

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: State Cosmetology and Barber Board

Regulation/Package Title: Chapter 4713-6 COS/BRB Five Year Review

Rule Number(s): 4713-6-03 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Rescinded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.*

4713-6-03 Notification of participation in the cosmetology internship program. (No Change):

This rule requires schools participating in the cosmetology internship program to submit a copy of their written internship agreement.

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

4713.08(A)(13), 4713.08(A)(14), 4713.08(A)(20).

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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 internship program allows schools to provide their students with additional training opportunities. This rule ensures that the Board can monitor internships to ensure public safety and that schools are properly informing students of the requirements of the program.

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 and students who choose to take advantage of this opportunity, and through the inspection of the salons where students are interning.

### **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?

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The Board did not employ scientific data to develop this rule. The rule expands training opportunities for licensed schools and students, while still allowing Board inspectors to monitor 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 training opportunities for licensed schools and students.

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 training opportunities for licensed schools and students. 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 school being prohibited from participating in the internship program for one year.**

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

**The requirement that the internship agreement must be provided to the Board is necessary to ensure that students understand the requirements of the program, and so that the Board can monitor intern practice to ensure the safety of the public.**

**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 in providing training to students.**

- 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 receives a warning on a first offense under the Board's Violation Guidance Matrix.**

- 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.**