

OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

DECEMBER 15, 2015

RULEMAKING ACTION:

Rule Impact Statement – Chapter 10

BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES:

The Board is amending specific rules and adding a new rule. The Board is eliminating an initial requirement for school licensure by no longer requiring a minimum of 23 students to open its doors. The Board is requiring that quarterly hour reports of students be submitted to the Board for record keeping purposes and that before students are allowed to transfer to another school or register for the State Board examination, that their tuition be paid in full. Also, the Board is updating language to ensure that licensees not be allowed to perform invasive procedures within the scope of their license. A new rule is proposed to allow specific procedures to be formed in kiosks and that the kiosks be licensed. A new requirement is also proposed to require that any licensee performing services in an establishment be prepared to show a current photo id for inspection and identification purposes.

DESCRIPTION OF THE CLASSES OF PERSONS WHO MOST LIKELY WILL BE AFFECTED BY THE PROPOSED RULE, INCLUDING CLASSES THAT WILL BEAR THE COSTS OF THE PROPOSED RULE, AND ANY INFORMATION ON COST IMPACTS RECEIVED BY THE AGENCY FROM ANY PRIVATE OR PUBLIC ENTITIES:

The Board has determined that it may be prohibitive to require a school to enroll a minimum of 23 students prior to licensure and is therefore proposing to eliminate this requirement. The Board believes this to be a positive affect for the school, students and the general public. The requirement for the school's submittance of quarterly reports to the Board is viewed to be a positive for the student and the school for record keeping purposes. Also, ensuring that tuition is paid prior to transfer of a student and register for an exam is a professional business practice and the same as for colleges and universities. The assurance that licensees understand that they cannot perform invasive procedures within the scope of their license positively protects the licensee. Kiosks are opening all over the state in malls and in other areas around the state. The Board's intent it to allow for limited services because of the limited means to perform safe and sanitary and disinfection procedures under specific circumstance while still allowing procedures to be performed and regulated ensuring the public is protected. Requiring that the licensee carry a photo id is a means for the Inspector to ensure that the licensee is the holder of the posted license and that they are legal to practice.

DESCRIPTION OF THE CLASSES OF PERSON WHO WILL BENEFIT FROM THE PROPOSED RULES:

It is anticipated that the licensees and the general public will benefit from the proposed rules and the amendments are believed to be a positive change to help the profession grow.

DESCRIPTION OF THE PROBABLE ECONOMIC IMPACT OF THE PROPOSED RULES UPON AFFECTED CLASSES OF PERSONS OR POLITICAL SUBDIVISIONS, INCLUDING A LISTING OF ALL FEE CHANGES AND, WHENEVER POSSIBLE, A SEPARATE JUSTIFICATION FOR EACH FEE CHANGE:

There may be a minimal economic impact (if any) if the proposed rules become effective upon Establishments and licensees but the cost for compliance will be minimal.

PROBABLE COSTS AND BENEFIT TO THE AGENCY AND TO ANY OTHER AGENCY OF THE IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, THE SOURCE OF REVENUE TO BE USED FOR IMPLEMENTATION AND ENFORCEMENT OF THE PROPOSED RULE, AND ANY ANTICIPATED EFFECT ON STATE REVENUES, INCLUDING A PROJECTED NET LOSS OR GAIN IN SUCH REVENUES IF IT CAN BE PROJECTED BY THE AGENCY:

There are no anticipated additional costs in implementing the proposed rule changes. There is no anticipated effect on state revenues.

DETERMINATION ON WHETHER IMPLEMENTATION OF THE PROPOSED RULE WILL HAVE AN ECONOMIC IMPACT ON ANY POLITICAL SUBDIVISIONS OR REQUIRE COOPERATION IN IMPLEMENTING OR ENFORCING THE RULE:

There is no economic impact on any political subdivision from the proposed rules, and cooperation from any political subdivision is not required in implementing or enforcing the proposed rules.

EXPLANATION OF THE MEASURES THE AGENCY HAS TAKEN TO MINIMIZE COMPLIANCE COSTS AND A DETERMINATION OF WHETHER THERE ARE LESS COSTLY OR NONREGULATORY METHODS OR LESS INTRUSIVE METHODS FOR ACHIEVING THE PURPOSE OF THE PROPOSED RULE:

There are no anticipated additional costs for complying with the proposed rule changes. There is no less costly, nonregulatory method or less intrusive method for achieving the purpose of the proposed rules in order to protect the general public and fulfill the statutory mission of the Board.

DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK.

There will be a positive effect on the cosmetology and barbering industries. The proposed rules will allow more positive opportunities for growth for licensees, schools and students. Sanitation and disinfection clarification rules will help to protect the public.

DETERMINATION OF THE EFFECT OF THE PROPOSED RULE ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT AND IF THE PROPOSED RULE IS DESIGNED TO REDUCE SIGNIFICANT RISKS TO THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT, AN EXPLANATION OF THE NATURE OF THE RISK AND TO WHAT EXTENT THE PROPOSED RULE WILL REDUCE THE RISK.

There will be a positive effect on the public health and general welfare of consumers of cosmetology and barbering services because the proposed rules will protect them by reducing the risk of transmitting disease by requiring higher standards of sanitation and disinfection and eliminating change of physical harm to the public. Hybrid learning will enhance the education process for students in school.

DETERMINATION OF ANY DETRIMENTAL EFFECT ON THE PUBLIC HEALTH, SAFETY AND ENVIRONMENT IF THE PROPOSED RULE IS NOT IMPLEMENTED:

There may be a detrimental effect on the public health and safety of consumers of cosmetology and barbering services if the proposed rules are not implemented. The agency believes there is a need to propose more stringent rules for sanitation, disinfection and safety in cosmetology and barbering establishments based on the rising number of complaints received from consumers and that it apply to all licensees.

DATE THE RULE IMPACT STATEMENT WAS PREPARED:

December 15, 2015