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Bill Analysis
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Reps. Core, Webster, J. McGregor, Fessler, Setzer, Reinhard, Seitz, Hartnett, Reidelbach, Aslanides, Gibbs, Dolan, Schlichter, Distel, Domenick, Sayre, Widener, Cassell

BILL SUMMARY

- Revises the definition of "practice of veterinary medicine" in the Veterinary Practice Law.
- Exempts a person who offers gratuitous services in the case of an emergency from that Law.
- Creates a limited license to practice veterinary medicine, authorizes the State Veterinary Medical Licensing Board to issue such a license to an individual whose sole professional capacity is with a veterinary academic institution or veterinary technology institution recognized by the Board or with a government diagnostic laboratory, and establishes provisions governing limited licenses.
- Eliminates the Board's authority to issue a temporary permit to practice veterinary medicine to an applicant for admission to the examination for licensure, but retains the Board's authority to issue temporary permits to certain out-of-state veterinarians.
- Specifies that when a licensed veterinarian uses the services of a veterinary consultant, the responsibility for the patient remains with the licensed veterinarian, and generally exempts veterinary consultants who are consulting with a licensed veterinarian from the Veterinary Practice Law.
- Creates a \$75 fee that must be paid for the reinstatement of a license issued under the Veterinary Practice Law that has lapsed more than one year.

- Eliminates the Board's authority to establish fees in excess of the amounts established in statute.
- Revises provisions governing examinations that must be successfully completed in order to obtain a license to practice veterinary medicine by eliminating the requirement that the Board hold examinations, requiring an applicant to take a nationally recognized examination approved by the Board in rules, and generally broadening the Board's rulemaking authority with respect to examinations.
- Defines "veterinary facility," requires, with certain exceptions, a person who operates a veterinary facility to obtain a veterinary facility license, and establishes requirements and procedures governing the licensure of veterinary facilities.
- Establishes the Veterinarian Loan Repayment Program under which an eligible veterinarian who agrees to work in a veterinary resource shortage area may have a certain amount of eligible student loans repaid by the Ohio Board of Regents, and establishes requirements and procedures governing the Program.
- Defines "veterinary technology," revises the definition of "registered veterinary technician," and revises provisions governing the extent of supervision by a licensed veterinarian that is required in order for a registered veterinary technician to perform certain duties.
- Authorizes the State Veterinary Medical Licensing Board to waive the payment of the registration fee of a registered veterinary technician who is on active military duty, and exempts from the Veterinary Practice Law a regular student in a veterinary technology college during the performance of duties and actions assigned by instructors.
- Revises the grounds on which the Board may initiate disciplinary action against the holder of a license, registration, or permit that is issued under the Veterinary Practice Law.
- Eliminates the Board's authority to impose a civil penalty as part of a disciplinary action that does not involve the revocation, refusal to renew, or suspension of a license, registration, or temporary permit, and revises the amounts of the civil penalties that may be imposed as part of

disciplinary actions involving such a revocation, refusal to renew, or suspension.

- Defines "client" and "patient," and describes the factors that constitute a veterinary-client-patient relationship for purposes of the Veterinary Practice Law.
- Defines "allied medical support," authorizes such support to assist a licensed veterinarian under certain circumstances, and authorizes the Board to inspect the facilities of an allied medical support individual in certain circumstances involving an investigation that is the result of a complaint.
- Replaces the term "veterinary student extern" with "veterinary student," expands the definition of "veterinary student" to include a student who is enrolled in a veterinary technical college approved by the Board and who is working with a licensed veterinarian, and modifies provisions governing the extent of supervision by a licensed veterinarian that is required in order for such a student to perform certain duties.
- Eliminates current law that establishes the following requirements: (1) when the practice of veterinary medicine is carried on by a partnership or for-profit corporation, all partners or shareholders must hold a license or temporary permit issued by the Board, and (2) when the practice of veterinary medicine is carried on by a nonprofit corporation, a majority of the members of the trustees must hold such a license or temporary permit.
- Eliminates current law that prohibits the practice of veterinary medicine from being continued in the name of a prior licensee for more than two years after the death or cessation of active participation by the licensee.
- Decreases the length of the terms of office of members of the Board from five to three years and makes other changes concerning those terms, replaces the title "executive secretary" of the Board with "executive director" of the Board, and clarifies that the Board's records are open for public inspection in accordance with the Public Records Law.
- Modifies current law governing unlawful veterinary advertising practices, the referral of a veterinarian or registered veterinary technician to a



substance abuse treatment program or to a peer review committee, and veterinary specialty requirements.

- Replaces the term "veterinary aide" with "animal aide."
- Makes other related changes to the Veterinary Practice Law.

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CONTENT AND OPERATION

Licensure requirements for practice of veterinary medicine

Definition of "practice of veterinary medicine"

Under current law, "practice of veterinary medicine" means the practice of any person who: (1) for hire, fee, compensation, or reward promised, offered, expected, received, or accepted, either directly or indirectly, diagnoses, prognoses, treats, administers to, prescribes for, operates on, manipulates, or applies any apparatus or appliance for any disease, pain, deformity, defect, injury, wound, or physical condition of any animal, or for the prevention of or to test for the presence of any disease of any animal, or who holds himself out as being able or legally authorized to act in such manner, or who holds himself out as being a veterinarian involved in environmental health, public health, food hygiene, preventive medicine, space medicine, or other special areas, or who engages in the practice of embryo transfer, (2) practices dentistry or surgery on any animal, (3) represents himself as engaged in the practice of veterinary medicine as defined in items (1) and (2), above, or (4) uses any words, letters, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine (sec. 4741.01(B)).

The bill makes several changes to the definition and broadens it somewhat. For example, under the bill, the activities specified in item (1), above, as revised by the bill (see below), do not need to be performed for hire, fee, compensation, or reward promised, offered, expected, received, or accepted in order for the activities to constitute the practice of veterinary medicine (sec. 4741.01(B)(1)). However, the bill also creates an exception to the licensure and other requirements pertaining to the practice of veterinary medicine by exempting a person who offers gratuitous services in the case of an emergency from the Veterinary Practice Law (sec. 4741.20(I)).

