



STATE MEDICAL BOARD OF OHIO

77 South High Street, 17th Floor • Columbus, Ohio 43266-0315 • (614) 466-3934

MEMORANDUM

TO: Timothy S. Jost, Esq., Chairman, Limited Branch Committee
FROM: Thomas A. Dilling, Enforcement Coordinator *TAD 7/8/92*
DATE: July 8, 1992
RE: Effects of Sub. H.B. No. 322 on Cosmetic Therapy

Pursuant to Section 4731.15 of the Revised Code, the Board currently examines and registers persons desiring to practice massage and cosmetic therapy. Section 4731.15(2)(b) defines cosmetic therapy as "the systematic friction, stroking, slapping, and kneading or tapping to the face, neck, scalp, or shoulders through the use of approved electric modalities, and additionally may include the permanent removal of hair from the human body through the use of approved electric modalities."

The State Board of Cosmetology presently registers practitioners of "electrolysis" which is defined as "the permanent removal of hair by application of electric current through a needle or needles to hair papillae" as defined in Section 4713.01 of the Revised Code. That Section also defines "electrologist" as "a person who for pay, free, or otherwise engages in the removal of hair by electrolysis from the face, scalp, neck, or shoulders, or superfluous hair from the human body except from inside the ear, nose, or a body orifice and except from a mole, an elevation of skin, a pigmented area of the breast, or scar tissue."

Further, H.B. 322 which became effective on March 2, 1992 requires that electrologists licensed by the State Board of Cosmetology prior to the effective date of H.B. 322 may continue to practice electrology until February 1, 1993. By that date, those electrologists shall cease the practice of electrolysis unless he or she has obtained a certificate under Chapter 4731. of the Revised Code to practice cosmetic therapy.

Memo: H.B. 322

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Thus, an issue is raised as to how those electrologists currently licensed by the State Board of Cosmetology to practice electrolysis as defined in ORC 4713.01 shall obtain a certificate under Chapter 4731. of the Revised Code to practice cosmetic therapy prior to February 1, 1993.

Section 4731.15 of the Revised Code gives the board authority to examine and register practitioners of massage and cosmetic therapy. The practice of electrolysis and cosmetic therapy are equivalent in scope with the exception that a cosmetic therapist may perform certain massage techniques to specific areas of the body.

Section 7 of Sub. H.B. No. 322 of the Revised Code states that "(n)otwithstanding the cosmetic therapist licensing requirements established under section 4731.15 of the Revised Code, electrologists licensed by the State Board of Cosmetology prior to the effective date of this act may, until February 1, 1993, continue to practice electrolysis, as defined in Section 4713.01 of the Revised Code as it existed prior to the effective date of this act. On February 1, 1993, each electrologist practicing pursuant to this section shall cease the practice of electrolysis unless he has obtained a certificate under Chapter 4731. of the Revised Code to practice cosmetic therapy.

Attached, you will find a draft of proposed Rule 4731-1-11 of the Administrative Code stating how an electrologist currently licensed by the State Board of Cosmetology may obtain a certificate to practice cosmetic therapy prior to February 1, 1993, and consistent with the intent of Section 7 of Sub. H.B. No. 322.

Further, Section 4731.155 of the Revised Code requires that the Board adopt certain rules in regard to Continuing Education requirements for Cosmetic Therapists. I have attached a copy of that Section of the Code along with a draft of proposed rules in this area.

Finally, I have attached a copy of changes proposed to previously promulgated rules of Chapter 4731-1 of the Administrative Code due to the changes in the Revised Code enacted by House Bills 322 and 454. The Limited Branch Committee approved the recommendation of these changes at last month's meeting.

