

**Michigan Office of Administrative Hearings and Rules**

**Administrative Rules Division (ARD)**

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**REGULATORY IMPACT STATEMENT  
and COST-BENEFIT ANALYSIS (RIS)**

**Agency Information:**

**Department name:**

Licensing and Regulatory Affairs

**Bureau name:**

Bureau of Professional Licensing

**Name of person filling out RIS:**

Dena Marks

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**Rule Set Information:**

**ARD assigned rule set number:**

2019-108 LR

**Title of proposed rule set:**

Veterinary Medicine -- General Rules

**Comparison of Rule(s) to Federal/State/Association Standard:**

**1. Compare the proposed rules to parallel federal rules or standards set by a state or national licensing agency or accreditation association, if any exist.**

Each state establishes its own requirements with respect to the licensure of veterinarians, so there are no federal rules or standards set by a national or state agency that the proposed rules can be compared to.

**A. Are these rules required by state law or federal mandate?**

MCL 333.16145 requires that only a board or task force may promulgate rules to specify requirements for licenses, registrations, renewals, examinations, and required passing scores.

MCL 333.16287 requires the department, in consultation with the board, to promulgate rules to implement telehealth services.

**B. If these rules exceed a federal standard, please identify the federal standard or citation, describe why it is necessary that the proposed rules exceed the federal standard or law, and specify the costs and benefits arising out of the deviation.**

The proposed rules do not exceed a federal standard.

**2. Compare the proposed rules to standards in similarly situated states, based on geographic location, topography, natural resources, commonalities, or economic similarities.**

The proposed rules are consistent with the standards required in the Public Health Code and the rules are largely consistent with the requirements of other states in the Great Lakes Region. Every state in the Great Lakes region provides for the licensure of veterinarians.

**A. If the rules exceed standards in those states, please explain why and specify the costs and benefits arising out of the deviation.**

The standards pertaining to the licensure of veterinarians and continuing education requirements for renewal differ from state to state. Overall, the standards in the proposed veterinary medicine rules do not exceed those of the other states in the Great Lakes region.

**3. Identify any laws, rules, and other legal requirements that may duplicate, overlap, or conflict with the proposed rules.**

There are no other laws, rules, or other legal requirements that may duplicate, overlap, or conflict with these proposed rules.

**A. Explain how the rules have been coordinated, to the extent practicable, with other federal, state, and local laws applicable to the same activity or subject matter. This section should include a discussion of the efforts undertaken by the agency to avoid or minimize duplication.**

No coordination is needed because there are no other applicable laws that regulate the areas addressed in the proposed rules.

**4. If MCL 24.232(8) applies and the proposed rules are more stringent than the applicable federally mandated standard, a statement of specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

MCL 24.323(8) does not apply.

**5. If MCL 24.232(9) applies and the proposed rules are more stringent than the applicable federal standard, either the statute that specifically authorizes the more stringent rules or a statement of the specific facts that establish the clear and convincing need to adopt the more stringent rules and an explanation of the exceptional circumstances that necessitate the more stringent standards is required.**

MCL 24.232(9) does not apply.

**6. Identify the behavior and frequency of behavior that the proposed rules are designed to alter.**

Part 1 General Provisions: The rules in this part provide definitions used in the rule set and add a new telehealth rule. The proposed rules will clarify and add definitions to assist the reader to better understand the terms used in the proposed rules. The definitions are intended to assist a licensee or applicant in understanding the terms used in the rule set.

The proposed rules include a new rule regarding telehealth services. This rule is required by MCL 333.16287. The telehealth rule will advise the licensee of his or her duties when offering a telehealth service.

Part 2 Education and Examination: The proposed rules in this part identify the board-approved educational programs and examination. The rule pertaining to approved veterinary colleges has been revised and reorganized from R 338.4908 into this part for clarity. The proposed rules adopt by reference the American Veterinary Medical Association's (AVMA) standards for accreditation. The rule pertaining to the required examination has been revised and will include scoring information.

