



Business Impact Analysis RESCINDED PACKAGES

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: OAC Chapter 4709 Rules

Rule Number(s): 4709-1-01, 4709-1-02, 4709-1-03, 4709-1-04, 4709-1-05, 4709-1-06, 4709-1-07, 4709-3-01, 4709-3-02, 4709-3-03, 4709-3-04, 4709-3-05, 4709-3-06, 4709-3-07, 4709-5-02, 4709-5-03, 4709-5-04, 4709-5-05, 4709-5-06, 4709-5-07, 4709-5-08, 4709-5-09, 4709-7-01, 4709-7-02, 4709-7-03, 4709-7-04, 4709-7-05, 4709-7-06, 4709-7-07, 4709-7-08, 4709-7-09, 4709-7-10, 4709-7-11, 4709-7-12, 4709-7-13, 4709-7-14, 4709-7-15, 4709-7-16, 4709-9-01, 4709-9-02, 4709-9-03, 4709-9-04, 4709-9-05, 4709-9-06, 4709-9-07, 4709-9-08, 4709-9-09, 4709-9-10, 4709-9-11, 4709-9-12, 4709-9-13, 4709-11-01, 4709-11-02, 4709-11-03, 4709-11-04, and 4709-11-05

Date: _____

Rule Type:

Rescinded

This form is intended for rule packages in which every rule in the package is being rescinded. *New, Amended, No-Change, and Rescind/New rules must use the standard BIA.*

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 Please describe in plain language the regulation that is being rescinded.

The Board is proposing to rescind all rules under Chapter 4709 of the Administrative Code.

2. Why is the regulation being rescinded?

Please be specific (ORC change, request of stakeholders, etc.)

On January 21, 2018, the Ohio State Barber Board and the Ohio State Cosmetology Board were merged to form the State Cosmetology and Barber Board. Chapter 4709 of the Administrative Code and Chapter 4713 of the Administrative Code were reviewed. The Board concluded that the rules in Chapter 4709 of the Administrative Code were generally much older than in Chapter 4713 of the Administrative Code, contained redundant required rules (i.e. Use of Personal Confidential Information, Sunshine rules, or Appointing Authority), were similar in subject or content to many Chapter 4713 of the Administrative Code rules, and/or repetitive of ORC Chapter 4709 language. Additionally, although similar, the language was not exactly the same, which lends itself to application error, confusing use, or, in some cases, inconsistent application. The Board, through the rescission of these rules and the amendment or adoption of new Chapter 4713 of the Administrative Code rules, hopes to create a streamlined set of Administrative Code rules that are up-to-date, can be understood, and can be consistently applied to the administration of the agency, compliance with the Ohio Revised Code, and to all professions regulated under law by the new agency. When combining language was not acceptable, the Board used specific language to meet the requirements of law.

3. Please describe in general terms the adverse impacts to business, including currently impacted industries, in the existing rule(s).

Taken in isolation, the rescission of these rules would represent an adverse impact to business regulated by these rules; however, the core provisions of these rules, other than rules that are redundant of existing Chapter 4713 of the Administrative Code rules or repetitive of the Revised Code, are being merged into proposed amended Chapter 4713 rules. Therefore, it is necessary to consider the rescission of these rules in light of the Chapter 4713 of the Administrative Code rules being proposed for amendment or adoption of new rules, and not in isolation as only rescinded rules. Considering this scenario, the rule rescissions proposed should not present an adverse impact.

4. Are there other regulations (either existing or to be created) which will replace the regulation being rescinded or which will now apply because this regulation is being rescinded? This can include rules, statute, federal regulations, agency policies, or industry standards etc.

The core content of these rules are proposed to be combined with or added to existing rules under Chapter 4713 of the Administrative Code, or adopted as new rules under Chapter 4713 of the Administrative Code.

- 5. Does the rescission of this regulation eliminate flexibility or create more adverse impacts for stakeholders? If yes, please describe stakeholder outreach and justify the impacts.**

The rescission of these rules, as part of the Board’s plan to file proposed amended or new Chapter 4713 of the Administrative Code rules, which will address both ORC Chapter 4713. and Chapter 4709 requirements, does not eliminate flexibility or create more adverse impact for stakeholders. The rules are being proposed to create consistency in regulatory application, reduce error, and eliminate confusion.