TAD:jmb

(119th General Assembly)
(Substitute House Bill Number 322)

AN ACT

To amend sections 2925.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.09 to 4713.15, 4713.16, 4713.17, 4713.171, 4713.19, 4713.20, 4713.21, 4713.99, 4731.15, 4731.151, and 4731.19, to enact sections 4713.132 and 4731.155, and to repeal sections 4713.041, 4713.042, 4713.061, 4713.071, and 4713.151 of the Revised Code, and to repeal Sections 4, 5, and 6 of Sub. S.B. 300 of the 117th General Assembly to remove the present licensing authority of the State Board of Cosmetology over electrologists, to allow the State Medical Board to regulate electrolysis, to specify the limited branches of medicine or surgery to be regulated by the State Medical Board, to license estheticians, esthetics instructors, and esthetic salons, to increase the membership of the State Board of Cosmetology, to permit the State Board of Cosmetology to impose fines, to prevent the repeal of the respiratory care licensing laws that was scheduled to be effective March 16, 1995, and to terminate the remaining limited authority of the State Board of Cosmetology over licenses previously issued by that board on February 1, 1993, by repealing section 4713.171 of the Revised Code on that date.

Be it enacted by the General Assembly of the State of Ohio:

SECTION 1. That sections 2925.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.09, 4713.10, 4713.11, 4713.12, 4713.13, 4713.14, 4713.15, 4713.16, 4713.17, 4713.171, 4713.19, 4713.20, 4713.21, 4713.99, 4731.15,

SCHOOL, AS A STUDENT, IN WORK CONNECTED WITH ANY BRANCH OF COSMETOLOGY TAUGHT IN THE SCHOOL.

Sec. 4713.21. No owner, manager, or person in charge of a beauty salon, nail salon, ESTHETICS SALON, or school of cosmetology shall permit any person to sleep in, or use for residential purposes, any room used wholly or in part as a beauty salon, nail salon, ESTHETICS SALON, or school of cosmetology; nor shall any person, firm, or corporation maintain, as an established place of business for the practice of one or more of the occupations of a cosmetician, any room used wholly or in part for sleeping or residential purposes.

Sec. 4713.99. Whoever violates section 4713.20, 4713.21, or DIVISION (D) OF SECTION 4713.25 of the Revised Code is guilty of a misdemeanor of the fourth degree ON A FIRST OFFENSE; ON EACH SUBSEQUENT OFFENSE, SUCH PERSON IS GUILTY OF A MISDEMEANOR OF THE THIRD DEGREE.

Sec. 4731.15. (A)(1) The state medical board also shall examine and register persons desiring to practice any A limited branch of medicine or surgery, and shall establish rules governing such limited practice. Such limited branches of medicine or surgery shall include mechanotherapy, ARE massage, and cosmetic therapy.

(2) As used in this chapter:

(a) "Adjunctive electrolysis" means electrolysis that is limited to use as an adjunct to elements of cosmetic therapy by a cosmetic therapist;

(b) "Approved electric modalities" means electric modalities approved by the state medical board for use in cosmetic therapy;

(c) "Electrolysis" has the same meaning as in section 4713.01 of the Revised Code;

(d)(b) "Cosmetic therapy" means the systematic friction, stroking, slapping, and kneading or tapping to the face, neck, scalp, or shoulders through the use of approved electric modalities, and additionally may include the permanent removal of hair from the human body through the use of approved electric modalities and adjunctive electrolysis;

(e)(c) "Cosmetic therapist" means a person who holds a certificate to practice cosmetic therapy issued by the state medical board under this chapter and who is registered with the board under this chapter.

(B) All persons who hold a certificate to practice a limited branch of medicine or surgery issued by the state medical board, whether residents of this state or not, shall on or before the first day of June, 1983, and on or before the first day of June every second year thereafter, register with the state medical board on a form prescribed by the board and shall pay at such time a biennial registration fee of twenty-five dollars. At least one month in advance of the date of registration, a written notice that the biennial registration fee is due on or before the first day of June shall be sent to each holder of a certificate to practice a limited branch of medicine or surgery, at the person's last known address. All persons who hold a certificate to practice a limited branch of medicine or surgery issued by the state medical board shall provide the board written notice of any change of address. A certificate to practice a limited branch of medicine or surgery shall be

TION AND ONE CREDIT HOUR FOR EACH FIFTY TO SIXTY MINUTES OF INSTRUCTION.

(B) ONLY CONTINUING EDUCATION APPROVED BY THE STATE MEDICAL BOARD MAY BE USED TO FULFILL THE REQUIREMENTS OF DIVISION (A) OF THIS SECTION.

