources, in addition to the annual newsletter posted on the web site. The Board’s contact information is as follows:

Ohio Veterinary Medical Licensing Board

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Rescind

*** DRAFT - NOT YET FILED ***

4741-1-18

Military exemption.

Veterinarians or registered veterinary technicians serving in the armed forces of the united states shall be exempted from the biennial renewal fee provided written documentation is submitted to the board office evidencing that said licensee is on active duty in the armed forces. 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.

Those licensees/registrants who have been actively engaged in the armed forces of the united states prior to the effective date of this rule shall be exempt from prior renewal fees.

*** DRAFT - NOT YET FILED ***

4741-1-18

Military experience and exemption.(A) Eligibility for licensee.

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 requirements for licensure as a veterinarian or a registered veterinary technician.

(B) 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) 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 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 licensee/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 on 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.