



# Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Sean McCullough**, Director

## Business Impact Analysis

Agency, Board, or Commission Name: State Medical Board of Ohio

Rule Contact Name and Contact Information:

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

Limited Branch of Medicine Rules

Rule Number(s): 4731-1-01, 4731-1-02, 4731-1-03, 4731-1-04, 4731-1-05, 4731-1-07, 4731-1-08; 4731-1-09; 4731-1-10; 4731-1-11; 4731-1-12; 4731-1-15; 4731-1-16; 4731-1-17; 4731-1-18; 4731-1-19

Date of Submission for CSI Review: 9/22/22

Public Comment Period End Date: 10/14/22

**Rule Type/Number of Rules:**

New/ 2 rules

No Change/      rules (FYR?     )

Amended/ 6 rules (FYR? y    )

Rescinded/ 10 rules (FYR? y    )

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 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.

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### **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):**

- a.  **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b.  **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c.  **Requires specific expenditures or the report of information as a condition of compliance.**
- d.  **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.*

#### **4731-1-01 Definition of terms – Proposed to amend**

- Eliminates and revises several definitions

#### **4731-1-02 Application of rules governing limited branches of medicine or surgery – Proposed to amend**

- Removes the reference to the code of ethics for cosmetic therapists
- Updates terminology used from “certificate” to “license”

#### **4731-1-03 General prohibitions – Proposed to amend**

- Removes a reference to cosmetic therapists
- Updates terminology used from “certificate” to “license”

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**4731-1-04 Scope of practice: mechanotherapy – Proposed to amend**

- Corrects a typographical error

**4731-1-05 Scope of practice: massage therapy – Proposed to amend**

- Corrects typographical errors and substitutes “license” for “certificate”

**4731-1-07 Eligibility of electrologists licensed by Ohio state board of cosmetology to obtain licensure as cosmetic therapists – Proposed to rescind**

- Propose to rescind this provision related to cosmetic therapists

**4731-1-08 Continuing cosmetic therapy education requirements – Proposed to rescind**

- Propose to rescind the continuing education requirements for cosmetic therapists

**4731-1-09 Cosmetic therapy curriculum requirements – Proposed to rescind**

- Propose to rescind the curriculum requirements for cosmetic therapists

**4731-1-10 Distance education – Proposed to rescind**

- Propose to rescind requirements for distance education. Distance education is addressed to a lesser degree in proposed rule 4731-1-15.

**4731-1-11 Application and examination for certificate to practice cosmetic therapy – Proposed to rescind**

- Propose to rescind application and examination requirements for cosmetic therapists

**4731-1-12 Application and examination for certificate to practice massage therapy – Proposed to amend**

- Updates terminology used from “certificate” to “license”

**4731-1-15 Determination of standing of school, college or institution – Proposed to amend**

- Clarifies the education or licensure requirements for a license to practice massage therapy.

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- Permits only one-half of the required curriculum to be provided via distance education.
- Provides other means for which an out-of-state school can be recognized for purposes of obtaining a certificate of good standing.
- Deletes the following requirements:
  - (1) that the educational objectives be clearly defined and simply stated and shall indicate what the program can do for diligent students, and
  - (2) that the course of instruction be outlined in detail.

**4731-1-16 Massage therapy curriculum requirements – Proposed to rescind**

- Propose to rescind the curriculum requirements for massage therapists as they have now been codified in statute.

**4731-1-17 Instructional staff in Ohio cosmetic therapy and massage therapy programs – Proposed to amend**

- Propose to amend the rule that sets out the requirements of instructional staff in limited branch schools to make it more clear.

**4731-1-18 Grounds for suspension, revocation or denial of certificate of good standing – Proposed to rescind**

- Propose to rescind the rule that sets out the grounds for suspension, denial, or revocation of a certificate of good standing. The requirements have been moved to proposed rule 4731-1-15.

**4731-1-19 Probationary status of a limited branch school – Proposed to rescind**

- Propose to rescind the rule that permits a certificate of good standing to be placed on probation if graduates' performance on the applicable licensing exam fall below certain thresholds.

