

CSI - Ohio

The Common Sense Initiative

Business Impact Analysis

Agency Name: State Medical Board of Ohio

Regulation/Package Title: Limited Branch Rules

Rule Number(s): 4731-1-03, 4731-1-04, 4731-1-05, 4731-1-06, 4731-1-07, 4731-1-09, 4731-1-10, 4731-1-15, and 4731-1-17

Date: September 25, 2017

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Rescinded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.

The rules are applicable to the limited branches of medicine, which are cosmetic therapy, massage therapy, mechanotherapy, and naprapathy. Section 4731.15, Ohio Revised Code, states that the Medical Board shall adopt rules governing the limited branches of medicine. The rules establish and clarify the scopes of practice, eligibility for licensure, curriculum and other requirements for limited branch schools, licensure examinations, and continuing education for cosmetic therapists. It should be noted that pursuant to Section 4731.151, Ohio Revised Code, no new licensed to practice mechanotherapy or naprapathy could be issued after March 2, 1992.

4743-1-03: General prohibitions – The rule clarifies the activities that a limited branch practitioner may not engage in. No changes are proposed.

4731-1-04: Scope of practice: mechanotherapy. The rule sets forth the scope of practice of a mechanotherapist. The rule is amended by adding “electrical neuromuscular stimulation” at paragraph (C)(4) to conform with the wording of Section 4731.151, Ohio Revised Code.

4731-1-05: Scope of practice: massage therapy. The rule clarifies the scope of practice of massage therapy and the requirements applicable to the practicing massage therapist. It is amended to reflect that wallet cards are no longer issued.

4731-1-06: Scope of practice: naprapathy. The rule sets forth the scope of practice of naprapathy. It is proposed as a “no-change” rule.

4731-1-07: Eligibility of electrologists licensed by the Ohio state board of cosmetology to obtain licensure as cosmetic therapists pursuant to Chapter 4731. of the Revised Code and subsequent limitations -- No changes are proposed.

4731-1-09 Cosmetic therapy curriculum requirements – No changes are proposed.

4731-1-10 Distance education: Paragraph (E) is added to require the school’s renewal of the certificate of good standing two years from the date of issuance by demonstrating that the requirements for the initial certificate are met. The renewal requirement was inadvertently dropped from the procedures during an earlier rule review.

4731-1-15: Determination of standing of school, college, or institution.

Paragraph (E) is added to require renewal of the certificate of good standing two years from the date of issuance by demonstrating that the requirements for the initial certificate are met. The renewal requirement was inadvertently dropped from the procedures during an earlier rule review.

4731-1-17: Instructional staff in Ohio cosmetic therapy and massage therapy programs. Paragraph (B) is amended by striking “with certification by a recognized body of authority

or.” The language is stricken because there are no such “bodies of authority” identified by the Medical Board.

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

The rules are authorized by Sections 4731.05, 4731.15, 4731.151, and 4731.155, Ohio Revised Code.

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.

The rules do not implement a federal requirement or enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program.

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

Not applicable.

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)?

The purpose of the rules is to establish and clarify the procedures and requirements for licensure and practice by the four types of limited branch providers licensed by the Medical Board. The provisions of the Ohio Revised Code are directive, not prescriptive, as to regulation of limited branch providers. For example, Section 4731.19, Ohio Revised Code, states that one of the requirements for licensure is that the applicant provide evidence of having a diploma or certificate from a school, college, or institution in good standing as determined by the board, showing the completion of the required courses of instruction. Accordingly, Rule 4731-1-15 notifies schools, applicants, and the public of the requirements that must be met in order to a Medical Board approved school, Rule 4731-1-09 notifies them of the curriculum requirements for a Medical Board approved cosmetic therapy program, and Rule 4731-1-17 notifies them of the requirements for instructors in an approved school.

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

The success of the regulations will be measured by having rules written in plain language, licensee and school compliance with the rules, and minimal questions from licensees, medical practices, and schools regarding the provisions of the rule.

