

4713-1-01

Definition of board of cosmetology.

- (A) The term "board" means the Ohio state board of cosmetology.
- (B) The term "board member" means those members appointed by the governor of the state in accordance with Chapter 4713. of the Revised Code who are vested with both statutory and discretionary authority.
- ~~(C) "Advanced practice services" means services provided which are within the license scope of practice and may require certification for use of machines, devices, chemicals or techniques.~~
- ~~(D) "Advanced techniques" means enhanced skills used to provide services which are part of the licensee's scope of practice.~~
- ~~(E)~~(C) An "applicant" is an individual who is applying for admission to a school or who is applying to take an examination for a board license or who is applying for a permit from the board. An applicant may also apply for a position in a salon or tanning facility or may be a person applying to provide a service to the board.
- ~~(F)~~(D) "Appropriate disinfectant" is defined as follows:
- (1) For objects that come in contact with intact skin, the appropriate disinfectant would be an environmental protection agency (EPA) registered, hospital grade bactericidal (esp. pseudomonacidal), virucidal, and fungicidal (quanternary ammonium compound – "quat") that is mixed and used according to the manufacturer's directions, or bleach in a ten per cent solution for ten minutes.
 - (2) For objects that come in contact with bodily fluids or blood, an appropriate disinfectant would include an EPA disinfectant registered as effective against "HIV/HBV". An acceptable alternative is a bleach solution, mixed as described in paragraph ~~(A)~~(B) of 4713-15-03 of the Administrative Code. If using bleach, the item shall be soaked in the solution for ten minutes.
- ~~(G)~~(E) "Biometrics" means the identification of humans by certain traits or characteristics.
- ~~(H)~~(F) A "candidate" is an individual who has applied to take the examination.
- ~~(I)~~(G) "Client" means the recipient of cosmetology services, or the services of a tanning facility. A client may include a person, group or community. The words "patron" and "client" may be used interchangeably. A "client" or a "patron" may also be a "consumer."

~~(H)~~(H) "Chemical treatment" means any product or procedure, including the preparation and/or application of the product that alters or changes the molecular structure of the hair, skin or nails through the chemical treatments. These treatments may include, but are not limited to the following:

- (1) Permanent waving and soft permanent waving;
- (2) Chemical straightening;
- (3) Hair coloring and bleaching (semi-permanent and permanent);
- (4) Chemical skin peel and products;
- (5) Depilatory product; and
- (6) Lash and brow tinting products.

~~(K)~~(I) "Common Area" means any lobby or reception areas, restrooms, dispensary or any other area available for general use. This includes shampoo and dryer areas, pedicure, manicure, and other work stations unless individually assigned or an individual is delivering services in that area at the time of the inspection.

~~(J)~~(J) "Corrective action course" means a remedial training used as a tool to improve the cosmetology service provided by licensees or boutique services registration holders who have violated a board rule or law. A corrective action course is not to be confused with a continuing education course, designed to improve the skills of a licensee or boutique services registration holder.

~~(M)~~(K) "Cosmetology service" means any service provided to a client within the scope of practice of cosmetology or of any branches of cosmetology.

~~(L)~~(L) "Device" means, for purposes of this chapter, implements and equipment designed to perform a specific service. The term "instrument" may be interchanged with the term "device."

~~(M)~~(M) An "employee" is an individual whose practice of the service of cosmetology or a branch of cosmetology or who works in a tanning facility in exchange for compensation is controlled and directed by an employer. ~~An employee receives a salary or commission and or benefits. An employee has taxes taken out of the salary or commission.~~ Any employee may have authority in the interest of the employer

where it is necessary to use independent judgment, such as supervising and directing other employees, or hiring, transferring or rewarding other employees.

~~(P)~~(N) An “employer” is a person who controls and directs the services provided by one or more employees. An employer is responsible for withholding tax from the salary or compensation of the employees.

~~(Q)~~(O) “Equipment” means tools needed for a particular purpose. Equipment may be a type of machine used to provide a service. Equipment may be mechanical or electrical and, in some instances, may also be considered implements.

