

*** DRAFT - NOT YET FILED ***

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Prohibited acts.

- (A) The board may refuse to issue or refuse to renew, or may fine, suspend and/or revoke any license or permit for any one or more of the following causes:
- (1) Failure to provide truthful or accurate information when applying for a license or permit;
 - (2) Conviction of a felony or misdemeanor performed in a licensed or permitted facility;
 - (3) Immoral or unprofessional conduct;
 - (4) Gross incompetence;
 - (5) Advertising by means of false or deceptive statements;
 - (6) Obtaining money, or anything of value, by fraudulent misrepresentation in the course of practice;
 - (7) Failure to meet the industry's minimum standards of care;
 - (8) Failure to meet any of the requirements of licensure;
 - (9) Failure of a person to assist a board inspector or investigator;
 - (10) Interference with a board inspector in identification of any individual believed by the inspector to be working in a salon, school or tanning facility or practicing a branch of cosmetology without a license or operating a tanning facility without a permit or performing a service for which the individual is not licensed;
 - (11) Where a person issued a license or permit under Chapter 4713. of the Revised Code has an unsatisfied final judgment or lien in any court if the unsatisfied final judgment or lien is related to the license or permit to a violation of Chapter 4713. of the Revised Code or to any compensation earned by the licensee or permit holder;
 - (12) Use of a bladed implement to remove skin cells that are below the stratum corneum, including dermaplaning, skin leveling or other similar procedures. Practicing reflexology, lymphatic drainage, botulism toxin services, tattoo removal, shaving of the face or other services that are out of the scope of any

branch of cosmetology. The clipping of sideburns or the shaving of the back of the neck as part of a hair cut would not be considered shaving of the face, or

- (13) Taking photos of a client at any time when the client is in a salon, school or a tanning facility without explicit written permission from the client concerning the time and place of the photos taken, except for photographs taken specifically to verify age or identity when there is a suspicion that the client presented false information for purposes of identification or age verifications, or except for photographs taken during an inspection or investigation by a board inspector or investigator.
- (B) A license shall not be issued to a salon or school and a permit shall not be issued to a tanning facility while an administrative violation is pending or a fine remains unpaid.
- (C) If a salon or a tanning facility has an unpaid fine, and if the salon or tanning facility either goes out of business or sells its business to another person, the space in which the salon or tanning facility is located shall not be issued a license to operate a salon or a permit to operate a tanning facility until the board is satisfied that all fines for board violations have been paid.
- (D) When notified by the prosecutor in the case that a licensee is convicted of, pleads guilty to, has a judicial finding of guilt of, or a judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code, the board shall immediately suspend the license of the licensee or the permit without a prior hearing. When notified by the prosecutor in the case that all or part of the violation of section 2905.32 of the Revised Code occurred on the premises of a licensed salon or permitted tanning facility, the board shall immediately suspend the license of the salon or the permit of the tanning facility without a prior hearing. After the suspension, the board shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code. After the hearing is held, the board shall revoke the license or permit permanently, unless the board determines that the subject of the suspension has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code. If the subject of the suspended license or permit fails to request a hearing within thirty days of the mailing of the notice, the license or permit shall automatically be revoked, as permitted under section 4713.64 of the Revised Code.
- (1) On a licensee's conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of

trafficking in persons in violation of section 2905.32 of the Revised Code, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the licensee's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the licensee's license.

- (2) If there is a conviction of, plea of guilty to, judicial finding of guilt of, or judicial finding of guilt resulting from a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code and all or part of the violation occurred on the premises of a facility that is licensed by a licensing agency, the prosecutor in the case shall promptly notify the licensing agency of the conviction, plea, or finding and provide the facility's name and address and the offender's name and residential address. On receipt of this notification, the licensing agency shall immediately suspend the facility's license.
- (3) Notwithstanding any provision of the Revised Code to the contrary, the suspension of a license under paragraph (D)(1) or (D)(2) of this rule shall be implemented by the board without a prior hearing.
 - (a) After the suspension, the licensing agency shall give written notice to the subject of the suspension of the right to request a hearing under Chapter 119. of the Revised Code.
 - (b) After a hearing is held, the licensing agency shall either revoke or permanently revoke the license of the subject of the suspension, unless it determines that the license holder has not been convicted of, pleaded guilty to, been found guilty of, or been found guilty based on a plea of no contest to the offense of trafficking in persons in violation of section 2905.32 of the Revised Code.