

CALIFORNIA HORSE RACING BOARD
TITLE 4. DIVISION 4. CALIFORNIA CODE OF REGULATIONS
RULE 1842. VETERINARIAN REPORT
FINAL STATEMENT OF REASONS

UPDATED INFORMATIVE DIGEST

There have been no changes in applicable laws from the laws described in the Notice of Proposed Action.

The California Horse Racing Board (Board) adopted the amendment to Board Rule 1842, Veterinarian Report, at the March 26, 2020, regular Board meeting. The public comment period was open from January 24, 2020 through March 9, 2020. The amendment to Board Rule 1842 provides that every veterinarian who treats a horse within the inclosure shall, using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by the official veterinarian: the name of the horse treated, the name of the trainer of the horse, the time of treatment, any medication administered to the horse, and any other veterinary medical information related to the horse's health requested by the official veterinarian to help ensure compliance with California Code of Regulations (CCR) Title 4, Division 4, or Business and Professions Code (BPC) Division 8, Chapter 4, or to promote horse health and safety.

The rulemaking package for the amendment to Board Rule 1842 was subsequently delivered to the Office of Administrative Law (OAL) for review on May 18, 2020. OAL recommended modifications to the rulemaking. Pursuing those modifications required the Board to issue a 15-Day Notice of Modification of the Text on July 14, 2020. The 15-day comment period was open from July 14, 2020 through July 29, 2020.

Modifications to Board Rule 1842, Veterinarian Report

OAL recommended modifications to the text of Board Rule 1842 for clarity. Subsection 1842(a) was amended to read "Every veterinarian who treats a horse within the inclosure shall, using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by the official veterinarian". The modification replaced the word "him" with the words "the official veterinarian". The modification was necessary to make clear who was prescribing the manner of reporting. It is the official veterinarian's responsibility to prescribe the manner of reporting, and no other individual shall do so. Also, the word "him" does not provide for persons of non-male genders to do the prescribing, though in practice, this can be the case. Therefore, it was necessary to modify the text to use a gender-neutral phrase to more accurately reflect who might be prescribing the manner of reporting.

New subsection 1842(a)(4) was added to reflect the requirements of BPC 19583. BPC section 19583 provides that every veterinarian who treats a horse within the inclosure shall, in writing, on a form prescribed by the Board, report to the official veterinarian in a

manner prescribed by him or her, the name of the horse treated, the name of the trainer of the horse, the time of treatment, *any medication administered to the horse*, and any other information requested by the official veterinarian. New subsection 1842(a)(4) adds the exact text provided in BPC 19583, specifically “any medication administered to the horse”. As such, it is a non-substantive change because the requirement to report any medication administered to the horse is already in existing statute.

Prior subsection 1842(a)(4) was renumbered subsection 1842(a)(5) and further modified to provide that treating veterinarians report “any other veterinary medical information related to the treated horse’s health requested by the official veterinarian to help ensure compliance with California Code of Regulations Title 4, Division 4, or Business and Professions Code Division 8, Chapter 4, or to promote horse health and safety”. The modification specifies the scope of the information that shall be requested by the official veterinarian with the phrase “veterinary medical information related to the treated horse’s health”. The modification was necessary to clarify which type of information shall be requested by the official veterinarian. No information shall be requested that is not veterinary medical information, and the official veterinarian shall only request information related to the treated horse’s health under Board Rule 1842, not information regarding a different horse under the care of the same trainer or other trainers.

The modification to subsection 1842(a)(5) was also necessary to create a regulatory trigger that governs when the official veterinarian would request any other veterinary medical information related to the treated horse’s health. The only instances in which an official veterinarian would request such information is when the official veterinarian is trying to help ensure compliance with CCR Title 4, Division 4, or BPC Division 8, Chapter 4, or to promote horse health and safety. Reasons unrelated to these regulatory triggers are not acceptable reasons for requesting any other veterinary medical information related to the treated horse’s health.

Non-Substantive Amendment to Board Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing

OAL recommended modifications to Board Rule 1869, Prohibited Drug Substances in Out-of-Competition Testing for consistency. Subsection 1869(a)(5)(A) has been modified to update the revision date referenced regarding form CHRB-24, Veterinarian Report, from “Rev. 7/15” to “Rev. 01/18”. Similarly, subsection 1869(a)(13)(B) has also been modified to update the reference to form CHRB-24 from “Rev. 7/15” to “Rev. 01/18”. The update is consistent with Board Rule 1866.1, Presence of Clenbuterol in Quarter Horses, which incorporates by reference the CHRB-24, Veterinarian Report with a revision date of “Rev. 01/18”. The modifications to Board Rule 1869 have no regulatory effect because they simply update the reference to the form CHRB-24 to the most current revision date which is already in effect.