**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.**

4731-1-01: Authorized by 4731.05, 4731.15, 4731.16; Amplifies: 4731.15, 4731.16

4731-1-02: Authorized by 4731.05, 4731.15; Amplifies: 4731.15, 4731.22

4731-1-03: Authorized by 4731.05, 4731.15; Amplifies: 4731.15, 4731.17

4731-1-04: Authorized by 4731.05, 4731.15, 4731.151; Amplifies: 4731.151

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4731-1-05: Authorized by 4731.05, 4731.15, 4731.20; Amplifies: 4731.04, 4731.15

4731-1-12: Authorized by 4731.05, 4731.15, 4731.16, 4776.03; Amplifies: 4731.16, 4731.17, 4731.171, 4731.19, 4776.02

4731-1-15: Authorized by 4731.05, 4731.15; Amplifies: 4731.16, 4731.19

4731-1-17: Authorized by 4731.05, 4731.15; Amplifies: 4731.16, 4731.19

- 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, the regulation does not implement a federal requirement.

- 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)?**

The Medical Board is the only agency which regulates massage therapists, a limited branch of medicine and the regulations are necessary in order to set forth massage therapy scope of practice and to clarify educational requirements. In addition, cosmetic therapy, another limited branch of medicine is no longer regulated by the Medical Board and the rule package rescinds the rules related to the regulation of cosmetic therapy.

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

The success of these regulations will be measured by the rules being written in plain, understandable language, licensee compliance with the rules, and minimal questions from licensees about the proposed rule requirements.

- 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.**

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*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

In June 2021, the proposed rules were circulated to interested parties, including the American Massage Therapy Association, the Cosmetic Therapy Association, the Ohio State Medical Association, the Ohio Osteopathic Association, the Ohio Hospital Association and the Academy of Medicine of Cleveland and Northern Ohio. The rules were reviewed by the Massage Therapy Advisory Committee on February 7, 2022.

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

A comment was received from the Massage Therapy Program at the Cuyahoga Community College, raising concerns with Rules 4731-1-15, 4731-1-16, and 4731-1-17. The comments were reviewed by the Medical Board and referred to the newly formed Massage Therapy Advisory Council which held its first meeting on February 7, 2022. The MTAC members were provided copies of the rules and the comments received. The MTAC members and other representatives from the massage therapy community provided comments which were shared with the Medical Board in April 2022. The Medical Board made changes to Rules 4731-15 and 4731-17 based upon the comments received, including the following:

4731-1-15(C)(1)(3) and 4731-1-15(C)(2)(e)-Reinstating requirement for massage therapy students to complete at least one massage on a licensed massage therapist;

4731-1-15(D)-Requiring notification to students regarding criminal charges, arrests, and convictions and the disqualifying offense list and explanatory statement on the Medical Board's website;

4731-1-15(I)-Reinstating the requirement for a two year renewal for the certificate of good standing;

4731-1-17(C)(2) and (3)-Changing from proposed to rescind to amending the language regarding the qualifications for instructors at massage therapy schools.

**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?**

These rules deal with massage therapy scope of practice and educational requirements. The Board sought the expertise of the Massage Therapy Advisory Council, comprised of massage therapists.

**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?**

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The Board accepted many of the alternatives proposed by interested parties and the Massage Therapy Advisory Council.

- 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.*

The rules are performance based.

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

The Medical Board is the state agency responsible for regulating massage therapists.

- 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.**

The rules will be posted on the Medical Board's website and notice of the rules will be circulated to the interested parties. Medical Board staff members will be available to answer questions regarding the rules. Board staff will be made aware of the rule changes so that the rules can be fairly, consistently, and predictably applied to the regulated community.

### **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**

The impacted business community are primarily massage therapists.

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

The adverse impact includes licensure application and renewal fees for massage therapist. In addition, the adverse impact would include attendance at a massage therapy school that meets the Medical Board's license eligibility requirements.

- 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.*

The fee for an initial license to practice massage therapy is \$150 and the cost for renewal is \$100 every two years.

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

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The proposed rules are being streamlined to minimize the adverse impact to the regulated business community. During the initial comment period, the Medical Board received recommendations from massage therapists and massage therapy educators that some of the requirements that were proposed to be removed, should be reinstated in the rules.

### **Regulatory Flexibility**

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

No, the regulation does not provide exemptions or alternative means of compliance for small business. All massage therapists are required to meet the educational requirements for licensure and follow the rules with respect to scope of practice.

**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?**

Due process requires the Medical Board to consistently apply its rules to massage therapy applicants and licensees.