(C) EACH CERTIFIED COSMETIC THERAPIST SHALL SUBMIT TO THE BOARD AT THE TIME OF BIENNIAL REGISTRATION PURSUANT TO SECTION 4731.15 OF THE REVISED CODE A SWORN AFFIDAVIT, IN A FORM ACCEPTABLE TO THE BOARD, ATTESTING THAT HE HAS COMPLETED CONTINUING EDUCATION PROGRAMS IN COMPLIANCE WITH THIS SECTION AND LISTING THE DATE, LOCATION, SPONSOR, SUBJECT MATTER, AND HOURS COMPLETED OF THE PROGRAMS.

(D) THE BOARD SHALL ADOPT RULES PROVIDING FOR PRO RATA REDUCTIONS BY MONTH OF HOURS OF CONTINUING EDUCATION REQUIRED BY THIS SECTION FOR PERSONS WHO FIRST RECEIVE A CERTIFICATE DURING A REGISTRATION PERIOD.

THE BOARD MAY EXCUSE A COSMETIC THERAPIST FROM ALL OR ANY PART OF THE REQUIREMENTS OF THIS SECTION BECAUSE OF AN UNUSUAL CIRCUMSTANCE, EMERGENCY, OR SPECIAL HARDSHIP.

(E) FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS SECTION CONSTITUTES A FAILURE TO RENEW REGISTRATION PURSUANT TO SECTION 4731.15 OF THE REVISED CODE.

Sec. 4731.19. The state medical board shall determine the standing of the schools, colleges, OR institutions, ~~or individuals~~ giving instruction in limited branches of medicine or surgery. If there shall at any time be such schools, colleges, OR institutions, ~~or individuals~~ giving instruction in such limited branches, the applicant for ~~each~~ A certificate TO PRACTICE A LIMITED BRANCH OF MEDICINE OR SURGERY shall, as a condition of admission to the examination, produce a diploma or certificate from ~~each~~ a school, college, OR institution, ~~or individual~~ in good standing as determined by the board, showing the completion of the required courses of instruction.

The entrance examiner of the board shall determine the sufficiency of the preliminary education of applicants for such limited certificate as is provided in section 4731.09 of the Revised Code. The board may adopt rules defining and establishing for any limited branch of medicine or surgery such preliminary educational requirements, less exacting than those prescribed by such section, as the nature of the case may require.

SECTION 2. That existing sections 2925.01, 4713.01, 4713.02, 4713.04, 4713.05, 4713.06, 4713.09, 4713.10, 4713.11, 4713.12, 4713.13, 4713.14, 4713.15, 4713.16, 4713.17, 4713.171, 4713.19, 4713.20, 4713.21, 4713.99, 4731.15, 4731.151, and 4731.19 and sections 4713.041, 4713.042, 4713.061, 4713.071, and 4713.151 of the Revised Code are hereby repealed.

4731-1-11 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) PRIOR TO FEBRUARY 1, 1993, THE STATE MEDICAL BOARD SHALL WAIVE THE EXAMINATION REQUIRED BY SECTION 4731.15 OF THE REVISED CODE FOR EACH APPLICANT FOR A COSMETIC THERAPIST'S LICENSE WHO HOLDS A CERTIFICATE FROM THE STATE BOARD OF COSMETOLOGY ISSUED UNDER CHAPTER 4713. OF THE REVISED CODE THAT AUTHORIZES HIM TO PRACTICE ELECTROLYSIS AND WHO IS REGISTERED WITH THE STATE BOARD OF COSMETOLOGY UNDER THAT CHAPTER.
- (B) A PERSON MEETING THE REQUIREMENTS OF PARAGRAPH (A) ABOVE MAY BE REGISTERED BY THE STATE MEDICAL BOARD AS A COSMETIC THERAPIST BUT MAY NOT APPLY "SYSTEMATIC FRICTION, STROKING, SLAPPING, AND KNEADING OR TAPPING TO THE FACE, NECK, SCALP, OR SHOULDERS THROUGH THE USE OF APPROVED ELECTRICAL MODALITIES" AS DEFINED IN SECTION 4731.15(A)(2)(B) 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.