Under the bill, "practice of veterinary medicine" means the practice of any person who performs any of the following actions: (1) diagnoses, prevents, or treats any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal, (2) administers to or performs any medical or surgical technique on any animal that has any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition or performs

a surgical procedure on any animal, (3) prescribes, applies, or dispenses any drug, medicine, biologic, anesthetic, or other therapeutic or diagnostic substance, or applies any apparatus for any disease, illness, pain, deformity, defect, injury, or other physical, mental, or dental condition of any animal, (4) uses complementary, alternative, and integrative therapies on animals, (5) renders professional advice or recommendation by any means, including telephonic or other electronic communication with regard to any activity described in items (1) to (4), above, (6) represents the person's self, directly or indirectly, publicly or privately, as having the ability and willingness to perform an act described in items (1) to (4), above, or (7) uses any words, letters, abbreviations, or titles in such connection and under such circumstances as to induce the belief that the person using them is engaged in the practice of veterinary medicine. (Sec. 4741.01(B).)

Limited license to practice veterinary medicine

Current law prohibits a person, unless exempted under the Veterinary Practice Law, from practicing veterinary medicine or any of its branches without a valid license issued by the State Veterinary Medical Licensing Board (see **'State Veterinary Medical Licensing Board,'** below), a valid temporary permit, or a valid registration certificate. The bill creates a limited license and authorizes a person who holds a limited license to practice veterinary medicine. (Sec. 4741.19(A).)

The bill authorizes the Board to issue a limited license to practice veterinary medicine to an individual whose sole professional capacity is with a veterinary academic institution or veterinary technology institution recognized by the Board in accordance with rules the Board adopts or with a government diagnostic laboratory. A person holding a limited license is authorized to engage in the practice of veterinary medicine only to the extent necessary to fulfill the person's employment or educational obligations as an instructor, researcher, diagnostician, intern, resident in a veterinary specialty, or graduate student. (Sec. 4741.13.)

The bill authorizes the Board to issue a limited license to an applicant who submits a completed application on a form prescribed by the Board, pays the required fee, and meets the criteria established by the Board (sec. 4741.13). For an initial limited license, the bill establishes a fee of \$375 on or after March 1 in an even-numbered year and of \$250 on or after March 1 in an odd-numbered year (sec. 4741.17(A)(1)).

The bill specifies that a limited license to practice veterinary medicine expires biennially on March 1 in even-numbered years and may be renewed in accordance with standard renewal procedures upon payment of the required renewal fee and fulfillment of continuing education requirements unless otherwise

provided by law (sec. 4741.16). The bill establishes the biennial renewal fee for the limited license as follows: where the application is postmarked no later than March 1, \$155; where the application is postmarked after March 1, but no later than April 1, \$225; and where the application is postmarked after April 1, \$450 (sec. 4741.17(A)(5)).

The bill specifies that as a condition precedent to each renewal of a limited license, a licensed veterinarian must demonstrate, to the satisfaction of the Board, that he has completed 30 hours of continuing education during the two years immediately preceding renewal of his limited license that meets the requirements established by rule of the Board as to form and content (sec. 4741.16(B)).

Under the bill, any limited license that is not renewed at the end of the biennium becomes inactive. A licensee may reactivate an inactive limited license upon application to the Board. The Board must prescribe continuing education and other requirements as it considers necessary to reactivate a limited license. Any limited license that has been inactive for more than four years expires if the licensee has not applied for reactivation of the limited license. Upon expiration, a limited license becomes void. (Sec. 4741.16(E).)¹

The bill eliminates current law that specifies that the Veterinary Practice Law does not apply to a member of the faculty of an American Veterinary Medical Association accredited college of veterinary medicine, provided that the member is a veterinarian and only is practicing in conjunction with teaching duties at the school or college in its main teaching hospital, because those persons are required to obtain a limited license under the bill (sec. 4741.20(G)).

Temporary permits to practice veterinary medicine

Current law authorizes the Board to issue, without requiring the licensure examination that generally is required (see **Licensure examination**," below), a temporary permit to practice veterinary medicine to either of the following: (1) a veterinarian holding a license that is not revoked, suspended, expired, or under any restrictions and is otherwise in good standing from another state, territory, or the District of Columbia, provided that a veterinarian who holds a current license in this state applies for the temporary permit for the veterinarian, or (2) an applicant for admission to the examination, provided that the applicant meets all conditions and requirements that pertain to such an applicant (sec. 4741.14(A)).

¹ *The fees, deadlines, procedures for reactivating an inactive license, and continuing education requirements that govern initial or renewed limited licenses are identical to provisions in current law that govern initial or renewed veterinary licenses.*

The bill eliminates the Board's authority to issue a temporary license to an applicant for admission to the examination. Accordingly, the bill also eliminates current law that specifies that a temporary permit issued to such an applicant expires on the day following the announcement of the grades of the first examination given after the temporary permit is issued and that prohibits an applicant from receiving a second temporary permit after he has failed the examination. (Sec. 4741.14.)

Veterinary consultants. Current law specifies that a temporary permit issued to a veterinarian who is licensed in another jurisdiction only authorizes the permit holder to act as a consultant or to provide veterinary medical services in this state for a specific animal or animals. The bill retains that provision, except that it makes a technical change by replacing the term "consultant" with "veterinary consultant" while retaining the same definition that is established in current law. (Sec. 4741.14.) Thus, under the bill, "veterinary consultant" means a veterinarian who is not licensed in this state and who provides advice and counsel to a requesting veterinarian licensed in this state in regard to the treatment, diagnosis, or health care of an animal or animals in a specific case (sec. 4741.01(J)).

The bill adds that when using the services of a veterinary consultant, the responsibility for the care and treatment of the patient remains with the veterinarian who holds a current license in this state and is providing treatment, or consultation as to treatment, to the patient (sec. 4741.14). In addition, the bill specifies that the requirements of the Veterinary Practice Law do not apply to a veterinary consultant when consulting with a licensed veterinarian, on the condition that the service performed by the veterinary consultant is limited to the consultation and under all circumstances, the responsibility for the patient remains with the licensed veterinarian who is receiving the consultation (sec. 4741.20(H)).