**20. 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.



4731-1-01

**Definition of terms.**

- (A) "Board" means the state medical board of Ohio.
- (B) "Certificate of good standing" means a non-transferable certificate issued by the board to the person or persons signing the application on behalf of a limited branch school, college, or institution which states that it is in good standing with the board, pursuant to section 4731.16 of the Revised Code and this chapter of the Administrative Code.
- (C) "Limited branch school, college or institution" means a facility wherein a course of instruction in massage therapy is offered.
- (D) "MBLEx" means the massage and bodywork licensing examination as prepared by the federation of state massage therapy boards.
- (E) "Distance education" means an instructional delivery system in which students and teachers are in separate locations and in which education and training are delivered through video, audio, computer, multimedia communications or some combination.
- (F) "Home study" 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" shall not be considered a form of distance education.

4731-1-01

**Definition of terms.**

- (A) "Board" means the state medical board of Ohio.
- (B) "Certificate of good standing" means a non-transferable certificate issued by the board to the person or persons signing the application on behalf of a limited branch school, which states that the school is in good standing with the board to offer a course of instruction in one limited branch of medicine, pursuant to section 4731.16 of the Revised Code and this chapter of the Administrative Code.
- (C) "Clock hour" means a period of sixty minutes with a minimum of fifty minutes of instruction at the limited branch school. One semester hour is equivalent to fifteen clock hours. One quarter hour is equivalent to ten clock hours.
- (D) "Course of instruction" means the complete body of prescribed subjects or studies to prepare students for admission to an examination for licensure in the limited branch of medicine.
- (E) "Limited branch school" means a facility wherein a course of instruction in massage therapy or cosmetic therapy is offered.
- (F) "Person" means an individual, corporation, partnership, association, or any other type of organization.
- (G) "Schedule of operations" means the hours in which classes are being conducted and the hours in which other educationally related activities are in process in a limited branch school.
- (H) "Similar course of instruction" means a course of instruction with the same general objective which involves the same or related instructional content, processes, tools, materials and clock hours of instruction previously approved by the board.
- (I) "Subject" means a unit of learning which is an integral part of the course of instruction being pursued.
- (J) "MBLEx" means the massage and bodywork licensing examination as prepared by the federation of state massage therapy boards.
- (K) "CCE examination" means the "Certified Clinical Electrologist Examination" prepared by "The Society for Clinical and Medical Hair Removal."

4731-1-02

**Application of rules governing limited branches of medicine or surgery.**

- (A) Rules adopted by the board governing the practice of limited branches of medicine apply to practitioners of those limited branches listed in sections 4731.15 and 4731.151 of the Revised Code.
- (B) Any person holding a valid ~~certificate~~[license](#) to practice one or more of the limited branches of medicine is subject to disciplinary action by the board, and may additionally be subject to criminal prosecution, if such person performs acts beyond the scope of the limited branch for which the person holds a ~~certificate~~[license](#) or which otherwise violates the rules governing practitioners of limited branches of medicine.
- (C) For purposes of division (B)(18) of section 4731.22 of the Revised Code, the code of ethics and standards of practice of the "American Massage Therapy Association" applies to all persons holding a ~~certificate~~[license](#) to practice massage therapy. The code of ethics may be obtained from the medical board's website at [med.ohio.gov/](http://med.ohio.gov/).
- ~~(D) For purposes of division (B)(18) of section 4731.22 of the Revised Code, the code of ethics and standards of practice of the "Society for Clinical and Medical Hair Removal, Inc.," applies to all persons holding a certificate to practice cosmetic therapy. The code of ethics may be obtained from the medical board's website at [med.ohio.gov/](http://med.ohio.gov/).~~

4731-1-03

**General prohibitions.**

- (A) No person holding a [certificate license](#) 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 license](#) 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 license](#) 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 license](#) 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 license](#). 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 license](#) 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 license](#) to practice any limited branch or branches of medicine shall hold himself or herself out as holding a [certificate license](#) in or as being able to practice any limited branch of medicine for which that person does not hold a [certificate license](#).
- (G) No person holding a [certificate license](#) 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 in this paragraph, 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;
  - (3) ~~Employment~~[Application](#) 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 perform the following services in compliance with the following:
- (1) 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.
  - (2) A massage therapist may apply ultrasound, diathermy, electrical neuromuscular stimulation, or substantially similar modalities provided that the patient has been directly ~~referred~~referred in writing for such treatment to the massage therapist by a physician or podiatric physician licensed under Chapter 4731. of the Revised Code, physician assistant licensed under Chapter 4730. of the Revised Code, chiropractor licensed under Chapter 4734. of the Revised Code, advanced practice registered nurse licensed under Chapter 4723. of the Revised Code, or physical therapist licensed under Chapter 4755. of the Revised Code, who is acting within the scope of their professional license.