4731-1-10 CONTINUING COSMETIC THERAPY EDUCATION
REQUIREMENTS FOR REGISTRATION OR REINSTATEMENT
OF A LICENSE TO PRACTICE COSMETIC THERAPY

- (A) ALL APPLICANTS WHO FILE FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT MUST MEET THE TWENTY-FIVE HOUR CONTINUING COSMETIC THERAPY EDUCATION (HEREINAFTER "CCTE") REQUIREMENT LESS ANY REDUCTION IN HOURS ALLOWED BY THE BOARD UNDER THE PROVISIONS OF RULES 4731-1-10 OF THE ADMINISTRATIVE CODE.
- (B) IF AN INDIVIDUAL HAS NOT COMPLETED THE REQUISITE HOURS OF CCTE, HE IS NOT ELIGIBLE FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT UNTIL SUCH TIME AS THEY HAVE BEEN COMPLETED. ANY CCTE UNDERTAKEN AFTER THE END OF A REGISTRATION PERIOD AND UTILIZED FOR PURPOSES OF REGISTERING OR REINSTATING A SUSPENDED LICENSE CANNOT ALSO BE UTILIZED TO MEET THE CCTE REQUIREMENT FOR THE CURRENT REGISTRATION PERIOD.
- (C) THOSE INDIVIDUALS RESIDING OR PRACTICING OUT OF THE STATE WHO WISH TO REGISTER OR REINSTATE THEIR LICENSES TO PRACTICE COSMETIC THERAPY IN OHIO MUST COMPLETE THE REQUIRED CCTE WITHIN THE REGISTRATION PERIOD EVEN THOUGH NOT CURRENTLY RESIDING OR PRACTICING IN OHIO.
- (D) LICENSEES WHO ARE NOT WORKING IN THE COSMETIC THERAPY PROFESSION OR WHO ARE RETIRED FROM PRACTICE ARE NOT EXEMPT FROM THE CCTE REQUIREMENTS OF SECTION 4731.155 OF THE REVISED CODE AND THIS CHAPTER OF THE ADMINISTRATIVE CODE.
- (E) EACH APPLICANT FOR LICENSE REGISTRATION OR LICENSE REINSTATEMENT IN COSMETIC THERAPY SHALL CERTIFY THAT HE HAS COMPLETED THE REQUISITE HOURS OF CCTE SINCE THE START OF THE REGISTRATION PERIOD. THIS CERTIFICATION SHALL BE EVIDENCE OF COMPLETION OF THE CCTE

REQUIREMENT AS SET FORTH IN SECTION 4731.155 OF THE
REVISED CODE, PROVIDED THAT:

- (1) THE BOARD MAY RANDOMLY SELECT APPLICATIONS FOR VERIFICATION THAT ALL CCTE REQUIREMENTS HAVE BEEN MET. LICENSEES WHOSE APPLICATIONS ARE SELECTED SHALL SUBMIT ADDITIONAL DOCUMENTATION OF COMPLIANCE WITH CCTE REQUIREMENTS AS THE BOARD MAY REQUIRE.
- (2) APPLICANTS SHALL KEEP DETAILED RECORDS OF CCTE HOURS TAKEN. RECORDS OF ALL CCTE UNDERTAKEN SHALL BE RETAINED BY THE APPLICANT FOR ONE YEAR AFTER THE END OF THE REGISTRATION PERIOD. AT A MINIMUM, THE FOLLOWING INFORMATION MUST BE RETAINED:
 - (A) DESCRIPTION OF THE CCTE ACTIVITY;
 - (B) THE LOCATION OF THE CCTE ACTIVITY;
 - (C) THE DATES OF ATTENDANCE;
 - (D) THE HOURS OF EACH CCTE ACTIVITY; AND
 - (E) ANY AVAILABLE DOCUMENTATION OF THE COMPLETION OF THE CCTE ACTIVITY.