Changes to existing license fees

The bill creates a fee of \$75 that a license applicant must pay to the Board for the reinstatement of a license issued under the Veterinary Practice Law that has lapsed more than one year (sec. 4741.17(A)(9)). In addition, the bill eliminates current law authorizing the Board, subject to the approval of the Controlling Board, to establish fees in excess of the amounts provided by statute in the Veterinary Practice Law, provided that the fees do not exceed the statutory amounts by more than 50% (sec. 4741.17(B)).

Licensure examinations

Current law requires the Board to hold at least one examination during each calendar year for applicants for a license to practice veterinary medicine. The bill

modifies that examination provision to require the Board instead to accept and review applications for admission to an examination in accordance with the bill's provisions (see below) and review the results of examinations taken by applicants in accordance with rules adopted by the Board. The bill eliminates current law that requires the Board to provide public notice of the time and place for the examination. The bill also eliminates current law specifying that the examination for applicants for a license to practice veterinary medicine must be either written or oral, or both, as determined by the Board, and may include a practical demonstration. In addition, the bill eliminates a current provision that authorizes the examination to include all subjects relevant to veterinary medicine that the Board determines appropriate, including public health and jurisprudence. (Sec. 4741.03(C)(2).)

Current law requires a person desiring to take an examination for a license to practice veterinary medicine to submit, at least 45 days prior to the date of the examination, a written application for admission to the examination together with a current photograph, satisfactory proof that the applicant is more than 18 years of age, is of good moral character, and has graduated from a veterinary college or school approved by the Board, verified by a certified photostatic copy of the applicant's college record, including dates in attendance, courses completed, grades received, and diplomas issued, and such other reasonable information as the Board requires. The bill specifies that the examination that is the subject of the application must be approved by the Board in accordance with rules that the Board adopts. It eliminates the statutory requirements that the application be submitted at least 45 days prior to the date of the examination together with a current photograph and instead requires the application to meet the requirements that the Board establishes by rule. The bill requires an applicant to be more than 18 years of age, of good moral character, and a graduate of a veterinary college or school approved by the Board rather than requiring the application to include proof of those facts. In addition, the bill eliminates the requirement that the applicant's graduation be verified by a certified photostatic copy of the applicant's college record. (Sec. 4741.09(A).)

Current law authorizes a student who has completed or is enrolled in good academic standing in the fourth academic year or in the final clinical year at a veterinary college approved by the Board to apply to take the national board examination or the clinical competency examination, or both, and any other examination the Board requires by rule for a license to practice veterinary medicine. The bill eliminates references to the national board examination or clinical competency examination and instead specifies that the examination that is the subject of the application must be a nationally recognized examination that the Board approves in rule. Accordingly, the bill eliminates current law specifying that a student who has completed or is enrolled in good academic standing in the

second half of the third academic year at a veterinary college approved by the Board may apply to take the national board portion of the examination for a license to practice veterinary medicine. The bill retains the Board's authority to adopt rules that require an additional examination. (Sec. 4741.09(B).)

Current law authorizes the Board to issue a license to practice veterinary medicine to an applicant from another state, territory, country, or the District of Columbia who has not taken the examination required by the Veterinary Practice Law, but who furnishes satisfactory proof to the Board that the applicant holds a valid license issued by an agency similar to the Board in another state, territory, country, or the District of Columbia having requirements equivalent to those of this state and who meets certain other criteria. One of the criteria requires the applicant to be a graduate of a veterinary college accredited by the American Veterinary Medical Association or the holder of a certificate issued by the Education Commission for Foreign Veterinary Graduates of that Association. The bill adds to this criterion that the applicant alternatively may be the holder of a certificate issued by any other nationally recognized certification program that the Board approves by rule. (Sec. 4741.12.)

The bill eliminates current law that authorizes the Board to issue a license to practice veterinary medicine, without the required written examination, to an applicant who furnishes satisfactory proof that he has successfully completed the examination conducted by the National Board of Veterinary Examiners for a license to practice veterinary medicine in this state, provided that the applicant meets all the other requirements of the Veterinary Practice Law (existing sec. 4741.13, repealed). In addition, the bill makes several technical changes related to cross-references to the examination requirements (secs. 4741.11, 4741.12, and 4741.14).

Veterinary facility license

The bill prohibits, with certain exceptions, a person from operating a veterinary facility in this state without a valid veterinary facility license. The exceptions are the following: (1) exceptions established by rules adopted under the bill, and (2) an exception stating that a person who operates an existing veterinary facility on the bill's effective date is not in violation of the licensure requirement during the time period that the initial application for licensure of the veterinary facility is pending. (Sec. 4741.28(B).) The bill defines "veterinary facility" as a structure or business location that is maintained for the purpose of regularly providing veterinary services and that is owned, operated, or controlled by either of the following: (1) a for-profit business entity of which a majority controlling interest is vested in individuals who are not licensed veterinarians, or (2) a nonprofit entity of which a majority of the members of the board of directors are not licensed veterinarians (sec. 4741.28(A)(1)).

Application and fee requirements

The bill requires a person who wishes to obtain a veterinary facility license to file an application with the State Veterinary Medical Licensing Board. The application must include all of the following information: (1) the name and address of the veterinary facility, (2) the name and address of each licensed veterinarian who is a resident of this state and who will be responsible for the management of the provision of veterinary services at the veterinary facility, and (3) the name and address of the entity that owns, operates, or controls the veterinary facility and, if the entity is a subsidiary of another entity, the name of its parent entity. An application must be accompanied by a fee of \$300. (Sec. 4741.28(C).)

The bill requires any change in the information specified in items (1), (2), or (3), above, to be reported in writing to the Board not later than 90 days after the change occurs (sec. 4741.28(I)).

Issuance, expiration, and renewal of license

The bill specifies that a veterinary facility license expires biennially on June 1 in odd-numbered years and may be renewed. An application for renewal must contain any information that the Board requires, must be accompanied by a renewal fee of \$300, and must be submitted to the Board not earlier than April 1 and not later than April 30 in odd-numbered years. (Sec. 4741.28(D).)