~~(R)~~(P) “~~Escrow~~Inactive” means ~~that a license is held in an inactive state~~ a practicing license, advanced practice license, or instructor license so classified for reasons defined in section 4713.61 of the Revised Code.

~~(S)~~(Q) An “examiner” means an individual to whom the board has given the authority to administer theoretical and practical examinations for licenses and certifications. An examiner may be an employee or may be a consultant for the board.

~~(T)~~(R) “Exfoliation” means the sloughing off of non-living (dead) skin cells by very superficial and non-invasive means.

~~(U)~~(S) An “independent contractor” is an individual who is not an employee of the salon, but who practices a branch of cosmetology within a salon and who has an independent contractor’s license.

~~(V)~~(T) “Infection control” means to prevent disease and infection by addressing factors related to the spread of infections by cleaning, sanitizing, disinfecting and sterilization.

(1) “Sanitize” means the conditions or practices conducive to maintaining health and preventing disease, especially through cleanliness and disinfection. It also includes using chemical or physical means to remove visible debris from an object or surface. Sanitation may be a two-part process including both cleaning and disinfecting.

(2) “Disinfect” means to use a disinfectant that kills or irreversibly inactivates most bacteria, fungi and viruses in order to clean an item or facility of infection and to rid an item or facility of microorganisms and odors, to prevent disease or disorders. Disinfection is a more thorough means of ridding a surface or a fluid of a possibly dangerous microbial life than sanitation. Disinfection is a part of sanitizing.

- (3) “Sterilization” means a process that eliminates, removes or kills all forms of microbial life, including transmissible agents such as fungi, bacteria, viruses, spore forms, etc. present on a surface, contained in a fluid or elsewhere, and can be achieved by applying the proper heat or other by using other procedures. Sterilization terminates all possibly dangerous microbial life whereas sanitation and disinfection reduce the numbers of pathogenic organisms to a level a reasonably healthy individual can tolerate. Salons, schools and tanning facilities are not required to sterilize implements or equipment under Ohio law, but salons, schools and tanning facilities may use sterilization as an extra safety/infection control precaution after disinfection.
- (4) “Clean” means free from dirt, marks, or pollutants, or attentive to personal hygiene. The verb “to clean” means to remove dirt, marks or debris from something or someone. Cleaning is a part of sanitizing.

~~(W)~~(U) “Implement” means a type of instrument, usually specially designed to perform a specific service.

- (1) “Non-porous implement” means a type of instrument that does not permit in water, air, or other fluids to get into the instrument. A non-porous implement may be cleaned, sanitized and disinfected as set forth in rule 4713-15-03 of the Administrative Code.
- (2) “Porous implement” means a type of instrument that has pores that allow fluids or gases to penetrate it. Porous implements shall be discarded after one use as set forth in rule 4713-15-03 of the Administrative Code.

~~(X)~~(V) “Inspector” means an authorized agent of the board who has the authority to enter a salon, a school or tanning facility or any other facility purporting to offer cosmetology, boutique, or tanning services to make reasonable inspections or investigations. An inspector may inspect or investigate any person who holds a license, boutique services registration, or a permit from the board, provides continuing education training, tanning certification training or who acts as a licensee, boutique services registration holders, or permit holder, but does not hold a license, boutique services registration, or permit from the board.

~~(Y)~~(W) “Inspection report” means the written report on forms provided by the board that the inspector shall prepare after inspecting or investigating a licensee, boutique services registration holder, or a person acting as a licensee or boutique services registration holder.

~~(Z)~~(X) “Inspection” means to examine, look into, check over, or view for the purpose of

~~ascertaining the quality or conditions of the licensee or of a person acting as a licensee or a licensee or the possible violation of law or rule by a person acting as a licensee~~ a licensee's, permit holder's, or boutique services registration holder's compliance with laws under chapter 4713 of the Revised Code and rules adopted thereunder, governing licensure, and the safety and sanitation provisions of cosmetology, branch of cosmetology, or boutique services.

