Ohio | Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Charley Yaniko, State Cosmetology and Barber Board

FROM: Emily Groseclose, Senior Policy and Business Advocate

DATE: October 15, 2020

RE: **CSI Review – Continuing Education Clean-Up (OAC 4713-21-02, 4713-21-04, and 4713-21-08)**

On behalf of Lt. Governor Jon Husted, 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 Board as provided for in ORC 107.54.

Analysis

This rule package contains three amended rules submitted by the State Cosmetology and Barber Board (Board). The package was submitted to CSI on June 2, 2020, and the public comment period was held open through June 17, 2020. The Board submitted OAC 4713-21-04 with further amendments to CSI on September 8, 2020. The updated rule was distributed to stakeholders on September 22, 2020. No comments were received. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on June 2, 2020.

These rules establish renewal requirements and processes related to continuing education, as well as the criteria and procedures used to approve continuing education courses. The rules are being amended to clean up language that was not previously updated when the Board added continuing education for barbers. On September 8, 2020, the Board filed an updated version of OAC 4713-21-04 with CSI. The additional amendments align continuing education requirements with statutory language found in ORC 4713.63. The Board stated that the amendments are intended to prevent licensees from being required to complete the same laws and rules continuing education course

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multiple times.

As part of early stakeholder outreach, the Board solicited feedback from interested parties via email and by placing a notice on its website. One comment was received from the Ohio Barber and Beauty Alliance which questioned the Board's statutory authority to implement continuing education requirements for barbers. The Board noted in response that its authority is found is ORC 4709.05(E)(3). No comments were received during the CSI public comment period. OAC 4713-21-04 was distributed to stakeholders again on September 22, 2020 with additional proposed changes and no comments were received.

The rules impact all Board licensees who are required to complete continuing education, as well as individuals and businesses seeking to provide continuing education courses. For licensees required to complete continuing education, adverse impacts include the time and monetary expenses required to complete it, the reporting of information necessary to restore an expired license, and potential disciplinary action if an individual fails to comply with auditing requirements, which can include fines between $250 to $1,000 and license suspension or revocation. For individuals and businesses seeking to provide continuing education courses, adverse impacts include the time necessary to report information required to apply, as well as an application fee of $100 to $250 for a two-year approval.

The Board asserted that continuing education is necessary to keep licensees up to date on techniques and safety and infection control procedures to ensure that the public receives competent, safe, and sanitary services.

Recommendations

For the reasons described above, the CSI office has no recommendations on this rule package.

Conclusion

Based on its review of the proposed rule package, the CSI office recommends that the State Cosmetology and Barber Board proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.