



THE OHIO STATE BOARD OF COSMETOLOGY

1929 GATEWAY CIRCLE GROVE CITY, OHIO 43123
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NOTICE OF PUBLIC HEARING

Acting under the authority of the Ohio Revised Code Sections 119.03, the Ohio State Board of Cosmetology hereby announces a public hearing will be held on Monday, February 9, 2015 at 9:00 a.m. in the Board room, 1929 Gateway Circle, Grove City, Ohio.

This is a statement of the agency's intention to promulgate the following rules:

Amended Rules

- **4713-1-01:** Definitions - Definitions for common area, armed forces, active duty military member, and veteran are being proposed.
- **4713-1-14:** Human trafficking – This rule is being proposed to amend the language to better meet, but not exceed the requirements of the law.
- **4713-5-17:** Licensed instructors on premises - This rule is being re-worded to better explain the necessity and role of a Board licensed instructor. This rule establishes minimum student to instructor ratios for clinic and classroom settings.
- **4713-7-02:** No communication between applicants during examination - This rule establishes the code of conduct for persons taking an examination in branches of cosmetology. Changes add clarifying words, such as "sit at" were changed to "be assigned" and "table or desk" was changed to "workstation". The words were changed to better describe what actually takes place during an exam. In addition, the Board added clarification that calculators were an exception to prohibited conduct.
- **4713-8-09:** Offering advanced practice, advanced techniques or unregulated services - This rule was amended to allow all board licensees to provide permanent makeup services. The rule also adds language requiring the Board to approve permanent makeup training programs.
- **4713-11-04:** Permits - This rule was re-worded to explain that all salons and facilities are responsible to comply with all state, local and federal regulations.
- **4713-11-10:** Services that may be provided in a salon – This rule is being amended to removed paragraph (A)(2) because the same information is explained in paragraph (A)(1). Paragraph (B)(2) was removed because the agreement requirement for salons and employees (OAC 4713-13-08) is being rescinded. Paragraph (C) is being removed because the agreement requirement for salons and independent contractors (4713-13-02(B)(2)(a)(i,ii,iii,iv, v,vi) (b)(c)(d)(e)(f)(g)) is being removed.
- **4713-13-02:** Independent contractor – This rule is being amended to remove requirement for an agreement between salon owners and independent contractors.

- **4713-13-10:** Demonstrations at trade shows and other events – This rule is being amended to remove the phrase "or other public events.". A special occasion work permit must be obtained by a licensee in order to perform services in an unlicensed facility or outside of a trade show.
- **4713-19-14:** Training of operators and employees – This rule is being amended to amplify current language. There were two typos that were found and corrected. This rule establishes the requirement that a tanning facility must have an operator that holds a valid/current certification of formal training. In addition, the rule establishes requirements that must be met to be recognized as an approved tanning operator training program.
- **4713-21-04:** Licensure renewal procedures – This rule is being amended to extend continuing education due dates for active military members and their spouses (when applicable).

New Rules

- **4713-5-21:** Instructor limitations - This rule explains what an instructor can and can't do while in a school. This rule was combined with 4713-5-20.
- **4713-7-08:** Applications to practice branches of cosmetology from active duty military members, spouses of active duty military members, or veterans - The rule explains who is eligible for obtaining licensure based on military or veteran status. It also explains the requirements.
- **4713-7-09:** Out of state license holder applications for Ohio licenses - This rule explains the requirements to become licensed in Ohio for an individual who is licensed in another state.
- **4713-7-10z:** Testing fraud - This rule addresses testing fraud.
- **4713-21-05:** Continuing education extension program - The rule explains what conditions must be met in order to receive an extension of completion time and/or waiver of continuing education.

Rescinded Rules

- **4713-5-20:** Duty of instructors - This language is being merged with OAC 4713-5-21 and the rule is being rescinded.
- **4713-5-21:** Instructor or apprentice instructor restrictions - This rule is being combined with 4713-5-20 and submitted as a new OAC 4713-5-21, rescinding the current OAC 4713-5-21.
- **4713-7-09:** Out of state license holder applications for Ohio licensees - This rule is being re-written as three separate rules and the current rule rescinded.
- **4713-13-08:** Salon/employee written agreement - This rule is being rescinded to remove service level agreement between the employee and employer.
- **4713-21-05:** Continuing education extension program - This rule is being rescinded and a new rule is being proposed.

The full text of the rules is available on The Board's website, and can be accessed at: <http://www.cos.ohio.gov/rulereview.php> (You may access each rule under this section individually).

On the date and at the time and place designated in this notice, any person affected by the proposed action of the Ohio State Board of Cosmetology may appear and be heard in person, by his/her attorney, or both; may present his/her position, arguments, or contentions orally or in writing; offer witnesses; and, present evidence tending to show that any proposal, if adopted or effectuated, will be unreasonable or unlawful.