Under the bill, not later than 90 days following receipt of an application for an initial or renewed veterinary facility license, the Board must issue the license to the applicant unless grounds for denial of licensure exist as established in rules adopted under the bill (see "**Rulemaking authority**," below) (sec. 4741.28(E)).

Rulemaking authority

Required rules regarding disciplinary action. The bill requires the Board to adopt rules in accordance with the Administrative Procedure Act that establish grounds for the following: (1) refusal to issue or renew a veterinary facility license, (2) suspension or revocation of a veterinary facility license, (3) imposition of civil penalties of up to \$10,000 on a person who owns, operates, or controls a veterinary facility, and (4) seeking the issuance, by a court having jurisdiction in the county in which a veterinary facility is located, of an injunction that would require the closure of the veterinary facility (sec. 4741.28(F)(1)). The bill defines "disciplinary action" as any of the actions specified in items (1) to (4) above (sec. 4741.28(A)(2)).

Discretionary rules. The bill authorizes the Board to adopt rules in accordance with the Administrative Procedure Act that establish both of the following: (1) circumstances in which a veterinary facility is not considered to be in violation of the licensure requirement during the time period that an application for licensure of the veterinary facility is pending, and (2) any other provisions necessary for the administration of the licensure requirements for veterinary facilities (sec. 4741.28(F)(2)).

Inspections and proceedings for disciplinary action

The bill authorizes the Board to conduct an inspection of a veterinary facility in accordance with current law to determine if grounds exist for disciplinary action (sec. 4741.28(G)). On determining that grounds may exist for disciplinary action against a veterinary facility, other than the refusal to issue a veterinary facility license, the executive director of the Board must file written charges with the Board (see "**State Veterinary Medical Licensing Board**," below). The Board subsequently must conduct a hearing in accordance with the Administrative Procedure Act concerning the charges. The bill specifies that if, at the conclusion of the hearing, the Board determines that grounds for disciplinary action exist, the Board must take the appropriate disciplinary action. (Sec. 4741.28(H).)

Veterinarian Loan Repayment Program

The bill creates the Veterinarian Loan Repayment Program. Under the Program, the Ohio Board of Regents, by means of a contract entered into under the bill, may agree to repay all or part of the principal and interest of a government or other educational loan taken out by a veterinarian for the following expenses if the expenses were incurred while the veterinarian was enrolled, for a maximum of four years, in a veterinary college in the United States that, during the time of enrollment, was approved by the State Veterinary Medical Licensing Board or accredited by the American Veterinary Medical Association: (1) tuition, (2) other educational expenses, such as fees, books, and laboratory expenses, for specific purposes and in amounts determined to be reasonable by the State Veterinary Medical Licensing Board, and (3) room and board, in an amount determined to be reasonable by the State Veterinary Medical Licensing Board. (Sec. 4741.41.)

The bill prohibits a repayment from exceeding \$20,000 in any year. If, however, a repayment results in an increase in the veterinarian's federal, state, or local income tax liability, the Ohio Board of Regents, at the veterinarian's request and with the approval of the State Veterinary Medical Licensing Board, may reimburse the veterinarian for the increased tax liability regardless of the amount of the repayment made to the veterinarian in that year. (Sec. 4741.41.)

Eligibility criteria and application requirements

The bill specifies that a veterinarian who has not received student loan repayment assistance pursuant to federal law and who meets either of the following requirements may apply for participation in the Veterinarian Loan Repayment Program: (1) the veterinarian is enrolled in the final year of a veterinary medical program at a veterinary college approved by the State Veterinary Medical Licensing Board or accredited by the American Veterinary Medical Association, or (2) the veterinarian has been engaged in the practice of veterinary medicine in this state for not more than three years prior to submitting the application (sec. 4741.42(A)).

The bill requires an application for participation in the Program to be submitted to the State Veterinary Medical Licensing Board on a form that the Board must prescribe. The application must include the following: (1) the applicant's name, permanent address or address at which the applicant is currently residing if different from the permanent address, and telephone number, (2) the veterinary college the applicant has attended, the dates of attendance, and verification of attendance, (3) a summary and verification of the educational expenses for which the applicant seeks reimbursement under the Program, (4) in the case of an applicant who is eligible to apply because the applicant is a veterinarian who has been engaged in the practice of veterinary medicine in Ohio for not more than three years prior to submitting the application, verification of the applicant's authorization under the Veterinary Practice Law to practice veterinary medicine, and (5) verification of the applicant's United States citizenship or status as a legal alien. (Sec. 4741.42(B).)

Veterinary resource shortage areas

If the Veterinarian Loan Repayment Fund created by the bill (see "**Veterinarian Loan Repayment Fund**," below) contains sufficient money, the State Veterinary Medical Licensing Board must approve an applicant for participation in the Program if the Board finds that the applicant is eligible for participation in the Program and the applicant's services are needed in a veterinary resource shortage area (sec. 4741.43). The bill defines "veterinary resource shortage area" as an area designated in rules adopted by the State Veterinary Medical Licensing Board under the bill (see "**Rulemaking authority**," below) as having limited access to large animal veterinary services or to veterinary services necessary to implement or enforce the law or to protect public health, as applicable (sec. 4741.40(B)). The bill states that "large animal veterinary services," "veterinary services necessary to implement or enforce the law," and "veterinary services necessary to protect public health" have the meanings established in rules adopted under it (sec. 4741.40(A)).

Letter of intent and contract

Upon approval, the Board must notify and enter into discussions with the applicant to facilitate the recruitment of the applicant to a veterinary resource shortage area in which the applicant's services are most needed. If the Board and the applicant agree on the applicant's placement within a veterinary resource shortage area, the applicant must prepare, sign, and deliver to the Board a letter of intent agreeing to that placement. (Sec. 4741.43.)

The bill authorizes a veterinarian who has signed such a letter of intent, the State Veterinary Medical Licensing Board, and the Ohio Board of Regents to enter into a contract for the veterinarian's participation in the Veterinarian Loan Repayment Program. A lending institution also may be a party to the contract. (Sec. 4741.44(A).)