ALL RECORDS OF CCTE ACTIVITY SHALL BE KEPT AVAILABLE FOR AGENTS OF THE BOARD FOR REVIEW.

- (F) FAILURE TO MAINTAIN RECORDS REBUTS THE PRESUMPTION ESTABLISHED IN PARAGRAPH (E) OF THIS RULE THAT THE CCTE REQUIREMENTS HAVE BEEN COMPLETED.
- (G) NOTHING IN THIS RULE SHALL LIMIT THE BOARD'S AUTHORITY TO INVESTIGATE AND TAKE ACTION UNDER SECTION 4731.22 OF THE REVISED CODE.

- (H) REDUCTION OF HOURS CAN BE GRANTED ON AN INDIVIDUAL BASIS ONLY 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 UPON APPLICATION TO THE BOARD. THE APPLICANT WILL HAVE THE BURDEN OF ESTABLISHING THAT HIS ILLNESS OR ABSENCE AFFECTED HIS REASONABLE OPPORTUNITY TO PARTICIPATE IN CCTE ACTIVITIES. ONE HOUR WILL BE SUBTRACTED FROM THE CCTE REQUIREMENT FOR EACH MONTH WHICH IS APPROVED FOR REDUCTION OF HOURS. APPLICATIONS FOR REDUCTION OF HOURS ARE AVAILABLE UPON WRITTEN REQUEST TO THE STATE MEDICAL BOARD. APPLICATIONS SHOULD BE COMPLETED BY THE APPLICANT AND SUBMITTED TO THE BOARD AT LEAST SIXTY DAYS PRIOR TO THE END OF THE REGISTRATION PERIOD.
- (I) THE CCTE REQUIREMENT FOR INDIVIDUALS LICENSED AFTER THE START OF A REGISTRATION PERIOD SHALL BE COMPUTED ACCORDING TO "TABLE 1."

TABLE 1

LICENSE INITIALLY ISSUED	TOTAL HOURS REQUIRED
JUNE 1 - MAY 31 OF FIRST YEAR OF REGISTRATION PERIOD	12.5 HOURS
JUNE 1 - SEPTEMBER 30 OF SECOND YEAR OF REGISTRATION PERIOD	6 HOURS
OCTOBER 1 - MAY 31 OF SECOND YEAR OF REGISTRATION PERIOD	0 HOURS

ONLY THOSE HOURS EARNED FROM THE DATE OF INITIAL LICENSURE TO THE END OF THE REGISTRATION PERIOD SHALL BE USED TOWARDS THE TOTAL HOUR REQUIREMENT AS CONTAINED IN "TABLE 1" OF THIS RULE.

- (J) AFTER LICENSE RESTORATION, THE CCTE REQUIREMENT FOR THE REGISTRATION SHALL BE COMPUTED ACCORDING TO "TABLE 2".

TABLE 2

DATE OF RESTORATION	TOTAL CREDITS REQUIRED
JUNE 1 - MAY 31 OF FIRST YEAR OF REGISTRATION PERIOD	12.5 HOURS
JUNE 1 - SEPTEMBER 30 OF SECOND YEAR OF REGISTRATION PERIOD	6 HOURS
OCTOBER 1 - MAY 31 OF SECOND YEAR OF REGISTRATION PERIOD	0 HOURS

- (K) THE MAILING OF REGISTRATION APPLICATIONS REQUIRES THAT A CUTOFF DATE BE ESTABLISHED FOR PREPARATION OF REGISTRATION APPLICATION NOTICES. INDIVIDUALS WHO ARE INITIALLY LICENSED BETWEEN SUCH CUTOFF DATE AND MAY 31 OF THE LAST YEAR OF A REGISTRATION PERIOD ARE NOT REQUIRED TO RENEW ON OR BEFORE MAY 31 OF THAT REGISTRATION PERIOD. THESE INDIVIDUALS SHALL NOT BE REQUIRED TO RENEW UNTIL MAY 31 OF THE FOLLOWING REGISTRATION PERIOD.
- (L) A LICENSEE WHO FILES AN APPLICATION FOR REGISTRATION WITHIN THE TIME AND IN THE MANNER PROVIDED BY SECTIONS 4731.15 AND 4731.155 OF THE REVISED CODE AND CHAPTER 4731-1-10 OF THE ADMINISTRATIVE CODE SHALL NOT BE REQUIRED TO DISCONTINUE PRACTICE MERELY BECAUSE OF THE FAILURE OF THE BOARD TO ACT ON HIS APPLICATION. ACTION REJECTING SUCH APPLICATION SHALL NOT BE EFFECTIVE UNTIL FIFTEEN DAYS AFTER NOTICE OF REJECTION IS MAILED TO THE APPLICANT.

