

4713-1-01

**Definition of board of cosmetology.**

- (A) The term "board" means the Ohio state board of cosmetology.
- (B) The term "board member" means those members appointed by the governor of the state in accordance with Chapter 4713. of the Revised Code who are vested with both statutory and discretionary authority.
- (C) "Advanced practice services" means services provided which are within the license scope of practice and may require certification for use of machines, devices, chemicals or techniques.
- (D) "Advanced techniques" means enhanced skills used to provide services which are part of the licensee's scope of practice.
- (E) An "applicant" is an individual who is applying for admission to a school or who is applying to take an examination for a board license or who is applying for a permit from the board. An applicant may also apply for a position in a salon or tanning facility or may be a person applying to provide a service to the board.
- (F) "Appropriate disinfectant" is defined as follows:
- (1) For objects that come in contact with intact skin, the appropriate disinfectant would be an environmental protection agency (EPA) registered, hospital grade bactericidal (esp. pseudomonacidal), virucidal, and fungicidal (quanternary ammonium compound – "quat") that is mixed and used according to the manufacturer's directions or bleach in a ten percent solution for ten minutes.
  - (2) For objects that come in contact with bodily fluids or blood, an appropriate disinfectant would include an EPA disinfectant registered as effective against "HIV/HBV". An acceptable alternative is a bleach solution, mixed as described in paragraph (A) of 4713-15-03. If using bleach, the item shall be soaked in the solution for ten minutes.
- (G) "Biometrics" means the identification of humans by certain traits or characteristics.
- (H) A "candidate" is an individual who has applied to take the examination.
- (I) "Client" means the recipient of cosmetology services, or the services of a tanning facility. A client may include a person, group or community. The words "patron" and "client" may be used interchangeably. A "client" or a "patron" may also be a "consumer".
- (J) "Chemical treatment" means any product or procedure, including the preparation and/or application of the product that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

- (1) Permanent waving and soft permanent waving;
  - (2) Chemical straightening;
  - (3) Hair coloring and bleaching (semi-permanent and permanent);
  - (4) Chemical skin peel and products;
  - (5) Depilatory product; and
  - (6) Lash and brow tinting products.
- (K) “Corrective action course” means a remedial training used as a tool to improve the cosmetology service provided by licensees who have violated a board rule or law. A corrective action course is not to be confused with a continuing education course, designed to improve the skills of a licensee.
- (L) “Cosmetology service” means any service provided to a client within the scope of practice of cosmetology or of any branches of cosmetology.
- (M) “Device” means, for purposes of this chapter, implements and equipment designed to perform a specific service. The term “instrument” may be interchanged with the term “device.”
- (N) An “employee” is an individual whose practice of the service of cosmetology or a branch of cosmetology or who works in a tanning facility in exchange for compensation is controlled and directed by an employer. An employee receives a salary or commission and or benefits. An employee has taxes taken out of the salary or commission. Any employee may have authority in the interest of the employer where it is necessary to use independent judgment, such as supervising and directing other employees, or hiring, transferring or rewarding other employees.
- (O) An “employer” is a person who controls and directs the services provided by one or more employees. An employer is responsible for withholding tax from the salary or compensation of the employees.
- (P) “Equipment” means tools needed for a particular purpose. Equipment may be a type of machine used to provide a service. Equipment may be mechanical or electrical and, in some instances, may also be considered implements.
- (Q) “Escrow” means that a license is held in an inactive state for reasons defined in section 4713.61 of the Revised Code.
- (R) An “examiner” means an individual to whom the board has given the authority to administer theoretical and practical examinations for licenses and certifications. An examiner may be an employee or may be a consultant for the board.

(S) “Exfoliation” means the sloughing off of non-living (dead) skin cells by very superficial and non-invasive means.

(T) An “independent contractor” is an individual who is not an employee of the salon, but who practices a branch of cosmetology within a salon subject to an agreement and who has an independent contractor’s license.

(U) “Infection control” means to prevent disease and infection by addressing factors related to the spread of infections by cleaning, sanitizing, disinfecting and sterilization.

(1) “Sanitize” means the conditions or practices conducive to maintaining health and preventing disease, especially through cleanliness and disinfection. It also includes using chemical or physical means to remove visible debris from an object or surface. Sanitation may be a two-part process including both cleaning and disinfecting.

(2) “Disinfect” means to use a disinfectant that kills or irreversibly inactivates most bacteria, fungi and viruses in order to clean an item or facility of infection and to rid an item or facility of microorganisms and odors, to prevent disease or disorders. Disinfection is a more thorough means of ridding a surface or a fluid of a possibly dangerous microbial life than sanitation. Disinfection is a part of sanitizing.