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.

The rules were in a package of twelve rules in Chapter 4731-1 that was sent to interested parties for comments on July 14, 2016. The proposed rules were sent to all Medical Board approved cosmetic therapy schools, Medical Board approved massage therapy schools, Ohio Cosmetic Therapy Association, American Massage Therapy Association – Ohio chapter, the organizations and individuals who have filed standing requests for notice of Medical Board rule activity, and persons who have requested notice of rule activity related to cosmetic therapy or massage therapy. Please note: Rules 4731-1-01, 4731-1-11, 4731-1-13, 4731-1-18, and 4731-1-19, which were in the package of twelve rules sent in July 2016, are not in this package but were submitted via a separate Business Impact Analysis on August 7, 2017.

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

The Cosmetic Therapy Association stated that they had reviewed all of the proposed rules and had no comment. For Rule 4731-1-05, one comment was submitted concerning the proposal to require continuing education for massage therapy licensure renewal. This comment was not relevant to the proposed rule. Three comments on Rule 4731-1-09 concerned the possibility of switching the cosmetic therapy license to a universal examination administered by an outside agency rather than the Medical Board. The comments were not relevant to the proposed rule. For Rule 4731-1-15, two technical comments were received and adopted: one noted that the Ohio Board of Regents is now the Ohio Department of Higher Education; the other noted that there was a typographical error. For Rule 4731-1-17, a school instructor supported the proposed amendment in paragraph (B). Also for Rule 4731-1-17, a school instructor suggested that the requirements for an instructor of business or ethics were unclear. Following a telephone conversation with the instructor to formulate acceptable language, the language was amended. The proposed language of Rule 4731-1-17(A) reflects the input of the instructor.

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?

No scientific data was used to develop the rules. The general framework of the rules has been in place since the late 1970s, with tweaks over the years to reflect changes in statute, procedures, or the problems identified by schools or licensees.

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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?

Alternative regulations were not considered. The general framework of the rules has been in place since the late 1970s, with tweaks over the years to reflect changes in statute, procedures, or the problems identified by schools or licensees. The schools, in particular, need consistency for purposes of planning for future performance.

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 rules are performance-based. The rules set the required outcomes without dictating the process the applicant, licensee, or school must use to achieve compliance.

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

The rules do not duplicate any existing regulations because the Medical Board is the only agency that regulates the practices of massage therapy, cosmetic therapy, naprapathy, and mechanotherapy. Massage therapy and cosmetic therapy schools are required to hold a certificate issued by the Ohio Department of Higher Education, State Board of Career Colleges and Schools Registration, or the Ohio Department of Education, Division of Career/technical Adult Education, but the Medical Board rules do not overlap the language of the rules of those agencies. The approved schools are extremely cognizant of needing to maintain approval by both the appropriate certifying agency and the Medical Board and communicate any possible conflicts to the Medical Board.

In addition, the language stricken from 4731-1-17(B) was done only have consultation with the State Board of Career Colleges and Schools Registration. The language had been included in the current version of the rule based on the language of that agency's rules.

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.

The rules will be available from the Medical Board's website. Information on the rules will be emailed to licensees and to all approved massage therapy and cosmetic therapy schools, all persons/organizations that submitted comments on the proposed rules, Ohio Cosmetic Therapy Association, American Massage Therapy Association – Ohio chapter, Society of Cosmetic Therapy Training, the organizations and individuals who have filed standing requests for notice

of Medical Board rule activity, and persons who have requested notice of rule activity related to cosmetic therapy or massage therapy.

Medical Board staff members will be provided information that will facilitate consistent and predictable application of the rules to the regulated community.

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;

The impacted business community is made up of massage therapy schools, cosmetic therapy schools, massage therapists, and cosmetic therapists. There is no adverse impact on mechanotherapists or naprapathists.

b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and

For schools, the adverse impact is the cost for instructional staff, curriculum that meets the requirements, and other requirements for holding a certificate of good standing.