Part 3 Licensure: The rules in this part pertain to licensure by examination, licensure by endorsement, limited licensure, and relicensure. The rule pertaining to licensure by examination has been relocated to this part for organization and clarity. The requirements for licensure by endorsement have been clarified and revised to provide requirements for an applicant who has been licensed in another state for less than 5 years and for an applicant who has been licensed in another state for 5 years or more. The educational and clinical academic limited license requirements have been relocated to this part for organization and clarity. New rules pertaining to a senior student limited license and a graduate of a nonapproved veterinary education program limited license have been added. The rule pertaining to relicensure has been relocated and revised into a user-friendly chart for organization and clarity.

Part 4 Supervision and Delegation: The rules in this part pertain to the supervision of a veterinary student or limited licensee and the delegation of a duty by a licensee. The level of supervision required and a licensee's duties, when there has been a delegation, are both clarified to ensure public safety. Other licensing rules in this section have been rescinded and relocated to Part 3 for organization and clarity. The rules pertaining to safeguards for drugs will be rescinded because there is no statutory authority for the rule.

Part 5 Medical Records: The rule in this part pertains to the licensee's duty to keep medical records. The rule has been revised to ensure that all relevant information is retained and to advise the licensee of the client's rights related to an animal patient's medical records. The revisions will ensure that the medical records of an animal patient are available to the client, the department, and public health officials, as needed.

Part 6 License Renewal and Continuing Education: The rules in this part pertain to continuing education requirements for license renewal. The rules are clarified and the number of continuing education hours that must be completed in person has been reduced.

**A. Estimate the change in the frequency of the targeted behavior expected from the proposed rules.**

The frequency of use is not expected to change.

**B. Describe the difference between current behavior/practice and desired behavior/practice.**

Part 1 General Provisions: The rules in this part provide definitions used in the rule set and a new telehealth rule. The proposed rules are intended to assist a licensee or applicant in understanding the terms used in the rule set.

The proposed rules include a new rule regarding telehealth services. This rule is required by MCL 333.16287. The telehealth rule will advise the licensee of his or her duties when offering a telehealth service.

Part 2 Education and Examination: The proposed rules in this part identify the board-approved educational programs and examination. The rule pertaining to approved veterinary colleges has been revised and reorganized from R 338.4908 for organization and clarity. The rule pertaining to the required examination has been revised and will advise what score is required on the approved examination. The revisions are intended to assist an applicant in determining if his or her education and examination are approved by the board.

Part 3 Licensure: The rules in this part pertain to licensure by examination, licensure by endorsement, limited licensure, and relicensure. The proposed rules will assist an applicant to become licensed.

Part 4 Supervision and Delegation: The rules in this part pertain to the supervision of a veterinary student or limited licensee and the delegation of a duty by a licensee. The proposed rules will assist a licensee in determining his or her duties when supervising a student or limited licensee and when delegating a duty to ensure public safety.

Part 5 Medical Records: The rule in this part pertains to the licensee's duty to keep medical records. The rule has been revised to ensure that all relevant information is retained and to advise of the client's rights related to an animal patient's medical records. The revisions will ensure that the records of an animal patient are available to the client, the department, and public health officials, as needed.

Part 6 License Renewal and Continuing Education: The rules in this part pertain to continuing education requirements for license renewal. The rules are clarified to assist a renewal applicant in accumulating the required continuing education for license renewal.

**C. What is the desired outcome?**

R 338.4901: This rule provides definitions for terms used in the rule set. The proposed rule is intended to add and clarify the meanings of the terms used in the rule set.

R 338.4901a: This is a new proposed rule intended to meet the statutory requirements of MCL 333.16287 by providing the requirements for providing a telehealth service.

R 338.4902: This rule pertains to licensure by examination. This rule will be rescinded for organization and clarity. All rules pertaining to licensure will be organized into new Part 3 of the rules.

R 338.4903: This rule pertains to the examination approved and adopted by the board. The proposed rule is intended to clarify that an applicant must achieve a passing score, as defined by the International Council for Veterinary Assessment.