The bill requires the contract to include all of the following obligations:

(1) The veterinarian agrees to provide large animal veterinary services or to provide veterinary services necessary to implement or enforce the law or to protect public health, as applicable, in a veterinary resource shortage area identified in the letter of intent for at least two years or one year per \$10,000 agreed to under item (3), below, whichever is greater;

(2) When providing veterinary services in the veterinary resource shortage area, the veterinarian agrees to provide veterinary services for a minimum of 40 hours per week and to devote not less than 60% of total monthly veterinary services to large animal veterinary services or veterinary services necessary to implement or enforce the law or to protect public health, as applicable;

(3) The Ohio Board of Regents agrees, as provided in the bill, to repay, so long as the veterinarian performs the service obligation agreed to under item (1), above, all or part of the principal and interest of a government or other educational loan taken by the veterinarian for eligible expenses; and

(4) The veterinarian agrees to pay the Ohio Board of Regents the following as damages if the veterinarian fails to complete the service obligation agreed to: if the failure occurs during the first two years of the service obligation, two times the total amount of the veterinarian's loans that the Board has agreed to repay, or, if the failure occurs after the first two years of the service obligation, two times the total amount of the veterinarian's loans that the Board still is obligated to repay. (Sec. 4741.44(B).)

The contract may include any other terms agreed upon by the parties, including an assignment to the Ohio Board of Regents of the veterinarian's duty to

pay the principal and interest of a government or other educational loan taken by the veterinarian for eligible expenses. If the Ohio Board of Regents assumes the veterinarian's duty to pay a loan, the contract must set forth the total amount of principal and interest to be paid, an amortization schedule, and the amount of each payment to be made under the schedule. (Sec. 4741.44(C).)

Annual statement

The bill requires the Ohio Board of Regents, not later than January 31 each year, to mail to each veterinarian to whom or on whose behalf repayment is made under the Program a statement showing the amount of principal and interest repaid by the Ohio Board of Regents in the preceding year pursuant to the contract. The statement must be sent by ordinary mail with address correction and forwarding requested in the manner prescribed by the United States Postal Service. (Sec. 4741.44(D).)

Rulemaking authority

The bill requires the State Veterinary Medical Licensing Board, in accordance with the Administrative Procedure Act, to adopt rules that do all of the following: (1) define "large animal veterinary services," "veterinary services necessary to implement or enforce the law," and "veterinary services necessary to protect public health," (2) designate veterinary resource shortage areas comprised of areas in Ohio that have limited access to large animal veterinary services, veterinary services necessary to implement or enforce the law, or veterinary services necessary to protect public health, which designations may apply to a geographic area, one or more facilities within a particular area, or a population group of animals within a particular area, (3) establish priorities among veterinary resource shortage areas for use in recruiting veterinarians under the Veterinarian Loan Repayment Program, (4) establish priorities for use in determining eligibility among applicants for participation in the Program, and (5) establish any other requirement or procedure that is necessary to implement and administer the Program. In adopting the rules, the Board must consult with the State Veterinarian and the Ohio Board of Regents. (Sec. 4741.45.)

Veterinary Resource Shortage Fund

The bill authorizes the State Veterinary Medical Licensing Board to accept gifts of money from any source for the implementation and administration of the Veterinarian Loan Repayment Program. The Board must deposit all gifts so accepted into the state treasury to the credit of the Veterinary Resource Shortage Area Fund, which the bill creates. The Board must use the Fund for the implementation and administration of the Program. (Sec. 4741.46(A).)

Veterinarian Loan Repayment Fund

The bill authorizes the Ohio Board of Regents to accept gifts of money from any source for the implementation and administration of the Program. The Board must deposit all gifts so accepted together with all damages collected from veterinarians who fail to complete the service obligation to which they agreed into the state treasury to the credit of the Veterinarian Loan Repayment Fund, which the bill creates. (Sec. 4741.46(B).) The bill also requires the State Veterinary Medical Licensing Board to deposit \$10 of each veterinary license or limited license biennial renewal fee that it collects into the state treasury to the credit of the Veterinarian Loan Repayment Fund (sec. 4741.17(A)(5)). Thus, the Fund also consists of those moneys. The bill requires the Ohio Board of Regents to use the Fund for the implementation and administration of the Program (sec. 4741.46(B)).

Annual report

The bill requires the State Veterinary Medical Licensing Board, annually on or before March 1, to submit a report to the Governor and the General Assembly describing the operations of the Veterinarian Loan Repayment Program during the previous calendar year. The report must include information on all of the following: (1) the number of requests received by the Board that a particular area be designated as a veterinary resource shortage area, (2) the areas that have been designated as veterinary resource shortage areas and the priorities that have been assigned to them, (3) the number of applicants for participation in the Program, (4) the number of veterinarians assigned to veterinary resource shortage areas and the payments made on behalf of those veterinarians under the Program, (5) the veterinary resource shortage areas that have not been matched with all of the veterinarians that they need, and (6) the number of veterinarians failing to complete their service obligations, the amount of damages owed, and the amount of damages collected. (Sec. 4741.47.)

Registered veterinary technicians

Definition

The bill revises the definition of "registered veterinary technician," which under current law means a person who has received a degree in animal health technology from a school approved by the State Veterinary Medical Licensing Board or a school recognized by the American Veterinary Medical Association and who is employed by and under the direct supervision of a licensed veterinarian. The bill instead defines "registered veterinary technician" as a person who is a graduate of a veterinary technology college approved by the Board, has successfully passed an examination approved by the Board, and maintains registration eligibility status in accordance with rules adopted by the

Board. (Sec. 4741.01(F).) The bill defines "veterinary technology" as the science and art of providing professional support to veterinarians and requires the Board to maintain a register, in such form as the Board determines by rule, of all colleges and universities that teach veterinary technology and that are approved by the Board (secs. 4741.01(P) and 4741.03(C)(5)).