For massage therapists, the adverse impact is the cost of attending an approved school.

For cosmetic therapists, the adverse impacts include the following. For a person who was originally licensed as a cosmetic therapist by the Cosmetology Board under Chapter 4713., there is a cost to undergo additional training should the person choose to apply systemic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders. This is because those services were not included in the the scope of practice during the time the profession was licensed by the Cosmetology Board. There is also the cost of attending a Medical Board approved cosmetic therapy school.

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.

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For schools, the cost for a certificate of authorization from the Ohio Department of Higher Education is an annual fee ranging from \$2000 to \$6000, based upon the student population. <https://www.ohiohighered.org/academic-program-approval>. The cost of a certificate of registration by the State Board of Career Colleges and Schools Registration is based upon the tuition revenue (<http://scr.ohio.gov/SchoolForms.aspx>) and ranges from \$150 with a \$300 renewal fee to \$800 with a \$1,600 renewal fee. The certificate of program authorization fee for a certificate program is \$150 per year, the Associate Degree is \$225 per year. Whether there is a fee associated with the certificate of authorization from the Ohio Department of Education was not discernable from the website of the Ohio Department of Education. However, a vocational training program is required to meet the standards in Chapter 3301-61, Ohio Administrative Code. (<http://codes.ohio.gov/oac/3301-61>) The cost of hiring or contracting with instructors who meet the requirements of the rules is information that is not readily available and depends upon qualifications and supply.

The cost of tuition and fees for massage therapy school depends upon the school, however, examples include the following:

- American Institute of Alternative Medicine -- \$13, 882.50
(<https://www.aiam.edu/prospective-students/school-of-massage/>);
- Knox County Career Center -- \$10,451.00
(<http://www.knoxttechnicalcenter.com/massage-therapy.html>);
- Cuyahoga Community College – \$3,554

(<http://www.tri-c.edu/programs/health-careers/massage-therapy/frequently-asked-questions.html#q4>).

The cost for tuition and fees for the three approved cosmetic therapy schools include the following:

- Ohio Medical Electrology Institute: \$15,100.00
(<http://www.electrologyschool.com/ProgramTuition.html>);
- Cosmetic Therapy Training Program: \$16,745.00
(<http://www.cosmetictherapytraining.com/pdf/Enrollment-Agreement.pdf>);
- Southeastern School of Electrology: \$7,600
(http://sselaser.org/?page_id=169).

There is no available information that breaks out the cost of taking coursework on systemic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp,

or shoulders as is required by Rule 4731-1-07 for a cosmetic therapist originally licensed by the Cosmetology Board. However, it is believed that the impact is not significant because all of the affected individuals must have been originally licensed no later than February 1, 1993. There are currently seventeen individuals who hold an active license with this credential denotation, and it is believed that those interesting in gaining the ability to provide the pertinent services would have already obtained the training.

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

The Medical Board has a statutory mandate to regulate the limited branches of medicine. The rules implement the purpose of such regulation: to protect the public from the harm that could be caused by insufficiently educated practitioners or those who would practice beyond the extent of their limited medical education and training.

Regulatory Flexibility

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

There are no exemptions or alternative means of compliance for small businesses. The vast majority of limited branch practitioners practice in a small business. The public needs to have the same safety protections no matter the size of the business through which the practitioner delivers the service.

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?

There are no fines imposed for paperwork violations and first-time offenses. A school that does not meet the requirements for “good standing” may be placed on probation and provided an opportunity to come into compliance. See Rule 4731-1-19, which is included in the rule packet filed with CSI on August 7, 2017.

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

Medical Board staff members are available by telephone and e-mail to answer questions. Medical Board staff members also give presentations to groups and associations who seek an update on practice regulations.

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4731-1-03

General prohibitions NO CHANGES PROPOSED.

