

OKLAHOMA STATE BOARD OF COSMETOLOGY AND BARBERING

DECEMBER 15, 2014

RULEMAKING ACTION:

Rule Impact Statement – Chapter 10

BRIEF DESCRIPTION OF THE PURPOSE OF THE PROPOSED RULES:

The Board amending specific rules and adding three new rules. The Board is updating requirements for schools regarding equipment and clarifying that the Board allows for credit of 500 hours in statutory approved related subjects for parochial, private school or home school high school transcript documentation. The Board is updated language by deleting the outdated terminology of sterilization and instead requiring disinfection. Amendments add for new regulations to allow for public barber school students to obtain 500 hours of approved related subjects that is the same allowance for currently for public cosmetology students. New rules clarify the statutory authority for hybrid learning in all courses. Amended rules allow that schools may count the instructor student in the required ratio of instructor to student count. A new rule was added that was previously a Barber rule to allow for kiosk style Establishments to be licensed. The Board is lowering the passing score of all exams to 75% on all portions. Fees were updated to match current statute and reciprocity rule requirements were updated to match the statute. The Board is adding provisions to allow for mobile type establishments with limited provisions.

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 general public would be positively affected because they could take advantage of the conveniences this would have to offer to receive cosmetology and barbering services in a safe and sanitary manner. Schools will have the opportunity to offer hybrid learning for their students which will be a positive impact for both. The Board is proposing rules for reciprocity that would be consistent with statute to make it a smoother transition for licensees coming from other states or foreign countries wanting to practicing in Oklahoma. Licensees of will be affected by the proposed rule to allow for a mobile type salon which is a specialty Establishment if they decide to take advantage of the opportunity.

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, 2014