



# Common Sense Initiative

Mike DeWine, Governor  
Jon Husted, Lt. Governor

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## Business Impact Analysis

Agency, Board, or Commission Name: Ohio State Cosmetology and Barber Board

Rule Contact Name and Contact Information:

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Regulation/Package Title (a general description of the rules' substantive content):

4713-15

Rule Number(s): 4713-15-03 (amend) & 4713-15-11 (amend)

Date of Submission for CSI Review: 7-30-2021

Public Comment Period End Date: 8-16-2021

**Rule Type/Number of Rules:**

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended/ 2 rules (FYR? \_\_\_)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing

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**regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.**

**Reason for Submission**

- 1. R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- Requires specific expenditures or the report of information as a condition of compliance.**
- Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

**Regulatory Intent**

- 2. Please briefly describe the draft regulation in plain language.**

*Please include the key provisions of the regulation as well as any proposed amendments.*

4713-15-11(Amend): Proper laundering methods are set forth in this rule. The current rule is designed to have towels, robes, linens and other similar items laundered in a substance strong enough to kill any virus or other dangerous bacteria on the items. This amendment changes the requirement that items be laundered in hot water to any water, as with proper cleaning agents, warm water has proven to be no more effective than other temperature of water.

4713-15-03 Disinfection of implements and spills; blood and body fluids. (Amend): This rule sets for the infection control standards for implements and how to properly handle spills of blood and/or bodily fluids. The rule is being amended to change the requirement that cleaning be conducted in warm water to any temperature of water, as with proper cleaning agents, warm water has proven to be no more effective than other temperature of water.

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- 3. Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

R.C. 119.03, R.C. 4713.08.

- 4. 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.

- 5. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

- 6. 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)?**

These rules are necessary to establish statutorily-required infection control standards to protect the public.

- 7. 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 through inspection and staff, licensee, and public feedback.

- 8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

### **Development of the Regulation**

- 9. 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.

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**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

No feedback from stakeholders were received regarding these proposed amendments.

**11. 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 rules are based on standardized industry texts and on national best practice standards suggested by healthcare professionals.

**12. 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 the proposed amendments are simply part of continuing effort to update and clarify the Board's infection control rules.

**13. 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, not with these proposed rules. The rules are required under the Revised Code, and industry-standard infection control procedures require specific processes.

**14. 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.

**15. 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**

**16. 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; and**
- b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**
- c. Quantify the expected adverse impact from the regulation.**

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*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 proposed rule amendments do not change current infection control standards. They simply provide additional clarity and change the required water temperature for proper cleaning.

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

The regulatory intent is justified by the need to protect the public and Board licensees from pathogens and infectious agents. Any impact is normal for the industry, which is accustomed to rigorous safety and infection control standards.

**Regulatory Flexibility**

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

The rules apply evenly to businesses of all sizes and consistency in infection control procedures is necessary for public safety.

**19. 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?**

The Board will apply its violation guidance matrix if an individual receives notice of a violation of these rules. The matrix permits an individual in violation of these rules to correct the issue(s) and receive a warning.

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

The Board’s website provides comprehensive information pertaining to requirements for cosmetology professionals, including up-to-date information about the Board’s laws and rules, possibilities for updating skills, and schools teaching each branch of the cosmetology profession. The Board’s staff is available during reasonable business hours to answer questions and to provide assistance.