

## Rule Summary and Fiscal Analysis

### Part A - General Questions

**Rule Number:** 4713-21-03

**Rule Type:** Amendment

**Rule Title/Tagline:** Continuing education requirements.

**Agency Name:** State Cosmetology and Barber Board

**Division:**

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#### **I. Rule Summary**

- 1. Is this a five year rule review? No**
  - A. What is the rule's five year review date? 12/5/2021**
- 2. Is this rule the result of recent legislation? Yes**
  - A. If so, what is the bill number, General Assembly and Sponsor? HB 49 - 132  
- Ryan Smith**
- 3. What statute is this rule being promulgated under? 119.03**
- 4. What statute(s) grant rule writing authority? 4709.05, 4713.09**
- 5. What statute(s) does the rule implement or amplify? 4709.05, 4713.59, 4713.60, 4713.62**
- 6. What are the reasons for proposing the rule?**

On January 21, 2018, the Ohio State Barber Board and the Ohio State Cosmetology Board were merged to form the State Cosmetology and Barber Board. Chapter 4709 of the Administrative Code and Chapter 4713 of the Administrative Code were reviewed. The Board concluded that the rules in Chapter 4709 of the Administrative Code were generally much older than in Chapter 4713 of the Administrative Code, contained redundant required rules (i.e. Use of Personal Confidential Information,

Sunshine rules, or Appointing Authority), were similar in subject or content to many Chapter 4713 of the Administrative Code rules, and/or repetitive of ORC Chapter 4709 language. Additionally, although similar, the language was not exactly the same, which lends itself to application error, confusing use, or, in some cases, inconsistent application. The Board, through the rescission of OAC Chapter 4709 rules and the amendment or adoption of new Chapter 4713 of the Administrative Code rules, hopes to create a streamlined set of Administrative Code rules that are up-to-date, can be understood, and can be consistently applied to the administration of the agency, compliance with the Ohio Revised Code, and to all professions regulated under law by the new agency. When combining language was not acceptable, the Board used specific language to meet the requirements of law.

In an effort to reduce redundancy, improve efficiency, and make common rules that regulate licensees under ORC 4709 and 4713, the Board proposes to amend this rule and make continuing education requirement the same for all practicing licenses issued by the Board.

**7. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

This rule address specific continuing education requirements for licensees of the Board. The rule specifies the number of hours required each renewal and the subject matters that must be included. The rule is being amended to add references to barber licensing, which will create an equivalent requirement for all licenses types issue by the Board. The rule also contains amendments that will reduce compliance requirements for individuals with many years of experience in the industry, and will allow individuals to receive credit for courses completed to maintain licensure in other jurisdictions when seeking to restore their Ohio license.

**8. Does the rule incorporate material by reference? No**

**9. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.71 to 121.76, please explain the basis for the exemption and how an individual can find the referenced material.**

*Not Applicable*

**10. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

The rule is being re-filed to correct an oversight in the updated language. Specifically, the phrase "sanitation" in paragraph (B)(1)(a)(ii) was updated to "infection control." This same language also appears in paragraph (B)(2)(b), but was not updated from

"sanitation" to "infection control" in the prior version of the proposed rule. There are no other changes being proposed.

*11/29/2018 Two rules originally filed as "no change" contained amended authority and amplification citation. To correct, these rules were withdrawn and refiled as amended rules, which required a revised hearing notice. New notice was uploaded. No change in the rule language filed for this rule.*

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## **II. Fiscal Analysis**

- 11. As a result of this proposed rule, please estimate the increase / decrease in revenues or expenditures affecting this agency, or the state generally, in the current biennium or future years. If the proposed rule is likely to have a different fiscal effect in future years, please describe the expected difference and operation.**

This will have no impact on revenues or expenditures.

0.00

Not Applicable.

- 12. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

Person affected by this rule amendment would need to obtain eight hours of continuing education beginning with the biennial licensing period beginning 9-1-2020. Obtaining continuing education does require the licensee to incur some costs, which are variable based upon chosen source of continuing education. Individuals with more than 30 years of experience, however, will see reduce costs, as will individuals who have completed continuing education requirements in other jurisdictions and now wish to return to Ohio.

- 13. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No**
- 14. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No**

### **III. Common Sense Initiative (CSI) Questions**

**15. Was this rule filed with the Common Sense Initiative Office? Yes**

**16. Does this rule have an adverse impact on business? Yes**

**A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No**

**B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms? Yes**

Failure to comply with the minimum requirement to renew a license may result in a cause of action, including issuance of a fine or imposition of other permissible sanctions, up to and including the revocation of a license.

**C. Does this rule require specific expenditures or the report of information as a condition of compliance? Yes**

Obtaining continuing education does require the licensee to incur some costs. These costs are variable based upon chosen source of continuing education. The proposed rule amendment will also generate business opportunities in Ohio. There are currently no requirements for continuing education for barbers in Ohio. Many the providers who offer continuing education programs for cosmetology licensees will now by able to offer and/or develop courses for barber licensees.