

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: Ohio State Board of Cosmetology

Regulation/Package Title: Chapter 4713-13

Rule Number(s): 4713-13-03 (Rescinded), 4713-13-07 (Amended)

Date: _____

Rule Type:

New

5-Year Review

Amended

Rescinded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.

4713-13-03 (Rescinded) is being rescinded in order to comply with the provisions of Am. Sub. S.B. 213. Specifically, Am. Sub. S.B. 213 replaced the managing license(s) with the advanced license(s), and removed the requirement from R.C. 4713.41 that a salon must have

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a managing licensee on duty, at all times, during service hours. Accordingly, the rule, which amplified the removed language from R.C. 4713.41, is no longer necessary.

4713-13-07 (Amended), in general, defines the obligations of licensees and salon owners in maintaining infection control and safety standards to protect the public. The rule is being amended to include the terms “boutique services registration holder” and “boutique services registration holders”, in order to comply with the provisions of Am. Sub. S.B. 213. In addition, (C) was added to this rule. The language in (C) was previously contained in 4713-15-12, which is being rescinded.

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

R.C. 4713.07(A)(3), 4713.08(A)(1), 4713.08(A)(15).

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 places a responsibility on licensees and salon owners to maintain infection control and safety standards to protect the public, and defines the responsibilities of the parties in maintaining these standards.

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

Success will be measured through inspections, public response, and any complaints received by the Board on infection control and safety concerns.

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.

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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?

No input was provided.

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 proposed rule places a responsibility on licensees and salon owners to maintain infection control and safety standards, and defines the responsibilities of the parties. No measurable outcomes were used or expected in the drafting of these 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?

No alternatives were considered. The changes sought in this rule are directly related to the provisions of Am. Sub. S.B. 213, which must be enacted, and the new language added was to move pre-existing rule language to its most logical location.

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.*

The proposed rule is largely performance-based. It places responsibilities on licenses and salon owners to maintain infection control and safety standards, but does not dictate the process outside or requiring individuals to wash or sanitize their hands prior to providing services to the public.

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

This rule is specific to the regulation of branches of cosmetology and it is not duplicated in other rules/regulations.

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 all licensed schools of cosmetology. Process information, forms, and website will be updated to reflect the new requirements established in this rule.

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 does not create a cost for compliance.

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

The business community should not be impacted by this rule. To the contrary, the business community should benefit from preventing the spread of infection within their facilities and by ensuring the safety of their patrons.

Regulatory Flexibility

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

The rule does not provide for an alternative for the business community. Small business should not be impacted by the rule.

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 would not appear to be a paperwork violation or “first-time offense,” as defined under R.C. 119.14 (G)(2).

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

The Board will assist schools and business on these requirements by posting the rule on the agency’s website, speaking with educational programs, and updating forms to reflect the changes.