The Board subsequently approved the modifications and adopted Board Rule 1842 at the August 20, 2020 Regular Board meeting.

CORRECTION TO THE AMENDED NOTIFICATION OF POSTPONEMENT OF REGULATORY HEARING FOR THE PROPOSED AMENDMENT OF RULE 1842, VETERINARIAN REPORT, PUBLISHED AND SENT ON MARCH 20, 2020

The Board issued an Amended Notification of Postponement of Regulatory Hearing for the Proposed Amendment of Board Rule 1842, Veterinarian Report on March 20, 2020. The Notification was in response to the emerging COVID-19 pandemic and subsequent health department guidance to maintain social distancing. The notification amended a March 17, 2020 Notice of Change of Date and Location that provided that the public hearing for the proposed amendment to Board Rule 1842 would take place at the California Horse Racing Board Headquarters and also by teleconference on March 26, 2020. The original notice published on January 24, 2020 had a public hearing date of March 19, 2020 but due to COVID-19 the hearing and regular Board meeting was rescheduled. The March 20, 2020 amendment to the Notification modified the Notice to provide that only teleconference participation would be provided, and no public physical location would be used to maintain social distancing.

Within the March 20, 2020 Notice was a clerical error. In the final paragraph of the March 20, 2020 Notice there is a reference to Board Rule 1503. This was a clerical error and should have referenced Board Rule 1842, as the rest of the March 20, 2020 document does. Similarly, all other related documents, including the March 17, 2020 Notice and the original January 24, 2020 Notice of Proposed Action reference the correct California Code of Regulations Section 1842.

LOCAL MANDATE DETERMINATION

The amendment to Board Rule 1842 does not impose any mandate on local agencies or school districts.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 45-DAY NOTICE PERIOD OF JANUARY 24, 2020 THROUGH MARCH 9, 2020.

Comment: It is not clear whether the new on-line electronic form of reporting is a new software program or a digital form of the already existing paper-based reporting.

Response: The amendment to Board Rule 1842 provides that every veterinarian who treats a horse within a Board inclosure shall, using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by him: the name of the horse treated, the name of the trainer of the horse, the time of treatment, and any other information requested by the official veterinarian. As such, the traditional paper-based confidential reporting will be digitized and filled out online. However, the form of reporting prescribed by the Board can be facilitated through a new software. Such is the case, as at present, the Board plans to use the Electronic Treatment Record Database (ETRD) developed by the Jockey Club. The reporting veterinarian will be able to access the reporting software on the Board's website, wherein there will be a page to input all the required data.

Comment: The proposed on-line electronic form of reporting prescribed by the Board should be tested by veterinarians before the amendment is implemented.

Response: Though the Board itself did not conduct tests with veterinarians using the prescribed ETRD software, the Jockey Club did conduct user tests with veterinarians when developing the software. The Board has determined that the Jockey Club's development process was rigorous enough and well-tested enough to warrant implementation for electronic recordkeeping within Board inclosures.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED AT THE MARCH 26, 2020 REGULATORY HEARING.

Comment: (Transcript pages 105 - 107) Amend Board Rule 1842 to provide that veterinarians turn in the traditional paper-based confidential veterinary treatment reports to a Board staff member, and that staff member shall input the data from those reports into the electronic on-line form prescribed by the Board.

Response: The Board has determined that this recommendation is too costly to implement and would require a significant increase in Board staff. When a veterinarian reports a treatment to the official veterinarian, the reporting veterinarian is responsible for reporting treatments that the reporting veterinarian themselves administered. If the Board were to input the treatments into the prescribed electronic on-line form, the Board would be responsible for inputting the treatments of all veterinarians administering treatment within Board inclosures. Additionally, the reporting veterinarians would still need to turn in physical paper-based forms to the Board staff. The forms are collected daily at Board inclosures, of which there are many and in varying locations throughout the state. Therefore, this recommendation would require the Board have the requisite number of staff to collect, process and input the form data at each Board inclosure. This proposed amendment would require a staffing increase that would be too burdensome and costly for the Board to implement. Therefore, the Board chose not to adopt this recommendation.

