

**MEMORANDUM**

TO: Christopher Logsdon, Ohio State Cosmetology and Barber Board

FROM: Christopher Smyke, Regulatory Policy Advocate

DATE: September 28, 2018

RE: CSI Review – Continuing Education (OAC 4713-21-03)

On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule submitted by the Ohio State Cosmetology and Barber Board (Board) for review. The rule package was submitted to the CSI Office on June 13, 2018 and the public comment period was held open through June 29, 2018. One comment was received during that time and the Board provided a response to the comment on September 18, 2018.

Ohio Administrative Code (OAC) 4713-21-03 outlines the continuing education (CE) requirements for individuals who hold a license issued by the Board. One proposed amendment would extend the CE requirements to licensed barbers. The second amendment would insert a new paragraph to allow the Board to recognize CE credit for licensees returning to Ohio from being licensed in a different jurisdiction, when the CE was completed in the other jurisdiction. Finally, the proposed rule would broaden the exemption from CE requirements for individuals, aged sixty-five and older, who have more than thirty years of experience working as licensed professionals in the industry.

The Board reached out via email to all subscribers to its interested parties list, which includes licensees, schools, salons, and professional organizations and posted the rule on its website. No stakeholder feedback was received during the early stakeholder outreach period. During the CSI public comment period, the Board received a comment expressing concern that the required number of hours of CE regarding safety and sanitation for a boutique license is inconsistent with the rest of the Board requirements for full licensees, requiring four hours of CE of sanitation and infection control for boutique registration versus two hours for licensees. The Board responded that the discrepancy is intentional, as full licensees require five additional hours of scope-specific CE (which includes additional sanitation training) and since scope-specific coursework for boutique licenses is limited, the Board finds it appropriate to simply require two additional hours of safety and sanitation CE.

The proposed rule impacts all professionals licensed by the Board, extending to licensed barbers. The impact on licensees formerly regulated under OAC Chapter 4709 is the requirement to complete CE in a two year period which on average costs less than \$50 and 8 hours in time commitment. The BIA justifies the rule as necessary to ensure that Board licensed professionals are up to date on the latest safety and infection control procedures in order to protect the public. In addition, the proposed rule includes more flexibility for certain licensed individuals with many years of experience as well as individuals seeking to restore an expired Ohio license after practicing in another jurisdiction.

Recommendation

For the reasons explained above, this office does not have any recommendations regarding this rule package.

Conclusion

Based on the above comments, the CSI Office concludes that the Ohio State Cosmetology and Barber Board should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

cc: Emily Kaylor, Lt. Governor's Office