R. 338.4904: This rule number is currently used to identify a previously rescinded rule. The proposed rule is intended to inform an applicant about accredited educational programs.

R 338.4905: This rule number is currently used to identify a previously rescinded rule. The proposed rule is intended to reorganize all licensure rules into Part 3 of the rules and to clarify the requirements for licensure by examination.

R 338.4906: The current rule pertains to licensure by endorsement. The proposed rule is intended to clarify the requirements for licensure by endorsement.

R 338.4907: This rule number is currently used to identify a previously rescinded rule. The proposed rule is intended to reorganize all licensure rules into Part 3 of the rules and to clarify the requirements for an educational limited license.

R 338.4907a: This is a new rule, and it is intended to reorganize all licensure rules into Part 3 of the rules and to clarify the requirements for a clinical academic limited license.

R 338.4907b: This is a new rule, and it is intended to provide the requirements for a senior student limited license.

R 338.4907c: This is a new rule, and it is intended to provide the requirements for a graduate of a nonapproved veterinary education program limited license.

R 338.4908: This rule pertains to the approval of educational programs. The rescission of this rule is intended to organize the rules to assist an applicant in determining the education and examination required for licensure in Part 2 of the proposed rules.

R 338.4909: This rule number is currently used to identify a previously rescinded rule. The proposed rule is intended to reorganize all licensure rules into Part 3 of the rules and to clarify the requirements for relicensure.

R 338.4910: This rule pertains to the supervision of a veterinary student or limited licensee. The proposed rule is intended to clarify a licensee's duties when supervising a veterinary student or a limited licensee.

R 338.4911: This rule pertains to the delegation of a duty by the licensee. The proposed rule is intended to clarify a licensee's duties.

R 338.4913: This rule pertains to veterinary facilities. There is no statutory authority for this rule. The rescission of this rule is intended to ensure compliance with statutory authority to promulgate rules.

R 338.4914: This rule pertains to clinical academic limited licenses. In the proposed rules, this rule will be rescinded and the substance will be revised and reorganized to Part 3 of the proposed rules.

R 338.4914a: This rule pertains to educational limited licenses. In the proposed rules, this rule will be rescinded and the substance will be revised and reorganized to Part 3 of the proposed rules.

R 338.4915: This rule pertains to relicensure. In the proposed rules, this rule will be rescinded and the substance will be revised and reorganized to Part 3 of the proposed rules.

R 338.4920: This rule pertains to safeguards for drugs used in the practice of veterinary medicine. There is no statutory authority for this rule. The rescission of this rule is intended to ensure compliance with statutory authority to promulgate rules.

R 338.4921: This rule pertains to medical records. The proposed rule is intended to clarify a licensee's duties pertaining to documenting, providing, and disclosing medical records.

R 338.4931: This rule pertains to license renewal and continuing education. The proposed rule is intended to clarify continuing educational requirements and advise when a continuing education waiver may be made.

R 338.4933: This rule pertains to acceptable continuing education. The proposed rules is intended to clarify acceptable continuing education and revise the number of continuing education hours that must be earned in person.

**7. Identify the harm resulting from the behavior that the proposed rules are designed to alter and the likelihood that the harm will occur in the absence of the rule.**

Part 1 General Provisions: The rules in this part provide definitions used in the rule set and a new telehealth rule. Without the proposed changes to the definitions rule, a reader may misunderstand terms used in the rule set.

The current rules lack a telehealth rule. This rule is required by MCL 333.16287.

Part 2 Education and Examination: The proposed rules in this part identify the board-approved educational programs and examination. The rule pertaining to approved veterinary colleges has been revised and reorganized from R 338.4908 into this part for clarity. The rule pertaining to the required examination has been revised and will advise how the passing score will be determined. The potential harm of the current rules is that an applicant will not be informed about the most current information regarding educational standards and the required examination.