Comment: (Transcript pages 114 – 115) Amend Board Rule 1842 to provide that the Board does not prescribe a single electronic on-line form of reporting that it cannot change in the future if a new, improved, or better form of reporting is discovered or developed.

Response: The amendment to Board Rule 1842 provides that the electronic on-line form of reporting is prescribed by the Board, but the amendment does not prohibit the Board from changing its prescribed form of reporting if a better form is discovered or developed at a later date. Therefore, the Board has determined that the adopted language is sufficient to allow for the recommended flexibility.

Comment: (Transcript page 121) Amend Board Rule 1842 to provide that the Veterinarian Report is public and the database that stores the reports is publicly accessible and searchable from the Board's website.

Response: Subsection 1842(b) provides that any Veterinarian Report is confidential, and its content shall not be disclosed except in a proceeding before the stewards or the Board, or in exercise of the Board's jurisdiction. This subsection is necessary to ensure compliance with BPC section 4857, Issuance of Licenses, subsection (a), which provides that a California licensed veterinarian shall not disclose any information concerning an animal receiving veterinary services, the client responsible for the animal receiving veterinary services, or veterinary care provided to an animal, except under specific conditions outlined in the statute. To ensure compliance with BPC 4857(a), the Board has determined that confidentiality of the Veterinary Report is necessary, and therefore will not implement the recommended amendment to provide that the Veterinary Report be available to the public.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE 15-DAY NOTICE PERIOD FROM JULY 14, 2020 TO JULY 29, 2020.

Comment: The Amended Notification for the Proposed Amendment of Rule 1842, Veterinarian Report, published March 20, 2020 was defective in that it referred to the amendment of Rule 1503 rather than Rule 1842. Consequently, the Board should rescind its prior adoption of amendments to Rule 1842 and refrain from engaging further in the rulemaking process regarding Rule 1842 until such time as the public receives proper notice consistent with the Administrative Procedures Act.

Response: The Amended Notification for the Proposed Amendment of Board Rule 1842, Veterinarian Report, published March 20, 2020 contained a clerical error. In the final paragraph of the March 20, 2020 Notice there is a reference to Board Rule 1503. This was a clerical error and should have referenced Board Rule 1842, as the rest of the March 20, 2020 document, including the title, does. Similarly, all other related documents, including the March 17, 2020 Notice and the original January 24, 2020 Notice of Proposed Action reference the correct CCR section 1842. The clerical error is the one and only accidental reference to Board Rule 1503. Additionally, the Board complied fully with the provisions of Government Code (GC) section 11346.8 regarding the mailing of the March 20, 2020 Notice. Therefore, the March 20, 2020 Notice is consistent with the Administrative Procedures Act and is not deficient.

Comment: While a significant number of the veterinarians I represent are supportive of the transition to electronic reporting, they are concerned that the implementation of the currently available reporting system is premature as the system is inchoate, cumbersome, time consuming, and may result in several reporting errors.

Response: While there can be friction in the rollout and adoption of new technology, the Board has sought to implement a software that is user friendly, maximizes efficiency, and has been trial tested by practicing equine veterinarians. The reporting software

developed for veterinary reporting that the Board has determined to implement provides a reporting format consistent with the form CHRB-24 while also improving legibility, manageability, and efficiency. Board Rule 1842 also provides the Board with the flexibility to transition to a different software if a superior technology emerges.

While it may be difficult for practicing veterinarians to transition to a new reporting format, the existing paper CHRB-24 presents problems for Board regulators and investigators. The handwritten CHRB-24 does not guarantee legibility, and high volumes of CHRB-24's can quickly inundate official veterinarians, making the task of sorting through the CHRB-24's cumbersome and time consuming. Additionally, the paper CHRB-24's lack a searchable database, preventing a thorough analysis of the relationship between veterinary procedures and horses' health and safety.

Comment: In order to move forward in a productive manner, we must have a system that:

1. Is user friendly for the veterinary practitioner and can be used continually throughout the day as the primary means of maintaining medical records. Medical record codes should be consistent and shared by all veterinarians.
2. Communicates with the practice billing software so as to avoid increased workload.
3. Can be used by all veterinarians, regulators, and racing associations so that every entity is on the same platform and records kept by each group can be shared with all parties involved in the care of the horse.
4. Can extract medical information automatically in a manner that would eliminate the need for multiple or separate forms.

