

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: SB 213 Chapter 6

Rule Number(s): 4713-6-01 Amended, 4713-6-02 Amended , 4713-6-04 Amended, 4713-6-05 Amended, 4713-6-06 Rescind, 4713-6-07 Rescind, 4713-6-08 Rescind, and 4713-6-09 Rescind.

Date: 8-22-2016

**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Rescinded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.**

4713-6-01 establishes definitions for terms used in Chapter 4713-6 for the internship program rules. Changes recommended are to clarify and simplify the current rule. The Board does not believe any language contained in the rule creates a negative impact on business or individuals.

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4713-6-02 establishes eligibility requirements for students wishing to participate in an internship program and requirements for schools/salons offering internship programs.

While clean-up amendments have been drafted in the rule, most amendments are directly related to the provisions of Am. Sub. S.B. 213, eff. 9-13-2016, which remove the term “manager” and replace it with “advanced practice.” In this rule, reference to manager is no longer required.

4713-6-04 establishes the required language for a school/salon internship agreement. Most amendments are intended to clarify, simplify, and eliminated unnecessary language in the existing rule.

4713-6-05 addresses the student identification requirements while participating in an internship program. Most changes are superficial and only seek to clarify or simplify the existing rule.

Rules 4713-6-06 through 4713-6-09 create course outlines for schools offering internship programs for cosmetology and branches of cosmetology. The Board is recommending that these rules be rescinded. Amendments to rule 4713-6-02 provide that the training received in salons while in an internship program shall be for practical education and only related to the approved curriculum for the originating school.

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

4713.08 (A)(13)

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, this regulation does not implement a federal requirement.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

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- 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)?**

These rules create minimum eligibility requirements for students to participate in an internship program. The rules are designed to create standards that promote the best learning experience for the student by accepting students who meet standards that increase their opportunity to succeed. At the same time, the rules establish standards for salons that participate.

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

Participating schools regularly obtain reports from the participating salons and audit salons on a regular basis to evaluate student participation and the value of the internship experience.

### **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.*

This rule was sent to all salons, schools, registered associations, and licensed providers.

- 8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

The Board received two comments on rules in this set. One comment was not relevant to the rules and asked only a general question, which was answered. The other comment recommended moving language from 4713-6-04 to rule 4713-6-05. The comment was evaluated, but not adopted. The two rules do not perform similar functions and should not be combined.

- 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?**

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Schools that choose to participate in the internship program are required to monitor the results of the experience and the quality of the salon sites chosen. The reputation of the educational experience is the greatest driver of success for the internship program.

**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 rule in this instance is being modified pursuant to amendments to ORC 4713 in Am. Sub. S.B. 213.

**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.***

The rule is performance based – requiring students to be in good standing in their primary studies to be eligible for field internship hours. Additionally, the Board is proposing rules 4713-6-06 through 4713-6-09 be rescinded, thereby relying upon the salon to provide practical instruction in areas, the student has already received theory and practical certification to perform. Students that fall below the standard are no longer eligible to continue the program.

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

This rule addresses eligibility criteria for students participating in a salon internship program. The rule does not repeat or replicate any other known rule in the state of Ohio and is solely found under Chapter 4713 of the Revised Code.

**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.**

Each school will be provided with a copy of the rule and it will be posted on the Board's website. 95% of the amendments will have no impact on the current rule, because the changes only remove the manager language, leaving licensee language to meet the

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requirements of Am. Sub. S.B. 213. Division (B)(1) was removed because the requirement in the introductory language in paragraph (B) establish hour eligibility for internship and no justification could be found to further restrict participation based on a 75% completion requirement.

### **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.*

Salons participating in the program do so voluntarily. The costs associated with the licensee to student ratio could represent a cost to the salon; however, the salon is not restricted to the extent the and supervising licensee are able to engage in productive work. The salon is also advantaged by the potential employability of the intern.

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

Internships by nature must have a component of oversight to assure the intern is practicing within the scope of training provided and at a level and method that creates a positive experience for both student and clientele.

### **Regulatory Flexibility**

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

No, the regulation is designed to provide a consistent experience for students statewide.

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**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?**

Compliance in this regard would result in the loss of an internship site for the school. Since the process is voluntary, salons accept the contractual obligation to provide an internship experience that result in a quality-learning environment. If a school is not satisfied, they would have the choice to cease the internship relationship.

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

Salons are not required to participate in the internship program. Compliance is choice accepted when a salon chooses to participate in the program with a school.