Part 3 Licensure: The rules in this part pertain to licensure by examination, licensure by endorsement, limited licensure, and relicensure. The potential harm of the current rules is that disorganization makes locating the requirements for licensure or relicensure difficult. Additionally, there are currently no requirements for 2 limited licenses provided for by statute, the senior student limited license and the nonapproved veterinary education program limited license.

Part 4 Supervision and Delegation: The rules in this part pertain to the supervision of a veterinary student or limited licensee and delegation by a licensee. The potential harm of the current rules is that a licensee may be unaware of the duties and restrictions he or she is subject to when supervising a veterinary student or limited licensee or when delegating a duty.

Part 5 Medical Records: The rule in this part pertains to the duty to keep medical records. The rule has been revised to ensure that all relevant information is retained and to advise of the client's rights related to an animal patient's medical records. The potential harm from the current rule is that the licensee may not collect and retain records that may assist in the care of the animal patient and that may be needed to protect the health, safety, and welfare of Michigan citizens.

Part 6 License Renewal and Continuing Education: The rules in this part pertain to continuing education requirements for license renewal. The potential harm in the current rules is that the applicant may not accumulate the required continuing education for license renewal.

**A. What is the rationale for changing the rules instead of leaving them as currently written?**

Part 1 is being changed because amended definitions are needed to understand the terms used in the rule set and there is a need to add a telehealth rule to provide requirements for rendering telehealth services.

Part 2 is being changed for organization and to up-date information pertaining to the board-approved examination and educational programs.

Part 3 is being changed to clarify the requirements for licensure, licensure by endorsement, limited licensure, and relicensure. Additionally, the requirements for a senior student limited license and graduate of a nonapproved veterinary educational program limited license will be added.

Part 4 is being changed to clarify the requirements for supervision of a veterinary student or limited licensee and the licensee's duties when there is a delegation. Rules that are not authorized by statute will be rescinded. Other rules will be rescinded for organization and clarity.

Part 5 is being changed to clarify a licensee's duties pertaining to documenting, providing, and disclosing medical records.

Part 6 is being changed to clarify continuing education requirements and to amend the number of hours that must be earned in-person.

**8. Describe how the proposed rules protect the health, safety, and welfare of Michigan citizens while promoting a regulatory environment in Michigan that is the least burdensome alternative for those required to comply.**

Part 1 General Rules: The proposed rules will assist a reader in understanding the meaning of the terms used in the rule set. This will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant or licensee understands the requirements in the rule set. The new telehealth rule will protect the health, safety, and welfare of Michigan citizens by ensuring that a licensee knows and satisfies his or her duties when rendering a telehealth service.

Part 2 Examination and Education: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to attend an accredited school and pass the appropriate examination to demonstrate adequate knowledge to practice. There is no less burdensome way to ensure that a licensee possesses the minimum level of competence to practice veterinary medicine.

Part 3 Licensure: In the proposed rules, changes will be made for clarity and amendments will be made to the requirements for licensure, licensure by endorsement, limited licensure, and relicensure. These proposed changes will protect the health, safety, and welfare of Michigan citizens by ensuring that an applicant has demonstrated that he or she has satisfied all the requirements to competently provide veterinary services.

Part 4 Supervision and Delegation: The rules in this part protect the health, safety, and welfare of Michigan citizens by ensuring that a veterinary student or limited licensee has sufficient supervision by a licensed veterinarian. The health, safety, and welfare of Michigan citizens is also protected by requiring a veterinarian who delegates a duty to supervise the delegatee to ensure that the delegated duty is performed in a manner that provides the standard of care that the licensee expected.

Part 5 Medical Records: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to collect and retain records that may assist in the care of the animal patient and to ensure that records pertaining to public health issues are complete and readily available if needed.

Part 6 License Renewal and Continuing Education: The rules in this part protect the health, safety, and welfare of Michigan citizens by requiring a licensee to accumulate continuing education credits for license renewal. This will ensure that the licensee stays up-to-date in his or her education and training.