- (M) FAILURE TO REGISTER AND COMPLY WITH SECTION 4731.155 OF THE REVISED CODE RESULTS IN AN AUTOMATIC SUSPENSION OF ONE'S CERTIFICATE TO PRACTICE. CONTINUED PRACTICE AFTER THE SUSPENSION OF THE CERTIFICATE SHALL BE CONSIDERED AS PRACTICING WITHOUT A LICENSE.
- (N) IF THE BOARD PROPOSES TO REFUSE TO REGISTER, REINSTATE, OR RESTORE A LICENSE UNDER THE REQUIREMENTS OF SECTION 4731.155 OF THE REVISED CODE, OR BECAUSE OF A FAILURE TO MEET ANY OF THE REQUIREMENTS OF RULE 4731-1-10 OF THE ADMINISTRATIVE CODE, 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, INCLUDING THE FOLLOWING:
- (1) NOTICE SHALL BE GIVEN TO THE APPLICANT BY REGISTERED MAIL OF HIS RIGHT TO A HEARING;
 - (2) THE NOTICE SHALL INCLUDE THE REASON OR REASONS FOR THE PROPOSED DENIAL, THE LAW OR RULE UPON WHICH SUCH PROPOSED DENIAL IS BASED, AND A STATEMENT INFORMING THE APPLICANT THAT HE IS ENTITLED TO A HEARING, IF HE REQUESTS IT WITHIN THIRTY DAYS OF THE TIME OF MAILING THE NOTICE;
 - (3) THE NOTICE ALSO SHALL INFORM THE APPLICANT THAT HE MAY APPEAR IN PERSON BY HIS ATTORNEY OR PRESENT HIS POSITION IN WRITING AND THAT AT THE HEARING HE MAY PRESENT EVIDENCE AND EXAMINE WITNESSES;
 - (4) IF AN APPLICANT TIMELY REQUESTS A HEARING, THE BOARD SHALL IMMEDIATELY SET THE TIME AND PLACE FOR SUCH HEARING AND NOTIFY THE APPLICANT THEREOF. THE DATE OF THE HEARING SHALL BE WITHIN FIFTEEN DAYS BUT NOT EARLIER THAN SEVEN DAYS AFTER THE APPLICANT HAS

REQUESTED THE HEARING, UNLESS OTHERWISE AGREED TO BY BOTH PARTIES OR UNLESS THE BOARD POSTPONES OR CONTINUES THE HEARING IN ACCORDANCE WITH SECTION 119.09 OF THE REVISED CODE;

- (5) A PARTY ADVERSELY AFFECTED BY ANY ORDER OF THE BOARD ISSUED PURSUANT TO AN ADJUDICATION HEARING MAY APPEAL TO THE COURT OF COMMON PLEAS OF FRANKLIN COUNTY, OHIO.

(C) BOARD APPROVAL OF COURSES

- (1) THE BOARD SHALL APPROVE A COURSE, SEMINAR, OR SPEAKER SESSION IF IT IS:
- (A) RELEVANT TO THE CLINICAL PRACTICE OF COSMETIC THERAPY; AND
- (B) OFFERED BY ONE OF THE FOLLOWING ENTITIES:
- (1) A COLLEGE OR UNIVERSITY APPROVED BY THE STATE DEPARTMENT OF EDUCATION;
- (2) A STATE OR NATIONAL PROFESSIONAL COSMETIC THERAPY OR ELECTROLOGY ASSOCIATION COMPRISED OF MORE THAN FIFTY PERSONS LICENSED TO PRACTICE COSMETIC THERAPY OR ELECTROLYSIS;
- (3) A COSMETIC THERAPY SCHOOL APPROVED BY THE BOARD PURSUANT TO THIS CHAPTER OF THE ADMINISTRATIVE CODE; OR
- (4) A HEALTH DEPARTMENT OR HOSPITAL WHICH OFFERS PROGRAMS WHICH HAD BEEN PREVIOUSLY APPROVED FOR CONTINUING MEDICAL EDUCATION (CME) CREDITS.