Response: The Board has determined that the reporting technology being implemented pursuant to Board Rule 1842 is the optimal technology available currently. Furthermore, Board Rule 1842 provides the Board with flexibility to determine that new and emerging technology may be more optimal than the currently implemented software. When such technology emerges, the Board may implement the new technology pursuant to Board Rule 1842. The qualities listed in the above comment are worthy aspirations for a reporting technology, but no such software with all of these qualities currently exists. If such software should emerge, the amendment provides for the Board to implement such software. Furthermore, the reporting software being implemented pursuant to Board Rule 1842 improves user friendliness and legibility of medical record codes, sharing of medical records between authorized parties, and with the aid of a portable device, provides for the maintenance of medical records continually throughout the day by practicing veterinarians, as compared to the former paper version of the form CHRB-24.

Comment: The Board needs a system in which Board-licensed trainers are responsible for inputting medications that horses in their care receive, as is already a requirement under existing Board rules that a trainer shall maintain medical and training records.

Response: Board Rule 1842 governs the conduct of Board-licensed veterinarians regarding the production and submission of veterinarian reports to the official veterinarian. Therefore, provisions governing the conduct of Board-licensed trainers are outside the scope of Board Rule 1842.

Comment: The only way to improve systems for predicting and preventing catastrophic breakdowns in race horses is to acquire more data, including veterinary records of private and regulatory veterinarians and trainers' records.

Response: The amendment to Board Rule 1842 facilitates the creation of an electronic database that improves the functionality of the Board by digitizing veterinarian records, making them legible, searchable, and archivable. The improved functionality that the amendment brings will improve the Board's data gathering capacity regarding medical records of treating veterinarians and regulatory veterinarians. Records maintained by Board-licensed trainers are governed by Board Rule 1842.5, Trainer to Maintain Medication Treatment Records, and thus is not within the scope of the amendment to Board Rule 1842.

Comment: The software implemented by the Board, pursuant to Board Rule 1842 and developed by the Jockey Club, does not meet the requirements that a program be user friendly and utilize a standardized uniform coding system, communicate with practice billing software, be utilized by both private, association, and regulatory veterinarians, and eliminate the need for separate forms.

Response: The requirements listed in the comment are not requirements adopted by the Board, nor are they required by existing statute. The amendment to Board Rule 1842 provides that the Board shall prescribe an electronic on-line form with which treating veterinarians shall report any treatment to a horse within a Board inclosure. The Board has determined to implement the best available technology to facilitate the electronic on-line reporting of veterinary treatment within a Board inclosure, and at such time that a more optimal technology for such use arises, the Board may, pursuant to Board Rule 1842, prescribe the more optimal technology.

Comment: The Board should pursue a system with measurable impact on the health and safety of equine athletes.

Response: The amendment to Board Rule 1842 will facilitate the digitization of veterinarian records, thereby enabling the creation of a searchable database. The database will improve functionality of the Board's recordkeeping and enable Board staff to more efficiently and thoroughly examine and analyze the relationship between measurable veterinary treatment data and horse health and safety.

Comment: The Minnesota Racing Commission has made the same reporting system that the Board is implementing mandatory in Minnesota. Some Minnesota treating veterinarians have reported that the software is not user friendly, required a tremendous amount of time to use, and generated reporting errors. The Board should not follow the same path as the Minnesota Racing Commission.

Response: The amendment to Board Rule 1842 does not require that the Board implement any specific technology to facilitate veterinarian reports. The amendment provides that the Board prescribe an electronic on-line form of reporting. Presently the Board has determined to implement software that the Board has determined is the best available technology to facilitate reporting pursuant to Board Rule 1842. The Board has determined that this technology is more user friendly, efficient, less time consuming, and less prone to error than the traditional paper version form CHRB-24. If a more optimal technology should arise, the amendment to Board Rule 1842 provides that the Board may implement that more optimal technology.

Comment: The Board should not implement changes to the veterinarian reporting regulations similar to Minnesota. The Board should work toward a system for veterinarian reporting that will become the national standard.

Response: The amendment to Board Rule 1842 provides a framework for how Board-licensed veterinarians report veterinary treatments to horses within Board inclosures to the official veterinarian. The Board has jurisdiction over licensees in California, not in any other state. The amendment to Board Rule 1842 provides the Board with the flexibility to prescribe forms of electronic on-line reporting that respond to the evolving needs and requirements of the California racing industry. That alone is the Board's concern.

Comment: Just because the Jockey Club designed a system does not mean that the system cannot be improved or that a system cannot be designed that fulfills the Board's mission better.

