



Common Sense Initiative

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Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

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Regulation/Package Title: Chapter 4713-5 – June 2019

Rule Number(s): 4713-5-02(Amend)

Date: July 8, 2019

Rule Type:

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing regulations that are fair and easy to follow. 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.

4713-5-02 Program requirements. (Amend):

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This rule sets forth the program requirements for educational programs in schools licensed by the Board. The rule is being amended to include a provision that would allow students to earn credit for education visits to salons.

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

4713-5-02: R.C. §§ 4709.05(E)(4)-(6), 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.

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)?

This rule complies with provisions under 4713.08(A)(13), 4709.05(E)(4), and 4709.05(E)(5) of the Revised Code that require the Board to adopt rules regulating the provision of education in the practices of cosmetology, branches of cosmetology, and barbering. The rule provides a set of minimum standards for administering education in cosmetology and barber programs. Without these standards, there would be no established guidelines or consistency in the training programs.

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 responses and feedback of staff, licensees, students, and the public.

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.

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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?

The Board did not employ scientific data to develop this rule. The standards are consistent with training requirements in these areas nationally and the training hour requirements set forth in Chapters 4709 and 4713 of the Revised Code.

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 the standards are consistent with training requirements in these areas nationally and the training hour requirements set forth in Chapters 4709 and 4713 of the Revised Code.

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.

This regulation is largely performance-based. The rule sets forth minimum requirements, but each school is free to structure their training programs how they see fit within the minimum parameters.

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;

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- 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 proposed amendment to the rule actually expands training options for schools and students receiving training in cosmetology or the branches of cosmetology. There will be some minimal time investment for each school to maintain and submit the salon visit form(s) to the Board.

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

The minimal time investment in maintaining and submitting the salon visit forms is necessary to ensure that students only receive training credit for educational activities.

Regulatory Flexibility

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

The rules apply evenly to businesses of all sizes and provide flexibility in how each business structures their training programs.

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 will apply its violation guidance matrix if any school receives notice of a violation of this rule. The matrix permits a school in violation of this rule to correct the issue and receive a warning.

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.