Supervision requirements

Current law unchanged by the bill prohibits a person from acting as a registered veterinary technician unless the person is registered with the Board on a biennial basis and pays a biennial registration fee (sec. 4741.19(C)). Current law authorizes a registered veterinary technician operating under the supervision of a licensed veterinarian to perform certain duties. The bill instead authorizes a registered veterinary technician operating under veterinary supervision to perform certain duties (sec. 4741.19(C)(1)). Current law does not define "supervision," but the bill defines "veterinary supervision" as instructions and directions by a licensed veterinarian on the premises or by a licensed veterinarian who is readily available to communicate with a person requiring supervision (sec. 4741.01(D)). Under the bill, "licensed veterinarian" is defined as a person licensed by the Board to practice veterinary medicine (sec. 4741.01(N)).

The bill retains the following duties that are specified in current law as duties that may be performed by a registered veterinary technician operating under veterinary supervision: preparing or supervising the preparation of patients, instruments, equipment, and medications for surgery; collecting or supervising the collection of specimens and performing laboratory procedures as required by the supervising veterinarian; applying wound dressings, casts, or splints as required by the supervising veterinarian; assisting a veterinarian in immunologic, diagnostic, medical, and surgical procedures; suturing skin incisions; administering or supervising the administration of topical, oral, or parenteral medication under the direction of a supervising veterinarian; and performing other ancillary veterinary technician functions that are performed pursuant to the order and control and under the full responsibility of a licensed veterinarian. The bill adds that a registered veterinary technician operating under veterinary supervision may perform any additional duties as established by the Board in rule. (Sec. 4741.19(C)(1).)

The bill eliminates provisions authorizing a registered veterinary technician operating under the supervision of a licensed veterinarian to induce and monitor general anesthesia according to medically recognized and appropriate methods and to perform dental prophylaxis (sec. 4741.19(C)). Instead, the bill authorizes those duties to be performed only by a registered veterinary technician who is under direct veterinary supervision (sec. 4741.19(C)(2)(a) and (b)). The bill defines "direct veterinary supervision" to mean that a licensed veterinarian is in the

immediate area and within audible range, visual range, or both of a patient and the person administering to the patient (sec. 4741.01(K)). Furthermore, the bill authorizes a registered veterinary technician who is operating under direct veterinary supervision to perform the following additional duties: (1) periodontal care and extraction not involving sectioning of teeth or resection of bone or both of these, and (2) equine dental procedures, including the floating of molars, premolars, and canine teeth; removal of deciduous teeth; and the extraction of first premolars or wolf teeth (sec. 4741.19(C)(2)(b) and (c)).

The bill eliminates current law that defines "direct supervision" as instruction and directions requiring the physical presence of a licensed veterinarian on the premises or, if the veterinarian is absent from the premises, the veterinarian is available for contact with a registered veterinary technician or any other person requiring supervision by the veterinarian by telephone or wireless communication (sec. 4741.01(D)).²

Waiver of registration fee during active military duty

Current law authorizes the Board by rule to waive the payment of the registration fee of a licensed veterinarian during the time period when he is on active duty in connection with any branch of the armed forces of the United States. The bill additionally authorizes the Board by rule to waive the payment of the registration fee of a registered veterinary technician during a time period involving such active military duty. (Sec. 4741.171.)

Exemption from Veterinary Practice Law for veterinary technology college students

Current law specifies that the Veterinary Practice Law does not apply to a person who is a regular student in a legally chartered college of veterinary medicine while in the performance of those duties and actions assigned by his instructors. The bill expands this exemption to include a regular student in a veterinary technology college while in the performance of such assigned duties and actions. (Sec. 4741.20(B).)

Grounds for disciplinary action

Under current law, the Board may refuse to issue or renew a license, registration, or temporary permit to or of any applicant, and may issue a reprimand to, suspend or revoke the license, registration, or temporary permit of, or impose a civil penalty on any person licensed to practice veterinary medicine or any person

² Portions of this definition were used as the basis for the bill's definition of "veterinary supervision" (sec. 4741.01(D)).

registered as a registered veterinary technician, who commits any of several specified actions that constitute grounds for disciplinary action. The bill adds that the Board may refuse to issue or renew a limited license to any applicant, and may issue a reprimand to, suspend the limited license of, or impose a civil penalty upon any person holding a limited license to practice veterinary medicine, who commits any of those actions. In addition, the bill authorizes the Board to impose a civil penalty on any person holding a temporary permit who commits such actions. (Sec. 4741.22.)

The bill makes changes to several of the grounds for disciplinary action. Under current law, disciplinary action may be taken against someone who in the conduct of the person's practice does not conform to the rules of the Board governing proper, humane, sanitary, and hygienic methods to be used in the care and treatment of animals. The bill adds that disciplinary action may be taken against someone who does not conform to the standards of the profession governing those methods. (Sec. 4741.22(A).)

Current law authorizes the Board to take disciplinary action against someone who uses fraud, misrepresentation, or deception in completing the examination conducted by the Board. The bill broadens the Board's disciplinary authority by instead authorizing it to take such action against someone who uses fraud, misrepresentation, or deception in any application or examination for licensure or any other documentation created in the course of practicing veterinary medicine. (Sec. 4741.22(B).)

Current law specifies that having professional association with or lending a person's name to any unlicensed person, association, or organization for the purpose of obtaining patients is grounds for disciplinary action. The bill eliminates this provision. (Sec. 4741.22(G).)

Under current law, the Board may take disciplinary action against someone who is convicted of any felony or crime involving moral turpitude or who is convicted of a felony drug abuse offense, as "felony drug abuse offense" is defined in the Drug Offenses Law. The bill eliminates the language pertaining to moral turpitude and conviction of a felony drug abuse offense. Instead, the bill authorizes the Board to take disciplinary action against someone who is convicted of or pleads guilty to any felony or crime involving illegal or prescription drugs or fails to report to the Board within 60 days of the individual's conviction of, plea of guilty to, or treatment in lieu of conviction involving a felony, misdemeanor of the first degree, or offense involving illegal or prescription drugs. (Sec. 4741.22(I) and former (L).)

Current law authorizes the Board to take disciplinary action against someone who has been adjudicated incompetent for the purpose of holding the



license or permit by a court, as provided in the law governing the hospitalization of the mentally ill, and who has not been restored to legal capacity for that purpose. The bill replaces the reference to the law governing the hospitalization of the mentally ill with a reference to the law governing guardians and conservatorships. (Sec. 4741.22(N).)