Response: The amendment to Board Rule 1842 provides that the Board shall prescribe an electronic on-line form for veterinarians to report the treatment of a horse within a Board inclosure. The amendment does not specify which electronic on-line form is to be utilized, only that the Board shall prescribe which. The Board has determined to implement the most optimal electronic on-line form available, and should a more optimal form arise, the Board has the flexibility to transition to the more optimal form.

Comment: While my clients generally support the digitization of veterinary reports and appreciate the benefits of readily accessible data and accept the imposition of responsibility to report medical treatments pursuant to Board Rule 1842, they do not believe that the conversion of their required reporting of confidential veterinary information into a digital form is rightly their responsibility.

Response: The amendment to Board Rule 1842 provides that the Board and the official veterinarian shall prescribe the form and manner of reporting that treating veterinarians, who are Board licensees, shall be subject to. When the Board prescribes a form of reporting, in this case digital reporting, it is the licensee's responsibility to comply. While the Board understands that the transition to new reporting systems and requirements can be difficult, there are several practical problems preventing the Board from handling the input of handwritten reports received by treating veterinarians internally with Board staff. First, hiring additional staff and training them to input data at separate tracks where the veterinarian reports are received is cost-prohibitive. The Board has limited resources and cannot afford to either hire new staff or redirect existing staff to the task as that would detract from existing responsibilities. —Second, the handwritten veterinarian reports are often illegible, and the burden placed on Board staff who would need to contact the reporting veterinarian and clarify the information being reported in every case that the paper report was illegible would add an unfeasible amount of time and resources to the reporting process. Reporting veterinarians, who are already obligated to fill out a report every time they treat a horse within an inclosure, could more easily enter the information because they understand their own handwriting. Lastly, Board staff who would be responsible for entering the data are not veterinarians, so understanding the various abbreviations and veterinarian specific terminology would require clarification from Board veterinarian staff or from the reporting veterinarian, a requirement that would add an unfeasible amount of time and resources to the reporting process.

Comment: My clients would willingly engage in new procedures that provide the benefits of digital reporting so long as the procedures do not interfere with the practice of veterinary medicine; are not overly time-consuming; and produce reliable results. Unfortunately, the presently proposed procedure and related software do not conform to those goals.

Response: Board Rule 1485, License Subject to Conditions and Agreements, provides that all licensees are subject to conditions and agreements contained in the application for licensure and in the Board rules and regulations. The rule states that "all licensees shall strictly comply with any condition imposed by the Board". Therefore, the amendment to Board Rule 1842's requirement that treating veterinarians report to the official veterinarian using an electronic on-line form in a manner prescribed by the official veterinarian is not a question of willing engagement, but a requirement of licensure.

Comment: My clients do not argue against the digital entry of veterinary information as required by the amendments to Board Rule 1842. Rather, they suggest that the Board forebear from the implementation of such digital reporting until such time as the problems related to such digital reporting are resolved.

Response: The Board adopted the amendment to Board Rule 1842 to improve the safety and welfare of race horses in California. The implementation of digital reporting of veterinarian reports will enable the Board to create a searchable database of

veterinary reports, helping the Board efficiently and thoroughly analyze the relationship between veterinary treatments and horse health outcomes. The need for this increased functionality is urgent. Were the Board to forebear from the implementation of digital reporting as the comment suggests, the quality of the Board's ability to analyze the relationship between veterinary treatment and horse health outcomes would be lessened, and therefore, the safety and welfare of California race horses would be lessened. The Board has determined that this outcome is unacceptable and will not forebear from the implementation of the amendment to Board Rule 1842.

Comment: The ability to forebear from the immediate implementation of digital reporting while proceeding with the adoption of modifications to the existing rule could be accomplished by the following further amendment to subsection 1842(a):

Modify subsection 1842(a) to read "Every veterinarian who treats a horse within the inclosure shall, at the option of the Board, either, in writing on a form prescribed by the Board or using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by the official veterinarian".

The suggested modification would allow the Board to expeditiously proceed with the rulemaking process while providing the Board the ability to implement the transition to digital reporting when existing problems with such implementation have been resolved.