- (a) The massage therapist must perform the modality within the minimal standards of care.
  - (b) If the food and drug administration classifies the device as a prescription device, as that term is defined in 21 CFR 801.109 amended as of June 15, 2016, or a restricted device that can only be sold, distributed, or used upon the order of an authorized healthcare provider, the massage therapist's application of the device must be done under the on-site supervision of the referring practitioner.
  - (c) If the food and drug administration classifies the device as an over-the-counter device, the massage therapist may apply the device without the on-site supervision of the referring practitioner.
- (E) All persons who hold a ~~certificate~~[license](#) to practice massage therapy issued pursuant to section 4731.17 of the Revised Code shall prominently display that ~~certificate~~[license](#) in the office or place where a major portion of the ~~certificate~~[license](#) holder's practice is conducted. If a ~~certificate~~[license](#) holder does not have a primary practice location, the ~~certificate~~[license](#) holder shall at all times when practicing keep either the wall 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) Colonic irrigation;
  - (2) The practice of chiropractic, including the application of a high velocity-low amplitude thrusting force to any articulation of the human body;
  - (3) The use of graded force applied across specific joint surfaces for the purpose of breaking capsular adhesions;
  - (4) The prescription of therapeutic exercise for the purpose of rehabilitation or remediation of a disorder of the human body;
  - (5) The treatment of infectious, contagious or venereal diseases;
  - (6) The prescription, dispensing, personally furnishing or administration of drugs;  
and

(7) 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 4731.04 of the Revised Code and this rule.



\*\*\* DRAFT - NOT YET FILED \*\*\*

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.**

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) of section 4731.04 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.

\*\*\* DRAFT - NOT YET FILED \*\*\*

4731-1-08

**Continuing cosmetic therapy education requirements for renewal, reinstatement, or restoration of a license to practice cosmetic therapy.**

- (A) "License renewal" is the extension of a current license by fulfilling the requirements of division (C) of section 4731.15 of the Revised Code and the continuing education requirements of this rule.
- (B) "License reinstatement" is the reactivation of a license which has lapsed or been in a suspended or inactive status for two years or less for any reason including a failure to comply with division (C) of section 4731.15 of the Revised Code or the continuing education requirements of this rule.
- (C) "License restoration" is the reactivation of a license which has lapsed or been in a suspended or inactive status for more than two years for any reason including a failure to comply with division (C) of section 4731.15 of the Revised Code or the continuing education requirements of this rule.
- (D) On or before the expiration dates established in table 1 of this rule, each applicant for license renewal shall certify to the board that since the start of the applicant's registration period, the applicant has completed twelve hours of "Continuing Cosmetic Therapy Education" (hereinafter "CCTE") less any reduction in hours allowed by the board under paragraph (K) or (L) of this rule.

Table 1

First Initial of Last Name	License Expiration Date
A-B	July of odd numbered years
C-D	April of odd numbered years
E-G	January of odd numbered years
H-K	October of even numbered years
L-M	July of even numbered years
N-R	April of even numbered years
S	January of even numbered years
T-Z	October of odd numbered years

- (E) All applicants who apply for license reinstatement shall certify to the board that in the preceding registration period, they have completed the twelve hour CCTE

requirement less any reduction in hours allowed by the board under paragraph (K) or (L) of this rule.

(F) All applicants who apply for license restoration shall have completed twelve hours of CCTE within the preceding two years from the date of the application.

(G) If a person has not completed the requisite hours of CCTE, that person is not eligible for license renewal, reinstatement, or restoration until such time as those hours have been completed. Any CCTE undertaken after the end of a registration period and utilized for purposes of reinstatement or restoration of a suspended license cannot also be utilized to meet the CCTE requirement for the current registration period.

(H) Persons who are residing or practicing out of the state who wish to renew or reinstate their license to practice cosmetic therapy in Ohio must complete the required CCTE within the registration period even though not currently residing or practicing in Ohio.