Under current law, gross incompetence constitutes grounds for disciplinary action. The bill adds that gross negligence also constitutes such grounds. (Sec. 4741.22(P).)

Current law authorizes the Board to take disciplinary action against someone who fails to use reasonable care in the administration of drugs, as "drug" is defined in the Pharmacy Law. The bill eliminates the reference to the Pharmacy Law. (Sec. 4741.22(U).)

Under current law, the Board may take disciplinary action against someone who refuses to permit a Board investigator or the Board's designee to inspect the person's business premises during regular business hours. The bill adds an exception to this provision by referring to existing requirements that the Board provide written notice of not less than five days before conducting an inspection. (Sec. 4741.22(W).)

The bill creates two new grounds for disciplinary action. The first is engaging in cruelty to animals and the second is using, prescribing, or selling any veterinary prescription drug or biologic or prescribing any extra-label use of any over-the-counter drug or dangerous drug in the absence of a valid veterinary-client-patient relationship (see "**Veterinary-client-patient relationship**," below). (Sec. 4741.22(Z) and (AA).)

Disciplinary action: civil penalties

Current law specifies that if the Board, after a hearing conducted pursuant to the Administrative Procedure Act, revokes, refuses to renew, or suspends a license, registration, or temporary permit or otherwise disciplines the holder of a license, registration, or temporary permit for committing any action that constitutes grounds for disciplinary action or for committing certain other violations of law, the Board may impose a civil penalty on the holder of the license, permit, or registration of not less than \$50 or more than \$250 for a first offense and not less than \$250 or more than \$1,000 for each subsequent offense. The bill eliminates the Board's authority to impose a civil penalty as part of a disciplinary action that does not involve the revocation, refusal to renew, or suspension of a license, registration, or temporary permit. In addition, the bill changes the amount of the authorized civil penalty to not less than \$100 or more

than \$1,000 regardless of whether the offense is a first or subsequent offense. (Sec. 4741.22.)

Veterinary-client-patient relationship

The bill specifies that a veterinary-client-patient relationship serves as the basis for interaction between veterinarians, their clients, and their patients (sec. 4741.04). Under the bill, "patient" means an animal that is examined or treated by a licensed veterinarian, and "client" means the patient's owner, owner's agent, or other person responsible for the patient (sec. 4741.01(Q) and (O)). The bill defines a veterinary-client-patient relationship as existing when all of the following conditions have been met:

(1) A veterinarian assumes responsibility for making clinical judgments regarding the health of a patient and the need for medical treatment, medical services, or both for the patient, and the client has agreed to follow the veterinarian's instructions regarding the patient.

(2) The veterinarian has sufficient knowledge of the patient to initiate at least a general or preliminary diagnosis of the medical condition of the patient. In order to demonstrate that the veterinarian has sufficient knowledge, the veterinarian must have seen the patient recently and also must be acquainted personally with the keeping and care of the patient either by examining the patient or by making medically appropriate and timely visits to the premises where the patient is kept.

(3) The veterinarian is readily available for a follow-up evaluation, or has arranged for emergency coverage, in the event the patient suffers adverse reactions to the treatment regimen or the treatment regimen fails. (Secs. 4741.01(M) and 4741.04.)

Allied medical support

The bill defines "allied medical support" as a licensed dentist, physician, chiropractor, or physical therapist who is in good standing as determined under the practitioner's licensure law (sec. 4741.01(L)). The bill authorizes allied medical support to assist a licensed veterinarian to the extent to which the law that governs the individual providing the support permits if all of the following apply: (1) the individual acts under direct veterinary supervision, (2) the allied medical support individual receives informed, written, client consent, (3) the veterinarian maintains responsibility for the patient and keeps the patient's medical records, and (4) a valid veterinary-client-patient relationship exists (see above). In addition, the bill authorizes the Board to inspect the facilities of an allied medical support individual in connection with an investigation based on a complaint received in

accordance with the Veterinary Practice Law involving that individual. (Sec. 4741.19(F).)

Veterinary students

Current law defines "veterinary student extern" as a student enrolled in a college of veterinary medicine approved by the Board and who is employed by a licensed veterinarian. The bill replaces the term "veterinary student extern" with "veterinary student" and expands the definition to include a student enrolled in a veterinary technical college approved by the Board and who is working with a licensed veterinarian. (Secs. 4741.01(E) and 4741.22(O).)

Current law prohibits a veterinary student extern from doing any of the following: (1) performing or assisting surgery unless under the supervision of a licensed veterinarian and unless the extern has had the minimum education and experience prescribed by rule of the Board, (2) engaging in any other work related to the practice of veterinary medicine unless under the direct supervision of a licensed veterinarian, or (3) participating in the operation of a branch office, clinic, or allied establishment unless a licensed veterinarian is present on the establishment premises. The bill replaces references to "veterinary student extern" with "veterinary student" and also replaces references to "direct supervision of a licensed veterinarian" with "direct veterinary supervision." (Sec. 4741.19(B).)

Current law defines "direct supervision" as instruction and directions requiring the physical presence of a licensed veterinarian on the premises or, if the veterinarian is absent from the premises, the veterinarian is available for contact with a registered veterinary technician or any other person requiring supervision by the veterinarian by telephone or wireless communication (sec. 4741.01(D)). As noted above, the bill instead defines "direct veterinary supervision" to mean that a licensed veterinarian is in the immediate area and within audible range, visual range, or both, of a patient and the person administering to the patient (sec. 4741.01(K)).

Practice by partnership, corporation, or nonprofit corporation

Current law specifies that whenever the practice of veterinary medicine is carried on by a partnership or a corporation, other than a nonprofit corporation, all partners or shareholders of the corporation must be either licensed or the holders of temporary permits issued by the Board. Under current law, whenever the practice of veterinary medicine is carried on by a nonprofit corporation, a majority of the members of the trustees must be either licensed or the holders of temporary permits issued by the Board. The bill eliminates these provisions. (Sec. 4741.28, repealed.)