**9. Describe any rules in the affected rule set that are obsolete or unnecessary and can be rescinded.**

R 338.4902 pertains to licensure by examination requirements. It will be rescinded, and the substance of the rule will be revised and relocated to R 338.4905 for organization and clarity.

R 338.4908 pertains to approval of veterinary colleges and adoption of standards. It will be rescinded, and the substance of the rule will be revised and relocated to R 338.4904 for organization and clarity.

R 338.4913 pertains to veterinary facilities, sanitation requirements, inspection reports and notice of complaint. It will be rescinded because there is no statutory authority for the rule.

R 338.4914 pertains to clinical academic licenses. It will be rescinded, and the substance of the rule will be revised and relocated to R 338.4907a for organization and clarity.

R 338.4914a pertains to educational limited licenses. It will be rescinded, and the substance of the rule will be revised and relocated to R 338.4907 for organization and clarity.

R 338.4915 pertains to relicensure. It will be rescinded, and the substance of the rule will be revised, placed into chart-form, and relocated to R 338.4909 for organization, clarity, and ease of use.

R 338.4920 pertains to safeguards for drugs used in the practice of veterinary medicine. It will be rescinded because there is no statutory authority for the rule.

**10. Please provide the fiscal impact on the agency (an estimate of the cost of rule imposition or potential savings for the agency promulgating the rule).**

The proposed rules are not expected to have a fiscal impact on the agency.

**11. Describe whether or not an agency appropriation has been made or a funding source provided for any expenditures associated with the proposed rules.**

No agency appropriation has been made or a funding source provided because there are no expenditures associated with the proposed rules.

**12. Describe how the proposed rules are necessary and suitable to accomplish their purpose, in relationship to the burden(s) the rules place on individuals. Burdens may include fiscal or administrative burdens, or duplicative acts.**

Part 1 General Provisions: The rules in this part provide definitions used in the rule set and a new telehealth rule. The proposed definition rule is intended to assist a licensee or applicant in understanding the terms used in the rule set. There is no burden on an individual as a result of the proposed rule.

The proposed rules include a new rule regarding telehealth services. This rule is required by MCL 333.16287. The telehealth rule will advise the licensee of his or her duties when offering a telehealth service. Ensuring the health, safety, and welfare of the client and his or her animal patient outweighs any burden placed on the individual as a result of this rule.

Part 2 Education and Examination: The proposed rules in this part identify the approved educational programs and examination. There is no new burden being placed on an individual as a result of these rules.

Part 3 Licensure: The rules in this part pertain to licensure by examination, licensure by endorsement, limited licensure, and relicensure. The rule pertaining to licensure by examination has been relocated to this part for organization and clarity. The requirements for licensure by endorsement have been clarified and revised to provide requirements for an applicant who has been licensed in another state for less than 5 years and for an applicant who has been licensed in another state for 5 years or more. New rules pertaining to a senior student limited license and a graduate of a nonapproved veterinary education program limited license have been added. The rule pertaining to relicensure has been relocated and revised into a chart form to be more user-friendly and for organization and clarity. No burden is placed on an individual as a result of these proposed rules.

Part 4 Supervision and Delegation: The rules in this part pertain to the supervision of a veterinary student or limited licensee and the delegation of a duty by a licensee. The level of supervision required and a licensee's duties in a delegation are both clarified to ensure public safety. No burden is placed on an individual as a result of these rules.

Part 5 Medical Records: The rule in this part pertains to the duty to keep medical records. The rule has been revised to ensure that all relevant information is retained and to advise of the client's rights related to an animal patient's medical records. The revisions will ensure that the records of an animal patient are available to the client, the department, and public health officials, as needed. No new burden is placed on an individual as a result of this rule.

Part 6 License Renewal and Continuing Education: The rules in this part pertain to continuing education requirements for license renewal. The rules are clarified and the number of continuing education hours that must be completed in person has been reduced. There is no additional burden on an individual as a result of the proposed rules.

**A. Despite the identified burden(s), identify how the requirements in the rules are still needed and reasonable compared to the burdens.**

There is no identified burden imposed by the proposed rules.

