



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Sean McCullough, Director

MEMORANDUM

TO: Jared Yee, Ohio State Cosmetology and Barber Board

FROM: Joseph Baker, Business Advocate

DATE: February 1, 2022

RE: **CSI Review – 4713-21 (OAC 4713-21-02, 4713-21-03, 4713-21-04, 4713-21-05, 4713-21-06, 4713-21-07, 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 consists of one amended and six no-change rules proposed by the Ohio State Cosmetology and Barber Board (Board). This rule package was submitted to the CSI Office on January 5, 2022, and the public comment period was held open through January 12, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on January 5, 2022.

Ohio Administrative Code (OAC) 4713-21-02 specifies definitions relating to continuing education requirements for Board licensees. OAC 4713-21-03 specifies continuing education responsibilities for licensees. The rule is amended to streamline and update language, and to remove a prohibition on an individual receiving continuing education credit for completing corrective action courses. OAC 4713-21-04 requires licensees and registrants to apply for licensure or registration renewal prior to the end of the biennial licensing period, allows the Board to audit documentation provided in the renewal application, and specifies the process for reactivating an expired license.

77 SOUTH HIGH STREET | 30TH FLOOR | COLUMBUS, OHIO 43215-6117

CSIPublicComments@governor.ohio.gov

OAC 4713-21-05 allows licensees and registrants to apply for an extension or waiver from the Board for completing continuing education requirements in certain circumstances. OAC 4713-21-06 allows licensees to place a license in inactive status but requires the licensee to complete continuing education hours prior to reactivation. OAC 4713-21-07 requires the Board to inform licensees or registrants regarding the continuing education requirements that apply for the next renewal period by posting the information on the Board's website. Finally, OAC 4713-21-08 specifies criteria for considering provider applications to conduct continuing education courses and the application process for obtaining Board approval.

During early stakeholder outreach, the Board sent the proposed rules to all persons and entities licensed by the Board by email, as well as to schools, associations, and societies representing the professions regulated by the Board. No comments were received in response to the request for early stakeholder feedback or during the CSI public comment period.

The business community impacted by the rules includes all Board licensees and registrants required to complete continuing education requirements, as well as providers of these programs. The adverse impacts to business for licensees include the time and expenses associated with completing these continuing education courses, documenting compliance, and submitting renewal applications to the Board. For providers of such courses, the adverse impacts include the costs of compiling documentation demonstrating that the continuing education classes offered by the provider comply with Board requirements, payment of a \$100 to \$250 non-refundable course application fee (depending on the medium for providing the course), and costs of designing the course in compliance with the standards in the rule. The Board states that the adverse impacts to business are necessary to ensure that individuals providing services to the public are up-to-date on necessary training and to promote the safety of patrons.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Ohio State Cosmetology and Barber Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.