- (A) No person holding a certificate to practice a limited branch of medicine shall perform or hold himself or herself out as able to perform surgery, or any other act which involves a piercing or puncturing of the skin or membranous tissues of the human body unless specifically permitted under Chapter 4731. of the Revised Code or this chapter of the Administrative Code. This rule does not prohibit a licensed cosmetic therapist with appropriate training from removing an ingrown hair.
- (B) No person holding a certificate to practice a limited branch of medicine shall prescribe, dispense, personally furnish or administer any drug or medicine.
- (C) Except as is specifically permitted under the rules defining the scope of a limited branch of medicine, no person holding such a certificate shall diagnose or treat infectious, contagious or venereal diseases, or any wound, fracture or bodily injury, infirmity, or disease.
- (D) The designation "Dr." or "Doctor" shall not precede the name of the limited practitioner. No person holding a certificate to practice a limited branch of medicine shall employ, or cause to be employed, the designation "Dr." or "Doctor" without also qualifying such designation by the name or an abbreviation of the limited branch for which the person holds a certificate. The appropriate designation must follow the name of the limited practitioner (e.g., "John Doe, Doctor of Mechanotherapy" or "John Doe, D.M.") and may be employed or caused to be employed by the limited practitioner only if the limited practitioner has received a degree granting such a title from a school legally empowered to grant the degree.
- (E) No person holding a certificate to practice a limited branch of medicine shall employ, or cause to be employed, the designation "Physician" or "Surgeon" no matter how qualified or how employed in combination with other language.
- (F) No person holding a certificate to practice any limited branch or branches of medicine shall hold himself or herself out as holding a certificate in or as being able to practice any limited branch of medicine for which that person does not hold a certificate.
- (G) No person holding a certificate to practice any limited branch or branches of medicine shall conduct such practice under any name or title, either as an individual, company or concern, that is misleading.

4731-1-04

Scope of practice: mechanotherapy.

- (A) A practitioner of mechanotherapy shall examine patients only by verbal inquiry, examination of the musculoskeletal system by hand, and visual inspection and observation. A practitioner of mechanotherapy shall specifically not employ any techniques which involve extraction or analysis of body tissue or fluids.
- (B) A practitioner of mechanotherapy shall not diagnose a patient's condition except as to whether or not there is a disorder of the musculoskeletal system present.
- (C) A practitioner of mechanotherapy, in the treatment of patients, may apply only those techniques listed below, but he may apply such techniques only to those disorders of the musculoskeletal system which are amenable to treatment by the listed techniques and which are identifiable by examination and diagnosis as described in this rule:
- (1) advised or supervised exercise;
 - (2) massage or manipulation; ~~or~~
 - (3) employment of air, water, heat, cold, sound or infrared rays; ~~or~~
 - [\(4\) electrical neuromuscular stimulation.](#)

4731-1-05

Scope of practice: massage therapy.

- (A) Massage therapy is the treatment of disorders of the human body by the manipulation of soft tissue through the systematic external application of massage techniques including touch, stroking, friction, vibration, percussion, kneading, stretching, compression, and joint movements within the normal physiologic range of motion; and adjunctive thereto, the external application of water, heat, cold, topical preparations, and mechanical devices.
- (B) A massage therapist shall not diagnose a patient's condition. A massage therapist shall evaluate whether the application of massage therapy is advisable. A massage therapist may provide information or education consistent with that evaluation, including referral to an appropriate licensed health care professional, provided that any form of treatment advised by a massage therapist falls within the scope of practice of, and relates directly to a condition that is amenable to treatment by, a massage therapist. In determining whether the application of massage therapy is advisable, a massage therapist shall be limited to taking a written or verbal inquiry, visual inspection including observation of range of motion, touch, and the taking of a pulse, temperature and blood pressure.
- (C) No person shall use the words or letters "massage therapist," "licensed massage therapist," "L.M.T." or any other letters, words, abbreviations, or insignia, indicating or implying that the person is a licensed massage therapist without a valid license under Chapter 4731. of the Revised Code.
- (D) A massage therapist may treat temporomandibular joint dysfunction provided that the patient has been directly referred in writing for such treatment to the massage therapist by a physician currently licensed pursuant to Chapter 4731. of the Revised Code, by a chiropractor currently licensed pursuant to Chapter 4734. of the Revised Code, or a dentist currently licensed pursuant to Chapter 4715. of the Revised Code.
- (E) All persons who hold a certificate to practice massage therapy issued pursuant to section 4731.17 of the Revised Code shall prominently display that certificate in the office or place where a major portion of the certificate holder's practice is conducted. If a certificate holder does not have a primary practice location, the certificate holder shall at all times when practicing keep ~~wallet~~ wallet certificate on the holder's person or provide verification of licensure status from the Board's internet web site upon request. The board's website is: www.med.ohio.gov.
- (F) Massage therapy does not include:
- (1) The application of ultrasound, diathermy, and electrical neuromuscular stimulation or substantially similar modalities;

