

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Chapter-21 2014

Rule Number(s): 4713-21-04 (amended), 4713-21-05 (amended)

Date: _____

Rule Type:

☐ New

☒ Amended

☐ 5-Year Review

☐ Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

Regulatory Intent

1. Please briefly describe the draft regulation in plain language.

These rules establish procedures for renewal of licenses and extension of continuing education. The rule drafts proposed seek to include requirements of ORC 5903.10 and 5903.12 by extending the time for renewal without penalty for active duty military service members and extending the time for completing continuing education requirements. In addition, the rules proposed include other conditions for waiving continuing education under ORC 4713.60.

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2. Please list the Ohio statute authorizing the Agency to adopt this regulation.

ORC 5903.10, ORC 5903.12, 4713.08 (A)(20)

3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program? If yes, please briefly explain the source and substance of the federal requirement.

No.

4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.

N/A.

5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?

The primary purpose of these rule proposals is to address extensions of renewal periods, waiver of late penalties, and extension of continuing education completion time for active duty military members.

6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?

Success will be measured by tracking, monitoring, and reporting persons identified as active duty military members that receive benefit from these amendments.

Development of the Regulation

7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.

If applicable, please include the date and medium by which the stakeholders were initially contacted.

These rule proposals were not provided to stakeholders in advance of filing this BIA. The rules primarily address specific requirements under ORC 5903.10 and ORC 5903.12. We

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trying to get these rules completed to achieve compliance with ORC 5903.10 and ORC 5903.12.

8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?

No input on these amendments was sought. The Board will post the rules on its website during the rules filing process, which will allow stakeholders to review the proposals and address any concerns at the agency's public hearing. In addition, the public hearing notice will be emailed to all active licensees and associations representing the cosmetology industry.

9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?

The proposed amendments seek to improve a process and provide benefit to persons in active duty military service. Measurable outcomes or scientific data were not considered in the development of the rule.

10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?

The proposed amendments are provided for in ORC 5903.10 and ORC 5903.12. Alternatives were not explored due to the explicit requirements of ORC 5903.10 and ORC 5903.12.

11. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.*

No. The rule being filed does not lend itself to performance based measures.

12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?

These rules do not duplicate any other existing rules. They are specific to the Cosmetology licensing.

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- 13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

This rule will be placed on the agency’s website and sent to all licensees.

Adverse Impact to Business

- 14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

- a. Identify the scope of the impacted business community;**
- b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**
- c. Quantify the expected adverse impact from the regulation.**
The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative *business*.” Please include the source for your information/estimated impact.

The substantive changes in this proposed rule should have a positive impact on business.

- 15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The Board finds no adverse impact associated with the proposed amendments.

Regulatory Flexibility

- 16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules are designed to be applicable to individual licensees and not business entities.

- 17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

A violation of these rules would not appear to be a paperwork violation or “first-time offense,” as defined under ORC 119.14 (G)(2).

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18. What resources are available to assist small businesses with compliance of the regulation?

The Board will assist business on these requirements by speaking at educational programs and updating the agency's website to reflect the changes.