~~(AA)~~(Y) "Instrument" means, for purposes of this chapter, implements and equipment designed to provide a specific service. The term "device" may be interchanged with the term "instrument."

~~(BB)~~(Z) "Investigation" means an inspection plus the process of inquiring into, tracking down, searching into or for, examining ~~or~~₂ observing₂ or inspecting the licensee, boutique services registration holder, permit holder, or of a person acting as a licensee, boutique services registration holder, or a permit holder for possible violations of law or rule governing cosmetology, branch of cosmetology, tanning, or boutique services. An investigation is usually started after a person files a complaint with the board.

~~(CC)~~(AA) "Investigator" means an individual who conducts an investigation or an inspection.

~~(DD)~~(BB) "Legal residence" means the residence where a person has a permanent home or principal establishment and to where, whenever a person is absent, that person intends to return; every person is compelled to have one and only one legal residence at a time.

(CC) "Licensee" means an individual or entity issued a license under chapter 4713 of the Revised Code.

~~(EE)~~(DD) "Model" means a mannequin head or an artificial hand or a living individual.

~~(FF)~~(EE) "Non-invasive" means confined to the nonliving cells of the epidermis specifically the stratum corneum (outer) layer. Living cells must never be altered, cut or damaged. During services performed by individuals licensed in cosmetology or a branch of cosmetology, at no time should the basal layers be compromised.

~~(GG) "One year" for purposes of computing work experience is equal to eighteen hundred hours of employment.~~

~~(HH)~~(FF) "Operator" means the owner of a salon, a non-licensed business manager, a manager or an individual delegated by the owner to run a salon. For purposes of tanning, an operator is an employee of a tanning facility who has successfully

completed and ~~successfully~~ passed, with a minimum score of seventy-five per cent, a board approved training course and holds a board approved certificate.

~~(H)~~(GG) "Owner" means a person who has substantial control and a financial interest over a salon, school, or tanning facility.

~~(J)~~(HH) "Person" includes an individual, corporation, business trust, estate, trust, partnership, ~~and~~ or association.

~~(K)~~(II) "Service animal" means any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability, or trained to assist a mobility impaired individual. A "service animal" may be a miniature horse, if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability subject to an assessment of the type, size, and weight of the miniature horse and whether the facility can accommodate these features. The crime deterrent effects of the animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks for the purposes of this definition.

~~(L)~~(JJ) "Student" means an individual who is studying in order to obtain sufficient knowledge to be licensed in the practice of cosmetology or a branch of cosmetology ~~or who wishes to become certified in tanning. An individual who enrolls in courses after obtaining a permit or a license becomes a student for the duration of the course.~~

~~(M)~~(KK) "Therapy" means a non-invasive, non-medical and non-healing service, such as aroma therapy or other relaxation services.

~~(N)~~(LL) "Unregulated services" means services that are not regulated under the Ohio Revised Code or Administrative Code or the laws or regulations of any other governmental agency.

~~(O)~~(MM) "Armed forces" mean:

- (1) The armed forces of the United States, including the army, navy, air force, marine corps, and coast guard;
- (2) A reserve component of the armed forces in paragraph (OO)(1) of this rule;
- (3) The national guard, including the Ohio national guard or the national guard of any other state;

- (4) The commissioned corps of the United States public health service;
- (5) The merchant marine service during wartime; or
- (6) The Ohio organized militia when engaged in full-time national guard duty for a period of more than thirty days.

~~(PP)~~(NN) "Active duty military member" means any person who is serving in the armed forces.

~~(QQ)~~(OO) "Veteran" means any person who has completed service in the armed forces, who has been discharged under honorable conditions or who has been transferred to the reserve with evidence of satisfactory service.

Effective: 12/05/2016

Five Year Review (FYR) Dates: 06/03/2016 and 12/05/2021

CERTIFIED ELECTRONICALLY

Certification

11/22/2016

Date

Promulgated Under: 119.03
Statutory Authority: 4713.08(A)(20)
Rule Amplifies: 4713.
Prior Effective Dates: 9/5/77, 12/17/89, 1/26/97, 11/1/2013, 3/26/2015