- (2) Colonic irrigation;
- (3) The practice of chiropractic, including the application of a high velocity-low amplitude thrusting force to any articulation of the human body;
- (4) The use of graded force applied across specific joint surfaces for the purpose of breaking capsular adhesions;
- (5) The prescription of therapeutic exercise for the purpose of rehabilitation or remediation of a disorder of the human body;
- (6) The treatment of infectious, contagious or venereal diseases;
- (7) The prescription, dispensing, personally furnishing or administration of drugs;
and
- (8) The performance of surgery or practice of medicine in any other form.

(G) As used within this rule:

- (1) "External" does not prohibit a massage therapist from performing massage therapy inside the mouth or oral cavity; and
- (2) "Mechanical devices" means any tool or device which mimics or enhances the actions possible by the hands that is within the scope of practice as defined in section 4731.17 of the Revised Code and this rule.

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4731-1-06

Scope of practice: naprapathy.

Naprapathy is the treatment of diseased spinal connective tissue and ligaments by hand only. A practitioner of naprapathy shall not examine patients except by written and verbal inquiry, visual inspection and observation, and touch. Such practitioners shall not diagnose a patient's condition, but may determine whether or not application of naprapathy is advisable.

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4731-1-07

Eligibility of electrologists licensed by the Ohio state board of cosmetology to obtain licensure as cosmetic therapists pursuant to Chapter 4731. of the Revised Code and subsequent limitations NO CHANGES PROPOSED.

A person who was issued a cosmetic therapist's license prior to February 1, 1993 based upon holding a certificate to practice electrolysis and registration issued under Chapter 4713. of the Revised Code, may be registered by the board as a cosmetic therapist but may not apply "systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders" as defined in division (A)(2) of section 4731.15 of the Revised Code until that person has completed coursework in that area that has been approved by the board at a school approved by the board pursuant to this chapter of the Administrative Code.

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4731-1-09

Cosmetic therapy curriculum requirements NO CHANGES PROPOSED.

- (A) To qualify to receive a certificate of good standing for a course of instruction in cosmetic therapy, a school's course of instruction shall:
- (1) Consist of both practical and theoretical instruction covering a period of not less than one year and a minimum of six hundred clock hours. The course of instruction shall include a minimum of seven hundred and fifty clock hours covering a period of not less than nine months.
 - (2) Teach at least the minimum required hours in the following subjects in dedicated clock hours, as appropriate to cosmetic therapy:
 - (a) Anatomy and physiology; pathology: three hundred twenty-five clock hours;
 - (b) Cosmetic therapy theory and practical, including infection control and hygiene: three hundred twenty-five clock hours;
 - (c) Ethics: twenty-five clock hours, at least ten of which shall be in a class dedicated exclusively to ethics. For purposes of this rule, "ethics" shall be defined to include sexual boundary issues and impairment and chemical dependency issues;
 - (d) Business and law: twenty-five clock hours; and
 - (e) Such other subjects as the board deems necessary and appropriate to cosmetic therapy: fifty clock hours.
- (B) Educational objectives shall be clearly defined and simply stated and shall indicate what the educational program can do for reasonably diligent students.
- (C) The course of instruction shall be outlined in detail showing major subjects and clock hours devoted to each subject, entrance requirements and occupational objectives.
- (D) A limited branch school shall submit for approval on an appropriate form its daily or weekly schedule of instruction. The approved schedule shall be made available whenever requested by the board.
- (E) Students may be given credit for off-site clinical activities.

