

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-3 COS/BRB Revision

Rule Number(s): 4713-3-01, 4713-3-02, 4713-3-03, 4713-3-05, 4713-3-08, 4713-3-12, 4713-3-13

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Rescinded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.

4713-3-01 Opening school package. This rule addresses the documentation required by the Board by persons seeking open a school of cosmetology or barbering. The rule is being amended to add reference to specific barber license bonding requirements under section 4709.10 of the Revised Code.

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4713-3-02 Floor plan requirements for schools. This rule creates a requirement to submit a copy of the floor plan for a cosmetology or barber school. The plan stipulates the requirements for the drawing of the floor plan and what components must be addressed in the floor plan. The rule is being amended to clarify terms and add specific barber school requirements under Chapter 4709 of the Revised Code. Additionally, language specific to both cosmetology and barber schools requires facilities sufficient to train a minimum of twenty students.

4713-3-03 School layout. This rule creates the school layout requirements for a cosmetology or barber school. The rule is being amended to add specific barber school requirements under Chapter 4709 of the Revised Code.

4713-3-05 Signs and advertisements. This rule addresses signage and advertising requirements for a cosmetology or barber schools. The rule is being amended to update terminology and add verbiage to note the requirements would apply to both cosmetology or barber schools.

4713-3-08 Final licensure. This rule stipulates that a license will not be issued to a school until a final inspection is completed to verify the school meets all of the requirements under laws and rules adopted by the board. The rule is being amended to note the requirements would apply to both cosmetology or barber schools.

4713-3-12 School catalogue and handbook requirements. This rule stipulates the required information that must be provided to students of cosmetology or barbering in the student handbook. The rule is being amended to note the requirements would apply to both cosmetology or barber schools.

4713-3-13 School contract requirements. This rule stipulates the required information that must be provided to students of cosmetology or barbering in the enrollment contract between the school and the student. The rule is being amended to update terminology and add verbiage to note the requirements would apply to both cosmetology or barber schools.

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

4713-3-01 Opening school package. 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5)

4713-3-02 Floor plan requirements for schools. 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5)

4713-3-03 School layout. 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5)

4713-3-05 Signs and advertisements. 4713.08(A)(20), 4709.05(E)(4), 4709.05(E)(5), 4709.05(J)

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4713-3-08 Final licensure. 4713.08(A)(13), 4713.08(A)(20), 4709.05(H), 4709.05(E)(4), and 4709.05(E)(5)

4713-3-12 School catalogue and handbook requirements. 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5)

4713-3-13 School contract requirements. 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5)

- 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 rules contained in this packet are in response to provisions under 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5) of the Revised Code, which require the Board to adopt rules regulating the provision of education in the practices of cosmetology, branches of cosmetology, and barbering. The rules drafted provide a set of minimum standards for the opening and ongoing process of providing education in licensed schools. In the absence of these standards, there would be no established guidelines or measures of consistency to educate persons seeking to enter into these professions.

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

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The Board's purpose for amending these rules is to streamline the administrative rules for persons and businesses licensed under Chapters 4709 and 4713 of the Revised Code. Many of the rules in Chapters 4709 and 4713 of the Administrative Code are redundant, duplicative of existing Revised Code, or address similar subject matter. By moving specific requirements under Chapter 4709 of the Administrative Code or updating provisions of Chapter 4713 of the Administrative Code to address requirements under Chapter 4709 of the Administrative Code or reducing rules to a single rule that references both Chapters 4709 and 4713 of the Revised Code, the Board reduces its paperwork, costs of maintenance, and streamlines the administration of these regulations. The agency will measure success by the application of the amendments and the response of staff/licensees to the amendments. Currently the Board is administering two similar, but different standards under Chapters 4709 and 4713 of the Administrative Code, which is neither efficient nor cost-effective.

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 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 for the rules in this package.

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. The rules amended in this group are related to the streamlining of regulations between existing Chapter 4709 and Chapter 4713 rules in an effort to reduce unnecessary or redundant rules and combine similar rules or provisions of rules.

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- 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 rules amended in this group represent the alternative to leaving Chapter 4709 of the Administrative Code intact. The current structure that requires the Board to manage two separate Chapters of the Administrative Code with duplicate, similar, or different rules that address similar requirement is not efficient or practical. One option could be drafting all similar, required, or necessary rule in both Chapters 4709 and 4713 of the Administrative Code, but this represents an unnecessary administrative burden to the agency, which would need to monitor and periodically file double the number of rules being proposed through this filing.

- 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.

Yes, in a number of rules, the Board removed unnecessary specificity that did not contribute to better oversight or regulation.

- 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. Additionally, the Board

may consider staggered implementation dates for changes where schools may require time to meet the standards.

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.

These rules will impact cosmetology and barber schools. Cosmetology and branch of cosmetology schools already meet the standards addressed in these rules. Barber schools, based on a review of current practices and rules adopted, already meet most of these provisions. The Board does not anticipate there will be any significant negative impact for any provisions not currently addressed in Barber rules, as these provisions or requirements should be readily available or already addressed in the ordinary course of business.

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

These rules combine the standards and requirements to operate a school of cosmetology or barbering into a single Chapter of the Administrative Code. In so doing, the standards are uniform and compliance expectations for all schools licensed by the Board will be standardized.

Regulatory Flexibility

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

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No, the rules in this packet do not differentiate among business 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.