

4713-8-02

**Board consideration of a violation of a standard of cosmetology practice.**

- (A) The board may impose discipline on a board licensee [or boutique service registration holder](#) who does not practice cosmetology services [or boutique services](#) according to acceptable and prevailing standards of safe, sanitary cosmetology care, or the licensee, [boutique service registration holder](#), or an unlicensed person who fails to follow the laws and rules of this board.
- (B) The board may consider mitigating circumstances, such as the following, when making a decision regarding a corrective action, a disciplinary action, a ~~settlement~~[consent](#) agreement, or another program.
- (1) Whether the act is willful, intentional, irresponsible, or unintentional;
  - (2) The frequency of the occurrence of the act at issue;
  - (3) Whether the act represents a pattern of commissions or omissions;
  - (4) The outcome of a licensee's actions; or
  - (5) The level of harm or potential harm to a client.
- (C) The board shall follow the administrative process set forth in Chapter 119. of the Revised Code when determining whether a board licensee, [boutique service registration holder](#), a tanning facility permit holder, approved continuing education and tanning certification providers or those who are unlicensed, do not hold a current facility permit or have not been approved to provide continuing education or tanning certification has committed a violation of Chapter 4713. of the Revised Code or the administrative rules promulgated under that chapter, and whether it will impose a sanction when violations have been determined by the board to have been committed.
- (D) The board may hire a licensed attorney to hold hearings, find facts and make recommendations to the board as to what, if any, disciplinary action should be taken when violations have been alleged against a licensed or an unlicensed person engaging in the practice of cosmetology ~~or~~, a branch of cosmetology, [boutique services](#), or operating a tanning facility without a permit or a continuing education provider or tanning certification provider or permit holder that fails to follow the board's laws or rules.