(3) “Sterilization” means a process that eliminates, removes or kills all forms of microbial life, including transmissible agents such as fungi, bacteria, viruses, spore forms, etc. present on a surface, contained in a fluid or elsewhere, and can be achieved by applying the proper heat or other by using other procedures. Sterilization terminates all possibly dangerous microbial life whereas sanitation and disinfection reduce the numbers of pathogenic organisms to a level a reasonably healthy individual can tolerate. Salon, schools and tanning facilities are not required to sterilize implements or equipment under Ohio law, but salons, schools and tanning facilities may use sterilization as an extra safety/infection control precaution after disinfection.

(4) “Clean” means free from dirt, marks, or pollutants, or attentive to personal hygiene. The verb “to clean” means to remove dirt, marks or debris from something or someone. Cleaning is a part of sanitizing.

(V) “Implement” means a type of instrument, usually specially designed to perform a specific service.

(1) “Non-porous implement” means a type of instrument that does not permit in water, air, or other fluids to get into the instrument. A non-porous implement may be cleaned, sanitized and disinfected as set forth in rule 4713-15-03 of the Administrative Code.

- (2) “Porous implement” means a type of instrument that has pores that allow fluids or gases to penetrate it. Porous implements shall be discarded after one use as set forth in rule 4713-15-03 of the Administrative Code.
- (W) “Inspector” means an authorized agent of the board who has the authority to enter a salon, a school or tanning facility or any other facility purporting to offer cosmetology or tanning services to make reasonable inspections or investigations. An inspector may inspect or investigate any person who holds a license or a permit from the board, provides continuing education training, tanning certification training or who acts as a licensee or permit holder, but does not hold a license or permit from the board.
- (X) “Inspection report” means the written report on forms provided by the board that the inspector shall prepare after inspecting or investigating a licensee or a person acting as a licensee.
- (Y) “Inspection” means to examine, look into, check over or view for the purpose of ascertaining the quality or conditions of the licensee or of a person acting as a licensee or a licensee or the possible violation of law or rule by a person acting as a licensee.
- (Z) “Instrument” means, for purposes of this chapter, implements and equipment designed to provide a specific service. The term “device” may be interchanged with the term “instrument.”
- (AA) “Investigation” means an inspection plus the process of inquiring into, tracking down, searching into or for, examining or observing or inspecting the licensee, permit holder or of a person acting as a licensee or a permit holder for possible violations of law or rule. An investigation is usually started after a person files a complaint with the board.
- (BB) “Investigator” means an individual who conducts an investigation or an inspection.
- (CC) “Legal residence” means the residence where a person has a permanent home or principal establishment and to where, whenever a person is absent, that person intends to return; every person is compelled to have one and only one legal residence at a time.
- (DD) “Model” means a mannequin head or an artificial hand or a living individual.
- (EE) “Non-invasive” means confined to the nonliving cells of the epidermis specifically the stratum corneum (outer) layer. Living cells must never be altered, cut or damaged. During services performed by individuals licensed in cosmetology or a branch of cosmetology, at no time should the basal layers be compromised.
- (FF) “One year” for purposes of computing work experience is equal to eighteen hundred

hours of employment.

(GG) "Operator" means the owner of a salon, a non-licensed business manager, a manager or an individual delegated by the owner to run a salon. For purposes of tanning, an operator is an employee of a tanning facility who has successfully completed and successfully passed, with a minimum score of seventy-five percent, a board approved training course and holds a board approved certificate.

(HH) "Owner" means a person who has substantial control and a financial interest over a salon, school or tanning facility.

(II) "Person" includes an individual, corporation, business trust, estate, trust, partnership and association.

(JJ) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or trained to assist a mobility impaired individual. A "service animal" may be a miniature horse, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability subject to an assessment of the type, size, and weight of the miniature horse and whether the facility can accommodate these features. The crime deterrent effects of the animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

(KK) "Student" means an individual who is studying in order to obtain sufficient knowledge to be licensed in the practice of cosmetology or a branch of cosmetology or who wishes to become certified in tanning. An individual who enrolls in courses after obtaining a permit or a license becomes a student for the duration of the course.

(LL) "Therapy" means a non-invasive, non-medical and non-healing service, such as aroma therapy or other relaxation services.

(MM) "Unregulated services" means services that are not regulated under the Ohio Revised Code or Administrative Code or the laws or regulations of any other governmental agency.

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