(I) The certification required by paragraphs (D) and (E) of this rule shall be evidence of completion of the CCTE requirement as set forth in this rule, provided that:

(1) The board may randomly select applications for verification that all CCTE requirements have been met. Persons whose applications are selected shall submit additional documentation of compliance with CCTE requirements as the board may require.

(2) Records of all CCTE undertaken shall be retained for after the end of the registration period. Failure to maintain evidence of completion and supporting documentation as required by paragraph (N) of this rule rebuts the presumption established in paragraph (I) of this rule that the CCTE requirements have been completed.

(J) Nothing in this rule shall limit the board's authority to investigate and take action under section 4731.22 of the Revised Code.

(K) Reduction of hours can be granted on an individual basis to those who have been ill for more than six consecutive months or out of the United States for more than six consecutive months during the registration period. The applicant will have the burden of establishing that that person's illness or absence affected that person's reasonable opportunity to participate in CCTE activities. One half hour will be subtracted from the CCTE requirement for each month which is approved for reduction of hours. Requests for reduction of hours must be made in writing to the state medical board and submitted to the board at least sixty days prior to the end of

the registration period.

(L) The CCTE requirement for persons licensed after the start of a registration period or for whom the license has been restored shall be computed in the following manner:

- (1) If the license is initially issued prior to the first day of the second year of the registration period, the licensee shall be required to earn six total hours;
- (2) If the license is issued on or after the first day of the second year of the registration period and prior to the first day of the eighteenth month of that period, the licensee shall be required to earn three total hours;
- (3) If the license is issued on or after the first day of the eighteenth month of the registration period, the licensee shall not be required to earn any hours of CCTE credits for that period.

(M) If the board proposes to refuse to renew, reinstate, or restore a license for failure to meet the CCTE requirements of this rule, the applicant shall be entitled to a hearing on the issue of such proposed denial. Notice and hearing requirements incident to such proposed denial will be in compliance with the provisions of Chapter 119. of the Revised Code.

(N) CCTE course requirements:

- (1) All hours of CCTE shall be:
  - (a) In one or more of the following subject matter areas
    - (i) Laser hair removal;
    - (ii) Electrolysis/ETB/hair removal;
    - (iii) Sterilization and hygiene;
    - (iv) Professional ethics;
    - (v) Blood borne pathogens;
    - (vi) Endocrinology;

(vii) Anatomy and physiology as it relates to the dermis;

(viii) Diseases of the skin;

(ix) Cosmetic therapy law;

(x) Massage of the face, neck, scalp, or shoulders.

(b) Offered by one of the following entities:

(i) A college or university approved by the state department of education;

(ii) A state or national professional cosmetic therapy or electrology association;

(iii) A cosmetic therapy school approved by the board pursuant to this chapter of the Administrative Code;

(iv) A health department or hospital which offers program which had been previously approved for continuing medical education (CME) credits or for continuing nursing education credits (CNE):  
or

(v) A provider accredited by the international association for continuing education and training.

(2) CCTE courses may be completed via in-person, webinar, or on-line.

(3) A cosmetic therapist shall obtain evidence of completion (i.e., a certificate) from the provider of the CCTE for all CCTE hours that are successfully completed. In the event that evidence of completion includes hours of education in a subject not included in paragraph (N)(1) of this rule, the cosmetic therapist shall only claim the hours that meet the requirements of this rule. Cosmetic therapists shall also retain supporting documentation of all of the following:

(a) Description of the CCTE activity;

(b) The location of the CCTE activity;

- (c) The date of attendance;
  - (d) The hours of each CCTE activity.
- (4) Evidence of completion and supporting documentation shall be retained by the applicant for renewal for one year after the end of the registration period.
- (O) An expired license to practice as a cosmetic therapist shall be renewed upon payment of the biennial renewal fee provided in section 4731.15 of the Revised Code and without a late fee or re-examination if the holder meets all of the following requirements:
- (1) The licensee is not otherwise disqualified from renewal because of mental or physical disability.
  - (2) The licensee meets the requirements for renewal under section 4731.15 of the Revised Code.
  - (3) Either of the following situations applies:
    - (a) The license was not renewed because of the licensee's service in the armed forces, or
    - (b) The license was not renewed because the licensee's spouse served in the armed forces, and the service resulted in the licensee's absence from this state.
  - (4) The licensee or the licensee's spouse, whichever applicable, has presented satisfactory evidence of the service member's discharge under honorable conditions or release under honorable conditions from active duty or national guard duty within six months after the discharge or release.
- (P) Extension of the continuing education period based on active duty status:
- (1) The holder of a cosmetic therapy license may apply for an extension of the current continuing education reporting period in the manner provided in section 5903.12 of the Revised Code.
  - (2) The board shall consider relevant education, training, or service completed by the licensee as a member of the armed forces in determining whether a

licensee has met the continuing education requirements to renew the license.