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- (1) Such credit may not exceed ten percent of the required clock hours in the theory and practical category of the program.
- (2) The off-site clinical activities shall be conducted under the direction and on-site supervision of an appropriately licensed practitioner.
- (3) The school shall be required to enter into a written affiliation agreement with a representative of the facility where the off-site clinical activities are being provided, and to maintain records of each student's clinical activities. Upon request of the board, schools shall forward those records to the board for review.
- (4) The student participating in off-site clinical activities shall identify him or herself at all times as a cosmetic therapy student and shall obtain signed acknowledgement of receipt of that notice from the patient.

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4731-1-10

Distance education.

(A) For purposes of this chapter of the Administrative Code:

- (1) "Asynchronous instructional methods" means an educational technique in which the communication between parties does not take place simultaneously and in which students may access a prepared educational program electronically or by other means at a time of their own choosing rather than at a specified time;
- (2) "Brick and mortar school" means an educational institution in which students and faculty are co-located during the entirety of the course of instruction.
- (3) "Distance education" means an instructional delivery system in which students and teachers are in separate locations during at least half of the total number of hours offered during the course of study and in which education and training are delivered through video, audio, computer, multimedia communications or some combination of these with other traditional delivery methods;
- (4) "Home study school" means a form of correspondence instruction through mail or e-mail in which the institution provides lesson materials for study and completion by a student on his or her own, with completed lessons being returned by the student to the school for evaluation by the school. "Home study school" shall not be considered a form of distance education.
- (5) "Synchronous instructional methods" means an educational technique in which the communication between parties takes place simultaneously and in real-time.

(B) Each distance education program shall apply for and receive a separate certificate of good standing from the board prior to the students who have completed a course of instruction from that school being admitted to the licensure examination. A certificate of good standing held by a brick and mortar school shall not be sufficient for any distance learning program operated by that school.

(C) To be eligible to receive a certificate of good standing from the board, a distance education school or program shall submit evidence that complies with all of the following:

- (1) Meet all of the requirements for receipt of a certificate of good standing required pursuant to Chapter 4731. of the Revised Code and this chapter of the Administrative Code;

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- (2) Have in place a procedure whereby applicants for a distance education course of instruction are assessed as to their psychological predisposition toward distance learning and their capabilities to use computer technologies appropriate to the particular course of study;
 - (3) Have in place a plan for on-line attendance and assessment of student performance;
 - (4) Require instructors, in addition to the requirements of rule 4731-1-17 of the Administrative Code, to have documented training or certification in the development of distance education course materials, curricula and instructional methods;
 - (5) Demonstrate possession of minimally sufficient technical resources to meet the requirements of this rule;
 - (6) Offer a mix of synchronous and asynchronous instruction and identify the number of clock hours required for each form of instruction;
 - (7) Of the required three hundred and twenty-five clock hours in massage theory and practical, require a minimum of two hundred hours of hands-on instruction in the limited branch theory and practical portion of the course of instruction.
 - (8) Of the minimum of twenty-five hours of instruction in ethics required in rules 4731-1-09 and 4731-1-16 of the Administrative Code, a minimum of ten hours shall be taught in a dedicated interactive manner during the hands-on instruction;
 - (9) Provide to all applicants an explanation of the types of delivery systems used in the distance education course of instruction, hardware and software requirements, whether the school will provide remedial technical training, and any other information the board deems appropriate.
- (D) Home study schools are considered to be inappropriate for the education required to be given by limited branch schools. Therefore, any home study school is not in good standing with the board for purposes of admitting graduates from that school for examination for licensure in a limited branch of medicine or surgery.
- (E) The certificate of good standing issued pursuant to this rule is valid for two years from the date of issuance. It may be renewed upon the holder's submission of evidence demonstrating that all of the requirements of paragraph (C) of this rule are

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[satisfied, as determined by the board.](#)

4731-1-15

Determination of standing of school, college or institution.