Response: The suggested modification to the text of the amendment is insufficient due to a lack of clarity and parsimony. The Board has determined that digital veterinarian reports are necessary to improve the safety and wellbeing of California race horses by increasing the Board's ability to analyze the relationship between veterinary treatments and horse health outcomes. This improvement is accomplished with the implementation of an electronic records database which provides for searchable, archivable, and legible veterinarian reports that Board veterinarians can use to analyze the relationship between veterinary treatments and horse health outcomes, and Board investigators can use to enforce the Board's rules and regulations as set out in Title 4, Division 4 of the CCR, and Division 8, Chapter 4 of the BPC. Therefore, paper handwritten veterinarian reports are unacceptable because they may hinder the Board with decreased functionality by being illegible, non-searchable, and cumbersome to archive and store. This decreased functionality is detrimental to the improvement of horse health and safety. Therefore, the proposed modified text lacks clarity because it provides that veterinarian reports can be submitted either in writing on a form prescribed by the Board or using an electronic on-line form prescribed by the Board, at the option of the Board. However, the Board will always opt to prescribe electronic on-line reports because electronic on-line reports benefit horse health and safety, so the inclusion of the option to prescribe handwritten veterinarian reports is unclear and misleading because the Board will not prescribe this option. The adopted amendment is also more parsimonious than the proposed modified text because it does not include the misleading portion that provides for the Board to opt for prescribing handwritten veterinarian reports when the Board will not ever do so.

SUMMARY AND RESPONSE TO COMMENTS RECEIVED DURING THE AUGUST 20, 2020 REGULATORY HEARING.

Comment: The amendment to Board Rule 1842 will cause frustration for attending veterinarians who have to learn a new program for reporting veterinary treatments to the Board pursuant to Board Rule 1842.

Response: The Board is making efforts to ease the transition to the new reporting software for treating veterinarians. The Board has arranged conference calls and webinars with the developers of the software that the Board has determined to implement pursuant to Board Rule 1842, and Board-licensed veterinarians were invited to attend. Additionally, access to the reporting software is free and the implementation of the amendment to Board Rule 1842 will not take effect until at least January 1st, so Board-licensed veterinarians have ample time to become familiar with the reporting software before the amendment takes effect.

ALTERNATIVE DETERMINATION

The Board has determined that no alternative would be more effective in carrying out the purpose for which the regulation is proposed or would be as effective and less burdensome to affected private persons than the proposed regulation or would be more cost effective to affected private persons and equally effective in implementing the statutory policy or other provisions of law. The proposed amendment of Board Rule 1842, Veterinarian Report, provides that every veterinarian who treats a horse within the inclosure shall, using an electronic on-line form prescribed by the Board, report to the official veterinarian in a manner prescribed by the official veterinarian: the name of the horse treated, the name of the trainer of the horse, the time of treatment, Any medication administered to the horse, and any other veterinary medical information related to the treated horse's health requested by the official veterinarian to help ensure compliance with CCR Title 4, Division 4, or BPC Division 8, Chapter 4, or to promote horse health and safety.

The Board invited interested persons to present statements or arguments with respect to alternatives to the proposed regulation at the scheduled hearing or during the written comment period.

Set forth below are the alternatives which were considered and the reason the alternative was rejected or adopted:

- A proposal to amend Board Rule 1842 to provide that the Board provide staff in the inclosures to collect, process and input data from paper Veterinary Reports, collected from reporting veterinarians, into the electronic on-line reporting form prescribed by the Board, was considered. The proposal was rejected because it was too costly and burdensome for the Board to implement. Implementation of the proposal would require a significant increase in Board staff to accomplish the processing and input of the large quantity of data from daily Veterinarian Reports.

In contrast, providing that the reporting veterinarians input their own data may increase the burden on reporting veterinarians because they would potentially need to input data twice, once into their own internal system, and once into the Board's prescribed system, but those veterinarians would only be responsible for their own Veterinarian Reports, not the entirety of reports received daily in every Board inclosure, as would be the Board's case given the proposal.

- A proposal to amend Board Rule 1842 to provide that the Board has the option to prescribe either a written form of reporting or an electronic on-line form of reporting to the official veterinarian, in a manner prescribed by the official veterinarian, from treating veterinarians was considered. The proposal was rejected because the Board has determined that handwritten veterinarian reports are detrimental to the improvement of horse health and safety because handwritten veterinarian reports are often illegible, non-searchable, and cumbersome to archive and store. Therefore, handwritten veterinarian reports have decreased functionality compared to electronic on-line veterinarian reports which enable the Board, through increased legibility, archivability, and searchability, to more efficiently and effectively analyze the relationship between veterinary treatment and horse health and safety. Therefore, the inclusion of an option for the Board to prescribe a form of handwritten reporting makes the text unclear and contradictory because the Board has determined that handwritten veterinarian reports are unacceptable due to their lessened benefit to horse health and safety.

No alternatives that would lessen any adverse economic impact on small businesses were proposed.