

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Chapter-11 11-2015

Rule Number(s): 4713-11-13.

Date: _____

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Rescinded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.

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OAC 4713-11-13 Temporary special occasions work permit. This rule addresses the processing of applications for non-resident providers to provide services in the state of Ohio under a temporary work permit.

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

Authorized under ORC 4713.08 (A)(8).

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.

N/A.

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 addresses the processing of applications for non-resident providers to provide services in the state of Ohio under a temporary work permit. The original language was found under OAC 4713-5-25; however, a review of the current Ohio Administrative Code determined the rule would be better placed under Chapter 4713-11 for consistency and ease of public use. In addition, the rule addresses only provisions related to ORC 4713.37. Other work permits will be address in proposed rule 4713-21-06.

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

Success will be determined monitoring internal procedures to assure staff and records compliance in processing the application.

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 agency sent an email to all licensed entities and persons. Also, the rules were sent to schools, local associations, and societies representing the branches of Cosmetology regulated by the Board.

- 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 one comment concerning this rule and clarification wording was added to address the recommendation.

- 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?**

Scientific data was not used in the development of the rule. This is a procedural rule for the handling of applications for temporary special occasions work permits, which is required under ORC 4713.08 (A)(8).

- 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 address any alternative regulations in this regard. This rule is required under ORC 4713.08 (A)(8).

- 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 rule is not a performance-based rule.

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

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The Ohio State Board of Cosmetology reviewed existing rules and finds no duplication exists in the definitions being added to this rule; however, this rule is required under the revised code 4713.08.

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 placed on the agency’s website and sent to a list-serve for distribution to all licensees in advance of the effective date. Forms will also be updated to reflect any changes addressed in this regulation.

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.

There is a cost of compliance associated with this rule. Under this rule, applicants must submit a fee to obtain a temporary special occasions work permits, which is authorized under ORC 4713.37.

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

Fees associated with this rule are determined to be the only identified adverse impact of the rule. The fee is authorized under ORC 4713.37.

Regulatory Flexibility

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

No, not in this rule. There are no exemptions identified for small businesses, since most salon applications could be identified as a small business.

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?

There are no violations/fines associated with this rule. This is a procedural rule for the handling of applications for temporary special occasions work permits.

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

This rule requires all applicants to use the same forms to apply for a temporary special occasions work permits. There are additional resources identified for small businesses, since most salon applications could be identified as a small business.