(3) Upon receiving the application and proper documentation, the board shall act in accordance with section 5903.12 of the Revised Code.

(Q) For purposes of this paragraphs (O) and (P) of this rule, "armed forces" has the same meaning as in section 5903.01 of the Revised Code and "reporting period" has the same meaning as in section 5903.12 of the Revised Code.

4731-1-09

**Cosmetic therapy curriculum requirements.**

- (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.
- (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.

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;

- (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 three hundred twenty-five clock hours in theory and practical required in rules 4731-1-09 and 4731-1-16 of the Administrative Code, a minimum of two hundred hours shall be 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 satisfied, as determined by the board.

\*\*\* DRAFT - NOT YET FILED \*\*\*

4731-1-11

**Application and examination for certificate to practice cosmetic therapy.**

- (A) No application for a certificate to practice cosmetic therapy shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (B) An applicant seeking a certificate to practice cosmetic therapy who meets the requirements of section 4731.19 of the Revised Code shall apply to the board in compliance with section 4731.19 of the Revised Code.
- (C) Any person seeking a certificate to practice cosmetic therapy shall have passed the CCE examination.
  - (1) An applicant for the CCE examination shall apply directly to "The Society for Clinical & Medical Hair Removal." The website address is: <https://www.scmhr.org/>.
  - (2) The passing performance for the CCE examination as reported by "The Society for Clinical & Medical Hair Removal" shall constitute successful completion of the examination.

4731-1-12

**Application and examination for certificate license to practice massage therapy.**

- (A) No application shall be considered complete until the applicant has complied with the requirements of paragraph (A) of rule 4731-4-02 of the Administrative Code and the board has received the results of criminal records checks and any other forms required to be submitted pursuant to paragraph (A) of rule 4731-4-02 of the Administrative Code.
- (B) All applicants seeking a certificate license to practice massage therapy who meet the requirements of section 4731.19 of the Revised Code, shall apply to the board in compliance with section 4731.19 of the Revised Code.
- (C) Any person seeking a certificate license to practice massage therapy shall have passed the MBLEx available through the federation of state massage therapy boards.
  - (1) An applicant for the MBLEx shall apply directly to the federation of state massage therapy boards.
  - (2) The passing performance for the examination as reported by the federation of state massage therapy boards shall constitute successful completion of the examination.

4731-1-15

Massage Therapy Educational Requirements and Determination of standing of school, college or institution.

(A) For purposes of this rule, “hours” as used in section 4731.19 of the Revised Code, means a period of sixty minutes with a minimum of fifty minutes of instruction.

(B) A person seeking a license to practice massage therapy must hold one of the following:

(1) A diploma or certificate from a limited branch school, college or institution located in Ohio that held a certificate of good standing at the time the person obtained the diploma or certificate.

(2) A diploma or certificate from a limited branch school, college, or institution located outside of Ohio that held a certificate of good standing at the time the person obtained the diploma or certificate.

(3) A diploma or certificate from a limited branch school, college, or institution located outside of Ohio that required the completion of a course of instruction meeting the requirements section 4731.19 of the Revised Code. No more than one-half of the course of instruction required by section 4731.19 of the Revised Code may have been provided via distance education.

(4) During the five-year period immediately preceding the date of application, a current license, registration, or certificate in good standing in another state for massage therapy.

(C) A person desiring to have the board determine the standing of a limited branch school, college, or institution shall file an application for a certificate of good standing in the form and manner prescribed by the board. The completed application shall be signed by the owner or owners and shall provide evidence of the following:

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

(a) It holds a certificate of authorization issued by the Ohio department of higher education 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 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 section 4731.19 of the Revised Code. No more than one-half of the course of instruction

required by section 4731.19 of the Revised Code may be provided via distance education.