**13. Estimate any increase or decrease in revenues to other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Estimate the cost increases or reductions for other state or local governmental units (i.e. cities, counties, school districts) as a result of the rule. Include the cost of equipment, supplies, labor, and increased administrative costs in both the initial imposition of the rule and any ongoing monitoring.**

There are no anticipated increases or reductions for other state or local governmental units as result of the proposed rules.

**14. Discuss any program, service, duty, or responsibility imposed upon any city, county, town, village, or school district by the rules.**

There are no anticipated or intended programs, services, duties, or responsibilities imposed on any city, town, village, or school district as a result of these proposed rules.



**A. Describe any actions that governmental units must take to be in compliance with the rules. This section should include items such as record keeping and reporting requirements or changing operational practices.**

There are no anticipated actions that a governmental unit must take to comply with the proposed rules.

**15. Describe whether or not an appropriation to state or local governmental units has been made or a funding source provided for any additional expenditures associated with the proposed rules.**

No appropriations have been made to any governmental units as result of the proposed rules. No additional expenditures are anticipated or intended with the proposed rules.

**16. In general, what impact will the rules have on rural areas?**

The proposed rules impose requirements on individual registrants and licensees rather than small businesses. Even if a registrant's or licensee's workplace qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession.

**A. Describe the types of public or private interests in rural areas that will be affected by the rules.**

The proposed rules will not impact public or private interests in rural areas.

**17. Do the proposed rules have any impact on the environment? If yes, please explain.**

The proposed rules will not have any impact on the environment.

**18. Describe whether and how the agency considered exempting small businesses from the proposed rules.**

The department did not consider exempting small business because they are not impacted by the proposed rules.

**19. If small businesses are not exempt, describe (a) the manner in which the agency reduced the economic impact of the proposed rules on small businesses, including a detailed recitation of the efforts of the agency to comply with the mandate to reduce the disproportionate impact of the rules upon small businesses as described below (in accordance with MCL 24.240(1)(a-d)), or (b) the reasons such a reduction was not lawful or feasible.**

The rules cannot exempt small businesses because the rules do not directly regulate small businesses. The rules regulate individual licensees. Further, the Michigan Public Health Code requires veterinarians to be licensed.

**A. Identify and estimate the number of small businesses affected by the proposed rules and the probable effect on small businesses.**

There are approximately 4,435 licensed veterinarians in Michigan.

A licensee may work in a small business. However, no matter what type of business environment the licensee works in, he or she will have to comply with the proposed rules. The rules do not impact small businesses differently because the impact is to the individual licensee only.

**B. Describe how the agency established differing compliance or reporting requirements or timetables for small businesses under the rules after projecting the required reporting, record-keeping, and other administrative costs.**

The agency did not establish separate compliance or reporting requirements for small businesses. The proposed rules will apply to all licensees. The rules were drafted to be the least burdensome on all affected licensees.

**C. Describe how the agency consolidated or simplified the compliance and reporting requirements for small businesses and identify the skills necessary to comply with the reporting requirements.**

The agency did not consolidate or simplify compliance and reporting requirements for small businesses with the proposed rules because the proposed rules do not impact small businesses.

**D. Describe how the agency established performance standards to replace design or operation standards required by the proposed rules.**

The agency did not establish performance standards to replace design or operation standards required by these rules.

**20. Identify any disproportionate impact the proposed rules may have on small businesses because of their size or geographic location.**

The proposed rules do not impact small business. They impact an individual registrant or licensee. Therefore, there is no disproportionate impact on a small business because of its size or geographic location.

**21. Identify the nature of any report and the estimated cost of its preparation by small businesses required to comply with the proposed rules.**

The proposed rules affect individuals applying for licensure and renewal, regardless if they practice in a small business. There is no separate cost to a small business.

**22. Analyze the costs of compliance for all small businesses affected by the proposed rules, including costs of equipment, supplies, labor, and increased administrative costs.**

There are no expected costs for equipment, supplies, labor, or administrative costs that a small business would incur in complying with the proposed rules.