- (2) REQUEST FOR BOARD APPROVAL OF CCTE COURSE.
 - (A) IF A COURSE IS NOT LISTED IN PARAGRAPH (A) OF THIS RULE, A COSMETIC THERAPIST MAY REQUEST THAT THE BOARD APPROVE THE COURSE BY SUBMITTING IN WRITING, AT LEAST THREE MONTHS IN ADVANCE OF THE COURSE REGISTRATION DATE, THE FOLLOWING INFORMATION ON AN APPLICATION FORM PROVIDED BY THE BOARD:
 - (1) TITLE, LOCATION, AND DATE OF THE COURSE;
 - (2) SPONSORING AGENCY;
 - (3) COURSE OBJECTIVE AND CONTENT;
 - (4) HOURS OF STUDY;
 - (5) NAME OF EACH INSTRUCTOR; AND
 - (6) EDUCATIONAL BACKGROUND AND EXPERIENCE OF EACH INSTRUCTOR
 - (B) THE BOARD SHALL NOTIFY THE COSMETIC THERAPIST BY MAIL OF THE DECISION AS TO WHETHER THE BOARD APPROVED THE COURSE AT LEAST ONE MONTH IN ADVANCE OF THE COURSE REGISTRATION DATE.
 - (C) A CHANGE IN SUBJECT MATTER, LENGTH, OR INSTRUCTOR OF A COURSE REQUIRES REAPPROVAL BY THE BOARD.
 - (D) IF A COSMETIC THERAPIST HAS NOT RECEIVED PRIOR APPROVAL FOR CONTINUING EDUCATION UNITS BY MAY 31 OF THE LICENSURE RENEWAL YEAR, THE BOARD RESERVES THE RIGHT TO DENY RECOGNITION OF THE CREDITS EARNED.
- (3) NOTWITHSTANDING THE APPROVAL METHODS FOR CCTE CREDIT MENTIONED IN PARAGRAPH (A) ABOVE, THE BOARD SHALL NOT APPROVE HOME STUDY CCTE COURSEWORK FOR CCTE CREDIT.

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 a limited branch school located within the state of Ohio in the name of the 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 4731.19 of the Revised Code.
- (C) "Clock hour" means a period of sixty minutes with a minimum of fifty minutes of instruction at the limited branch school.
- (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 one or more of the following is offered:
mechanotherapy, massage, or cosmetic therapy.
- (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 processes, tools, and materials as a course 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.

Effective:

Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

Promulgated under: 119.
Rule authorized by: 4731.05
4731.15

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 or surgery apply to practitioners of those limited branches listed in ~~Section 4731.15~~ CHAPTER 4731. of the Revised Code, ~~or this chapter of the Administrative Code,~~ and do not apply to physicians or surgeons, to podiatrists, to midwives, to nurse anesthetists, or to physical therapists.
- (B) Any person holding a valid certificate to practice one or more of the limited branches of medicine or surgery is subject to disciplinary suspension or revocation 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 he has been certificated or which are otherwise violative of the rules governing practitioners of limited branches of medicine or surgery.

Effective:

Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

Promulgated under: 119.
Rule authorized by: 4731.05
4731.15
Rule amplifies: 4731.15
4731.20
4731.22
4731.41

4731-1-03 General prohibitions.

