

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-21 COS/BRB Revision

Rule Number(s): 4713-21-03

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☐ Rescinded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.

Please include the key provisions of the regulation as well as any proposed amendments.

4713-21-03 Continuing education requirements. This rule establishes continuing education requirements for Board licensees in order to maintain licensure. The rule is being amended to extend the continuing education requirements to barbers, to provide a broader exemption from continuing education requirements for individuals who have many years of experience working in the industry, and to recognize continuing education completed by individuals who seek to restore an Ohio license after holding a license in another jurisdiction.

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

Sections 4713.08(A)(18), 4713.08(A)(20), 4713.09, 4709.05(E)(3), and 4709.06(E)(6) of the Revised Code.

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.

Not applicable.

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 public purpose of this regulations is to ensure that Board licensees are up to date on the latest techniques and safety and infection control procedures in an effort to ensure that the public receives competent, safe, and sanitary services from Board licensees.

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

Success will be measured by public and licensee feedback, complaints, and inspection results.

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.

The Board placed these rules on its website, requesting input and comments from all interested parties. Additionally, these notification of these rules be posted, along with a

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response email addresses, was provided to all entities and person currently on our interested parties list.

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

The Board did not receive any input from stakeholders on this rule.

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 Board did not employ scientific data to develop these rules. This rule is intended to ensure that all Board licensees are prepared to provide the safest and best possible service to the public.

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 Board did not consider any regulatory alternatives. Continuing education is crucial for licensees to stay up to date on techniques and infection control procedures.

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.*

The rule is a performance-based regulation. It states the amount of and subject areas to be covered in continuing education courses, but leaves licensees free to select how they wish to comply with the requirements.

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

The proposed streamlining of Chapters 4709 and 4713 of the Administrative Code into a single chapter of the Administrative Code that addresses both Chapters 4709 and 4713 of the Revised Code is intended to ensure there is no duplication of existing regulations.

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.

These rules will be posted on the Board’s website and notification with detail will be sent to all regulated persons and businesses that may be impacted. In addition, the rule sets for a transition period for barbers so that they can prepare for the new requirements, and so the Board can evaluate and approve continuing education courses and course providers for barbering education.

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.

For licensees under Chapter 4713 of the Revised Code, the proposed language actually reduces the adverse impact. These licensees already comply with these requirements, but the new language will allow more individuals to become exempt from the requirements due to their long years of experience in the industry, and will allow individuals to receive credit for courses they completed to maintain licensure in other jurisdictions when seeking to restore their Ohio license.

For licensees under Chapter 4709 of the Revised Code, there will be an adverse impact relating to the cost of the courses and the time spent completing these courses. Overall, however, these impacts are minor. Courses that provide all or nearly all of the continuing education hours for a two-year renewal period are available at costs less than \$50, and the time commitment (8 hours over a two-year period) is minimal.

The rule will also generate business opportunities for businesses in Ohio. Currently, there are no requirements for continuing education for barbers in Ohio. Many of the providers who offer continuing education requirements for cosmetology licensees will now be able to offer and/or develop courses for barber licensees.

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

Continuing education is necessary to keep Board licensees up to date on the latest techniques and safety and infection control procedures in an effort to ensure that the public receives competent, safe, and sanitary services from Board licensees. This rule does this with minimal impact while also creating business opportunities in Ohio.

Regulatory Flexibility

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

No, the rule does not differentiate among businesses and the regulations would apply equally.

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?

The Board uses a violation guidance document that is approved by the Board, taking into consideration the criticality and severity of a violation as it may relate to licensing or public safety. This guidance matrix, which is applied equally to all licensees, provides for warning notices for a number of first-time violations, including paperwork violations.

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

There are no special resources required to comply with these rules.