The rules impact licensees and not small businesses.

**23. Identify the nature and estimated cost of any legal, consulting, or accounting services that small businesses would incur in complying with the proposed rules.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**24. Estimate the ability of small businesses to absorb the costs without suffering economic harm and without adversely affecting competition in the marketplace.**

There are no expected costs for legal, consulting, or accounting services that a small business would incur in complying with the proposed rules.

**25. Estimate the cost, if any, to the agency of administering or enforcing a rule that exempts or sets lesser standards for compliance by small businesses.**

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's practice qualifies as a small business, the department could not exempt his or her business because it would create disparity in the regulation of the profession.

Therefore, there is no cost to the agency for administering or enforcing the rules because exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**26. Identify the impact on the public interest of exempting or setting lesser standards of compliance for small businesses.**

The proposed rules impose requirements on individual licensees rather than a small business. Even if a licensee's work qualifies as a small business, the department could not exempt his or her business because it would create a disparity in the regulation of the profession. Therefore, exempting or setting lesser standards of compliance for a small business is not in the best interest of the public.

**27. Describe whether and how the agency has involved small businesses in the development of the proposed rules.**

The department worked with the Michigan Board of Veterinary Medicine in the development of the proposed rules. The Board is composed of members of the profession and public members.

**A. If small businesses were involved in the development of the rules, please identify the business(es).**

No small businesses were involved in the development of the rules.

**28. Estimate the actual statewide compliance costs of the rule amendments on businesses or groups.**

There are no estimated compliance costs with these rule amendments on businesses or groups.

**A. Identify the businesses or groups who will be directly affected by, bear the cost of, or directly benefit from the proposed rules.**

No businesses or groups will be directly affected or benefitted by the proposed rules. No additional costs will be imposed on any businesses or groups.

**B. What additional costs will be imposed on businesses and other groups as a result of these proposed rules (i.e. new equipment, supplies, labor, accounting, or recordkeeping)? Please identify the types and number of businesses and groups. Be sure to quantify how each entity will be affected.**

No additional costs will be imposed on any businesses or groups.

**29. Estimate the actual statewide compliance costs of the proposed rules on individuals (regulated individuals or the public). Include the costs of education, training, application fees, examination fees, license fees, new equipment, supplies, labor, accounting, or recordkeeping.**

It is estimated that there will be no new compliance costs imposed on individuals as a result of the proposed rules.

A licensee may currently render telehealth services as provided by statute. The new rules do not require a licensee or registrant to provide telehealth services, so there is no cost to comply with this rule.

If a licensee chooses to provide telehealth services, the new rules require that he or she maintain the statutorily required consent for treatment, but a licensee or registrant must currently maintain medical records in compliance with MCL 333.16213. It is anticipated that this consent will be retained in the client's medical records without imposing any additional costs for recordkeeping.

The proposed telehealth rule also requires that a telehealth service be provided in compliance with current privacy-protection laws. It is anticipated that licensees are in current compliance with privacy-protection laws related to their use of electronic communication and record-keeping in their practice, as provided by state or federal statute. It is estimated that if a licensee or registrant provides telehealth services, this requirement in the telehealth rule will not impose any additional costs to ensure privacy.

**A. How many and what category of individuals will be affected by the rules?**

All licensees and applicants are affected by the proposed rules.

**B. What qualitative and quantitative impact do the proposed changes in rules have on these individuals?**

There is no qualitative or quantitative impact on individuals as a result of the proposed rules.

**30. Quantify any cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.**

There are no cost reductions to businesses, individuals, groups of individuals, or governmental units as a result of the proposed rules.

**31. Estimate the primary and direct benefits and any secondary or indirect benefits of the proposed rules. Please provide both quantitative and qualitative information, as well as your assumptions.**

The proposed rules use clear, concise language, and implement the statutory requirements for licensing. The clear, concise language allows the public and licensees to better understand the requirements for licensure.