(e) It requires that each student, prior to completing the course of instruction, perform, on a licensed massage therapist, at least one therapeutic massage. The school shall ensure that the student massage is evaluated as to whether the student demonstrates at least minimally acceptable competency.

(2) If the limited branch 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 department of higher education, the state board of career colleges and schools, or the department of education in this state; or

(b) approval or recognition by the state board or agency authorized to regulate the limited branch of medicine in the state in which the limited branch school, college, or institution is located; or

(c) in the event that the limited branch school, college, or institution is located in a state that does not approve or recognize such facilities or educational programs, approval by the Federation of State Massage Therapy Boards for purposes of permitting graduates to sit for the MBLEx; and

(d) It offers a course of instruction in compliance with section 4731.19 of the Revised Code. No more than one-half of the course of instruction required by section 4731.19 of the Revised Code may be provided via distance education.

(e) It requires that each student, prior to completing the course of instruction, perform, on a licensed massage therapist, at least one therapeutic massage. The school shall ensure that the student massage is evaluated as to whether the student demonstrates at least minimally acceptable competency.

(D) At or before the time a school, college or institution in this state accepts a student for admission to a massage therapy course of instruction, the school, college or institution shall provide the student with written notice 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 ability to obtain federal, state, and other financial aid. The notice shall direct students to the explanatory statement and disqualifying offense list on the board's \_\_\_\_\_ website \_\_\_\_\_ at



[www.med.ohio.gov/The-Board/Disqualifying-Criminal-Convictions](http://www.med.ohio.gov/The-Board/Disqualifying-Criminal-Convictions).

- (E) An application for a certificate of good standing shall be signed by all owners and may not be signed by a person who has been found guilty of a felony or a crime involving moral turpitude, or by a person who has been disciplined by the board pursuant to section 4731.22 of the Revised Code.
- (F) The board may refuse to issue, suspend, place on probation, revoke, or permanently revoke a certificate of good standing for any one or any combination of the following causes:
- (1) Non-compliance with or failure to fulfill the provisions of this chapter of the Administrative Code or applicable provisions of Chapter 4731. of the Revised Code
  - (2) Furnishing of false, misleading, or incomplete information requested by the board
  - (3) Violation of state or federal laws including discrimination in the acceptance and education of students upon the basis of race, color, religion, sex, or national origin
- (G) If the board refuses to issue, suspend, place on probation, revoke, or permanently revoke a certificate of good standing, the applicant or the certificate holder shall be entitled to a hearing. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board.
- (H) In determining the effective date of any suspension, revocation, or permanent revocation of a certificate, the board shall take into consideration those students currently enrolled in the course of instruction.
- (I) 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 the requirements of paragraph (C) of this rule are 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

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

\*\*\* DRAFT - NOT YET FILED \*\*\*

4731-1-16

**Massage therapy curriculum requirements.**

- (A) To qualify to receive a certificate of good standing for a course of instruction in massage therapy, a school's course of instruction shall:
- (1) Consist of both practical and theoretical instruction meeting one of the following requirements:
    - (a) For classes enrolling no later than December 30, 2005, a period of not less than one year and a minimum of six hundred clock hours; or
    - (b) For classes enrolling on and after December 31, 2005, a minimum of seven hundred fifty clock hours.
  - (2) Beginning with classes enrolling on or after December 31, 2005, teach at least the minimum required hours in the following subjects in dedicated clock hours, as appropriate to massage therapy:
    - (a) Anatomy and physiology; pathology: three hundred twenty-five clock hours;
    - (b) Massage theory and practical, including 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 hours; and
    - (e) Such other subjects as the board deems necessary and appropriate to massage therapy: fifty clock hours; and
  - (3) Require that each student, prior to completing the course of instruction, perform, on a licensed massage therapist, at least one therapeutic massage. The school shall ensure that the student massage is evaluated as to whether the student demonstrates at least minimally acceptable competency.
- (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. Such credit may not exceed ten per cent of the required clock hours in the theory and practical category of the program. The off-site clinical activities shall be conducted under the direction and on-site supervision of an appropriately licensed practitioner. 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. The student participating in off-site clinical activities shall identify him or herself as a massage therapy student and shall obtain signed acknowledgement of receipt of that notice from the patient.

