

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-3 COS/BRB Five Year Review

Rule Number(s): 4713-3-04 No Change

Date: 02/13/2019

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Rescinded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.

4713-3-04 Additional campus facilities. (No Change):

This rule allows schools to establish additional campus facilities within a two-mile radius of the current school if they need additional space to accommodate students. The rule is being proposed as a no change rule. As the rule is written without reference to any Revised Code chapter or license type, it will apply to all Board licensed schools, including barber schools, without the need for any amendment.

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

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

CSIOhio@governor.ohio.gov

4709.05(E)(4), 4709.05(E)(6), 4713.08(A)(13), 4713.08(A)(14), 4713.08(A)(20).

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)?

Chapters 4709 and 4713 require that facilities offering education in barbering or any of the branches of cosmetology must be licensed by the Board. This rule provides these schools with the opportunity to grow and accommodate more students without having to obtain new school licenses for the satellite location(s).

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

The success of the regulation will be measured by the number of schools that choose to take advantage of this opportunity, and through the inspection of the satellite facilities.

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 this rule on its website, requesting input and comments from all interested parties. Additionally, notification of this proposed rule change was emailed to all entities and persons currently on our interested parties list, along with a response email address.

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 stakeholder input regarding 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?

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

CSIOhio@governor.ohio.gov

The Board did not employ scientific data to develop this rule. The rule expands opportunities for licensed schools, while still allowing Board inspectors to monitor the school's compliance with the Board's laws and rules.

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 alternative regulations because this rule expands business flexibility for licensed schools.

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.*

No.

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

The Board is the sole entity tasked with the regulation of barbering and the branches of cosmetology in Ohio.

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.

This rule 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.

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.

The rule actually expands business flexibility for licensed schools of barbering or cosmetology. Compliance with the rule, however, does require the reporting of the

information to the Board. In addition, failure to comply with the rule could result in a fine or disciplinary action against a license.

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

The requirements that the school request the approval of the satellite location to the Board at least thirty days prior to the state of classes in the facility, and that the new facility be inspected prior to opening for use, are necessary to ensure the safety of the school's students and staff and the quality of training being provided.

Regulatory Flexibility

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

The rule does not differentiate among businesses. The rule provides licensed schools with additional flexibility and room for growth.

- 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?**

A violation of this rule is not a paperwork violation. Disciplinary action is based on the Board's Violation Guidance Matrixes.

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

There are no special resources required to comply with this rule.