The proposed rules provide requirements to licensees who chose to render telehealth services. The requirements ensure public health and safety by limiting telehealth services offered to those within the licensee's scope of practice, consistent with in-person health care services, and based on sufficient knowledge of the animal patient to render a telehealth service. The requirements also ensure client privacy rights.

**32. Explain how the proposed rules will impact business growth and job creation (or elimination) in Michigan.**

The rules are not expected to have an impact on business growth, job creation, or job elimination in Michigan.

**33. Identify any individuals or businesses who will be disproportionately affected by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.**

The department does not expect any individuals or businesses to be disproportionately impacted by the rules as a result of their industrial sector, segment of the public, business size, or geographic location.

**34. Identify the sources the agency relied upon in compiling the regulatory impact statement, including the methodology utilized in determining the existence and extent of the impact of the proposed rules and a cost-benefit analysis of the proposed rules.**

American Veterinary Medical Association: <https://www.avma.org/>

Illinois: <https://ilga.gov/legislation/ilcs/ilcs3.asp?ActID=1326&ChapAct=225%26nbsp%3BILCS%26nbsp%3B115%2F&ChapterID=24&ChapterName=PROFESSIONS+AND+OCCUPATIONS&ActName=Veterinary+Medicine+and+Surgery+Practice+Act+of+2004%2E>;  
<https://www.ilga.gov/commission/jcar/admincode/068/06801500sections.html>

Indiana: <https://secure.in.gov/pla/2651.htm>

Kentucky: <https://www.kybve.com/practice-act.html>

Minnesota: <https://mn.gov/boards/veterinary-medicine/board/resources/statutes-rules.jsp>

New York: <http://www.op.nysed.gov/prof/vetmed/vetlaw.htm>

Ohio: <http://codes.ohio.gov/orc/4741>; <http://codes.ohio.gov/oac/4741>

Pennsylvania: <http://www.pacodeandbulletin.gov/Display/pacode?file=/secure/pacode/data/049/chapter31/chap31toc.html&d=reduce>;  
<https://www.dos.pa.gov/ProfessionalLicensing/BoardsCommissions/VeterinaryMedicine/Documents/Board%20Documents/Vet%20-%20Practice%20Act.pdf>

Wisconsin: [https://datcp.wi.gov/Pages/About\\_Us/VEBStatutesRulesGuidance.aspx](https://datcp.wi.gov/Pages/About_Us/VEBStatutesRulesGuidance.aspx)

**A. How were estimates made, and what were your assumptions? Include internal and external sources, published reports, information provided by associations or organizations, etc., which demonstrate a need for the proposed rules.**

Since the rules are required by statute, no estimates were made.

**35. Identify any reasonable alternatives to the proposed rules that would achieve the same or similar goals.**

Since the rules are required by statute, there are no reasonable alternatives to the proposed rules.

**A. Please include any statutory amendments that may be necessary to achieve such alternatives.**

Since the rules are required by statute, a statutory change would be needed to provide an alternative.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are required by statute, private market-based systems cannot serve as an alternative. The licensing of veterinarians is a state function, and states regulate veterinarians by statute, regulation, or both. Private market-based systems are not used for licensing and regulation.

There are professional organizations that establish criteria for membership, but these organizations would provide the public with significantly less protection because membership in many of these organizations is voluntary. This means an individual who meets the membership requirements but does not join one of the professional organizations would be able to practice, and there would be no way to ensure his or her competency or hold him or her accountable.

**36. Discuss the feasibility of establishing a regulatory program similar to that proposed in the rules that would operate through private market-based mechanisms. Please include a discussion of private market-based systems utilized by other states.**

Since the rules are specifically required by statute, there are no alternatives to the proposed rules that the agency could consider. They are necessary for the administration and enforcement of the licensing process.

**38. As required by MCL 24.245b(1)(c), please describe any instructions regarding the method of complying with the rules, if applicable.**

The instructions for compliance are included in the rules.