4731-1-17

**Instructional staff in Ohio cosmetic therapy and massage therapy programs.**

- (A) An instructor in limited branch theory 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.
- (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 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.
- (C) An instructor in massage therapy business courses shall meet one of the following requirements:
- (1) Hold at least a bachelor's degree with a concentration in business;
  - (2) 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;
  - (3) Have experience in ~~all aspects of~~ a massage therapy business gained as a manager of a massage therapy business for a minimum of three years.

\*\*\* DRAFT - NOT YET FILED \*\*\*

4731-1-18

**Grounds for suspension, revocation or denial of certificate of good standing; hearing rights.**

- (A) The board may refuse to issue or renew, suspend, place on probation, or permanently revoke a certificate of good standing for any one or any combination of the following causes:
- (1) Non-compliance with or failure to fulfill the provisions of this chapter of the Administrative Code or applicable provisions of Chapter 4731. of the Revised Code;
  - (2) Furnishing of false, misleading, or incomplete information requested by the board;
  - (3) The signing of an application or the holding of a certificate of good standing by a person who has pleaded guilty or has been found guilty of a felony or has pleaded guilty or been found guilty of a crime involving moral turpitude;
  - (4) The signing of an application or the holding of a certificate of good standing by a person who has been disciplined by the board pursuant to section 4731.22 of the Revised Code;
  - (5) Violation of any commitment made in an application for a certificate of good standing; or
  - (6) Discrimination in the acceptance and education of students upon the basis of race, color, religion, sex, or national origin;
  - (7) Failure of a school's graduates to demonstrate minimally adequate performance on the MBLEx or the CCE examination as determined under paragraph (A) of rule 4731-1-19 of the Administrative Code; or
  - (8) Failure to provide the notice required in paragraph (B) of rule 4731-1-15 of the Administrative Code.
- (B) If the board proposes to refuse to issue or renew, suspend, place on probation, or permanently revoke a certificate of good standing or provisional certificate of good standing, the applicant or the certificate holder shall be entitled to a hearing such proposal. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and any rules adopted by the board.
- (C) In determining the effective date of any suspension or permanent revocation of a certificate, the board shall take into consideration those students currently enrolled

in the course of instruction subject to the permanent revocation or suspension.



4731-1-19

**Probationary status of a limited branch school.**

- (A) If the graduates of a course of instruction at any limited branch school holding a certificate of good standing collectively fail to demonstrate minimally adequate performance as determined by the board on the CCE examination for cosmetic therapy or the MBLEx for massage therapy, the board may place that school's certificate of good standing on probationary status.
- (1) Graduates of a course of instruction in cosmetic therapy at a limited branch school shall be deemed to have failed to demonstrate minimally adequate performance on the CCE examination if:
- (a) The average overall examination score for all first time test takers from that school during the past calendar year was below the established passing score for the examination for that year; and
  - (b) Such a finding is supported by other relevant factors as the board may deem appropriate.
- (2) Graduates of a course of instruction in massage therapy at a limited branch school shall be deemed to have failed to demonstrate minimally adequate performance on the MBLEx if:
- (a) The average overall examination score for all first time test takers from that school during the past calendar year was below the established passing score for the examination for that year; and
  - (b) Such a finding is supported by other relevant factors as the board may deem appropriate.
- (B) If a certificate of good standing of a limited branch school is placed on probationary status and graduates of that course of instruction collectively fail to demonstrate improved performance as determined by the board during the succeeding twelve months, the board may refuse to renew, or revoke or suspend that certificate.
- (1) In determining whether graduates of a course of instruction in cosmetic therapy at a limited branch school have demonstrated improved performance the board shall review the following:
- (a) Whether the overall examination score for all first time test takers from that school during the previous calendar year is above the established passing score for the examination; and

- (b) Such other relevant factors as the board may deem appropriate.
- (2) In determining whether graduates of a course of instruction in massage therapy at a limited branch school have demonstrated improved performance the board shall review the following:
  - (a) Whether the average overall examination score for all first time test takers from that school during the previous calendar year is above the established passing score for the examination; and
  - (b) Such other relevant factors as the board may deem appropriate.
- (C) If the board proposes to refuse to issue or renew, suspend, place on probation, or revoke a certificate of good standing, the certificate holder shall be entitled to a hearing on such proposal. Notice and hearing requirements will be in compliance with the provisions of Chapter 119. of the Revised Code and with any rules adopted by the board.
- (D) No partner, officer or stockholder of a school that is on probation shall be permitted to apply for a certificate of good standing for a new school.