(A) A person desiring to have the board determine the standing of a school, college or institution that offers instruction in a limited branch of medicine shall file a completed application for a certificate of good standing with the board on a form prescribed by the board. The completed application form and other data shall be submitted in full. The completed application shall be signed by the owner or owners and shall include the following information:

(1) If the school, college or institution is located in this state, that:

- (a) It holds a certificate of authorization issued by the Ohio board of regents pursuant to Chapter 1713. of the Revised Code; or
- (b) It holds a valid certificate of registration and a valid program authorization for the program in the limited branch of medicine issued by the state board of career colleges and schools registration pursuant to Chapter 3332. of the Revised Code; or
- (c) It holds a certificate of authorization issued by the Ohio department of education, division of career/technical adult education; and
- (d) It offers a course of instruction in compliance with this chapter of the Administrative Code.

(2) If the school, college or institution is located outside this state, that:

- (a) It holds a current or valid registration authorizing its operation issued by the appropriate regulatory body in the state of location that is substantially equivalent to the board of regents or the state board of career colleges and schools registration in this state; and
- (b) It offers a course of instruction in compliance with this chapter of the Administrative Code.

(B) At or before the time a school, college or institution in this state accepts a student for admission to a cosmetic therapy or massage therapy course of instruction, the school, college or institution shall provide the student with written notice regarding arrests, charges, or convictions of criminal offenses.

(1) The notice must inform the student that arrests, charges, or convictions of criminal offenses may be cause to deny or limit licensure or employment opportunities in specific careers and occupations and may limit the student's

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ability to obtain federal, state, and other financial aid. The notice must encourage students to investigate these possibilities.

- (2) The notice provided under this rule must direct students to paragraph (D) of rule 4731-4-02 of the Administrative Code for factors the board may consider when reviewing the results of a criminal records check.
- (C) At or before the time a school, college, or institution in this state accepts a student for admission to a cosmetic therapy or massage therapy course of instruction, the student must have attained high school graduation or its equivalent.
- (D) A school, college or institution not meeting the requirements of paragraph (A) of this rule shall not be considered a school in good standing, provided that a school, college or institution that offers instruction in a limited branch of medicine and that holds a valid provisional certificate of good standing or a valid certificate of good standing on the effective date of this rule shall continue to be recognized as a school in good standing for one year following the effective date of this rule, unless suspended, revoked or placed on probation by the board pursuant to this chapter of the Administrative Code.
- (E) The certificate of good standing issued pursuant to this rule is valid for two years from the date of issuance. It may be renewed upon the holder's submission of evidence demonstrating that all of the requirements of paragraph (C) of this rule are satisfied, as determined by the board

4731-1-17 Instructional staff in Ohio cosmetic therapy and massage therapy programs.

(A) An instructor in limited branch therapy or clinical practice shall be a high school graduate or equivalent, shall be currently licensed in Ohio in the applicable limited branch and shall have practiced in the applicable limited branch for a minimum of three years.

(1) An instructor in massage therapy business shall also have experience in all aspects of a massage therapy business gained as an owner and operator of a massage therapy business for a minimum of three years.

(2) An instructor in massage therapy ethics shall also have successfully completed an advanced continuing education course in massage therapy ethics.

(B) A classroom instructor teaching basic science or general education courses shall hold a bachelor's degree with a concentration in the discipline in which that instructor is providing instruction. The requirements of this paragraph may be waived for faculty ~~with certification by a recognized body of authority~~ or who, on the date this rule becomes effective, have taught the course for more than one year at a limited branch school that holds a certificate of good standing issued by the board.