Elimination of limitation on use of name of prior licensee

Current law specifies that whenever the practice of veterinary medicine is continued in the name of a prior licensee, the name may not be used for more than two years after the death or cessation of active participation by that licensee. The bill eliminates this prohibition. (Sec. 4741.27, repealed.)

State Veterinary Medical Licensing Board

Current law creates the State Veterinary Medical Licensing Board consisting of seven members appointed by the Governor with the advice and consent of the Senate. Under current law, the Board must consist of five members who have been licensed to practice veterinary medicine in Ohio for not less than five consecutive years prior to their appointment, one member who is a registered veterinary technician registered under the Veterinary Practice Law for not less than five consecutive years prior to appointment, and one member of the public. (Sec. 4741.02.)

Under current law, terms of office of a Board member are for five years. The bill decreases the length of the terms of office to three years. (Sec. 4741.02.) However, the bill specifies that notwithstanding this change, terms of office of members serving on the Board on the bill's effective date must remain five years (Section 3).

The bill revises provisions concerning term limits that are applicable to Board members. Current law prohibits a person who has been appointed a member of the Board from being appointed to serve a second term unless a period of five years has elapsed since the termination of the member's first term, provided that members initially appointed for less than five-year terms and persons appointed to fill an unexpired term may be appointed for one full term of five years immediately following those terms. The bill instead prohibits a Board member from being appointed to serve more than three three-year terms unless a period of three years has elapsed since the termination of the member's third term, provided that a person appointed to fill an unexpired term may be appointed for three full terms of three years each immediately following that term and that the total length of the member's service does not exceed ten years. (Sec. 4741.02.)

The bill defines "current Board member" as a member of the State Veterinary Medical Licensing Board who is a Board member on the bill's effective date. It specifies that if a current Board member has served for ten years or more at the time the member's term expires, that member is ineligible for reappointment. If a current Board member has not served ten years or more at the time the member's term expires, that member may be reappointed in accordance with the bill's provisions concerning Board members. However, the bill specifies that once

that member's total term of service equals ten years or more, that member is ineligible for reappointment. Any vacancies created by current Board members must be filled in accordance with the bill's provisions governing the appointment of Board members. (Section 3.)

The bill eliminates outdated current law that establishes staggered initial terms for certain board members (sec. 4741.02). In addition, the bill corrects an error in current law by replacing two references to the "State Veterinary Medical Board" with references to the correct name of the Board, the "State Veterinary Medical Licensing Board" (sec. 4741.31).

Current law authorizes the Board to appoint a person, not one of its members, to serve as its executive secretary who must function as the Board's secretary-treasurer ex officio and perform certain other duties (sec. 4741.03). The bill changes the title of this person from the "executive secretary" to the "executive director" of the Board and makes conforming changes throughout the bill (secs. 4741.03, 4741.171, 4741.19, 4741.22, 4741.24, and 4741.26).

Under current law, all registers, books, and records kept by the Board are the property of the Board and are open for public examination and inspection at all reasonable times. The bill clarifies that this openness for public examination and inspection is in accordance with the Public Records Law. (Sec. 4741.03(E).)

Unlawful advertising practices

Current law prohibits a licensed veterinarian or any person under his control or employ from taking certain actions that involve advertising. One such prohibited action is promoting or tending to promote the business of a veterinarian through second- or third-party solicitation that is contrary to good public policy as determined by rule of the Board. The bill revises this provision by instead prohibiting the direct promotion of the business of a veterinarian through second- or third-party solicitation. (Sec. 4741.21(C).)

Another prohibited action is violating the rules set forth by the Board in accordance with the Board's rulemaking authority established under the Veterinary Practice Law. The bill eliminates the cross-reference to rulemaking authority in the Veterinary Practice Law. (Sec. 4741.21(D).)

Referral to treatment or to peer review committee

Current law authorizes the Board, prior to or after a hearing and in lieu of taking or in addition to taking any disciplinary action, to refer any veterinarian or registered veterinarian technician who suffers from alcohol or substance abuse to the Ohio Veterinary Medical Association Special Assistance Committee for

support and assistance in the coordination of the treatment of that veterinarian or technician. The bill adds that such a veterinarian or technician alternatively may be referred to the Ohio Physicians Health Program or an advocacy group approved by the Board. (Sec. 4741.221(A)(1).)

The bill retains current law that authorizes the Board, in order to implement the provisions governing referral to treatment or to a peer review committee,³ to adopt rules in accordance with the Administrative Procedure Act. The bill eliminates current law that requires that the rules address the method of referral and the manner by which the Board may recall the referral and a requirement that the committee supply the veterinarian or technician and the Board with progress reports on the support and assistance in the coordination of treatment. (Sec. 4741.221(B).)

Specialists

Current law defines "specialist" as a person who is certified by a veterinary specialty board of a professional veterinary association recognized by rule of the Board. The bill clarifies the definition by replacing the reference to "person" with "licensed veterinarian." (Sec. 4741.01(C).)

Current law prohibits a veterinarian licensed to practice in this state from holding himself out as a specialist unless the veterinarian has previously met the requirements of the American Veterinary Medical Association for a specialty or such other requirements set by rule of the Board and has paid the required fee. With respect to the specialty requirements, the bill replaces the reference to requirements of the American Veterinary Medical Association for a specialty with a reference to the requirements for certification by a specialty organization recognized by the American Board of Veterinary Specialties for a specialty. In addition, it provides clarification by replacing the reference to holding oneself out as a specialist with a reference to presenting the person's self or stating a claim that the person is a specialist. (Sec. 4741.19(D).)

Animal aides

Current law defines "veterinary aide" as a person who is employed by a licensed veterinarian and supervised by a licensed veterinarian or a registered veterinary technician to perform duties such as record keeping and animal restraint and such other duties that the Board, by rule, establishes. The bill makes a

³ *Current law unchanged by the bill authorizes certain veterinarians or registered veterinary technicians to be referred to the Ohio Veterinary Medical Association Special Committee on Peer Review (sec. 4741.221(A)(2)).*

technical change by replacing the term "veterinary aide" with "animal aide." (Sec. 4741.01(G).)

HISTORY

| ACTION | DATE |
|--|-------------|
| Introduced | 12-22-05 |
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