- (A) No person holding a certificate to practice a limited branch of medicine or surgery shall perform or hold himself 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 the rules defining the scope of that limited branch.**
- (B) No person holding a certificate to practice a limited branch of medicine or surgery shall prescribe, dispense or administer any drug or medicine.**
- (C) Except as is specifically permitted under the rules defining the scope of a limited branch of medicine or surgery, 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) No person holding a certificate to practice a limited branch of medicine or surgery 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 he has been certificated. 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 empowered to grant the degree.**
- (E) No person holding a certificate to practice a limited branch of medicine or surgery shall employ, or cause to be employed, the designation "Physician" or "Surgeon" no matter how qualified or how employed in combination with other language., EXCEPT AS PROVIDED IN SECTION 4731.151 OF THE REVISED CODE.**
- (F) No person holding a certificate to practice any limited branch or branches of medicine or surgery shall hold himself out as certificated in or able to practice any limited branch of medicine or surgery for which that person has not been certificated.**

(G) No person holding a certificate to practice any limited branch or branches of medicine or surgery shall conduct such practice under any name or title, either as an individual, company or concern, except under his own name or that mentioned in the certificate.

Effective:

Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

Promulgated under: 119.
Rule authorized by: 4731.05
4731.15
Rule amplifies: 4731.17
4731.20
4731.22
4731.41

~~4731-1-07 4731-1-04 Scope of practice PROHIBITIONS: 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—
infra-red rays.~~

Effective:

Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

Promulgated under: 119.
Rule authorized by: 4731.05
4731.15
Rule amplifies: 4731.17
4731.20
4731.22
4731.41

4731-1-06 Scope of practice: other limited branches NAPRAPATHY.

NAPRAPATHY IS THE TREATMENT OF DISEASED SPINAL CONNECTIVE TISSUE AND LIGAMENTS BY HAND ONLY. A practitioner of ~~any of the following listed limited NAPRAPATHY branch of medicine or surgery~~ 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 ~~the limited branch in question NAPRAPATHY is advisable; Naprapathy is the treatment of diseased spinal connective tissue and ligaments by hand only.~~

Effective:

Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

Promulgated under: 119.
Rule authorized by: 4731.05
4731.15
Rule amplifies: 4731.17
4731.20
4731.22
4731.41

4731-1-15 EQUIPMENT AND FACILITIES.

- (A) All buildings where courses of instruction are being conducted must comply with all municipal, county, state, and federal regulations as to fire, safety, health, and sanitation codes or regulations. The board will require compliance with the Ohio building code when applicable.
- (B) Every limited branch school shall be well lighted, well ventilated, adequately equipped to maintain suitable room temperature, and kept in a clean, orderly, and sanitary condition.
- (C) Every limited branch school shall maintain separate and clean toilet facilities for men and women, including a sink and handwashing facilities.
- (D) All equipment shall be maintained in good working order and shall be updated as required.
- ~~(E) A limited branch school conducting a course of instruction in mechanotherapy shall maintain equipment and facilities, including but not limited to the following:~~
 - ~~(1) Well lighted and ventilated rooms adequately equipped to meet the educational needs of the course of instruction;~~
 - ~~(2) One professional treatment table per three students;~~
 - ~~(3) One sink for clinical use separate from toilet facilities;~~
 - ~~(4) Library consisting of books related to subjects taught; and~~
 - ~~(5) Fireproof cabinets for recordkeeping.~~
- (E)(F) A limited branch school conducting a course of instruction in massage shall maintain adequate equipment and facilities, including but not limited to the following:
 - (1) Well-lighted and ventilated rooms adequately equipped to meet the educational needs of the course of instruction;
 - (2) One professional treatment table per three students;
 - (3) Topical preparations sufficient for use in clinical training;

- (4) Isopropyl alcohol sufficient for use in clinical training;
- (5) Adequate number of sheets or towels for draping of each patient with clean sheets and towels;
- (6) One sink for clinical use separate from toilet facilities;
- (7) Library consisting of books related to subjects taught; and
- (8) Fireproof cabinets for recordkeeping.

(F)(G) A limited branch school conducting a course of instruction in cosmetic therapy shall maintain equipment and facilities, including but not limited to the following:

- (1) Well-lighted and ventilated rooms adequately equipped to meet the educational needs of the course of instruction;
- (2) Lighting adequate for clinical instruction and lighting adequate for classroom instruction;
- (3) One professional treatment table or one moveable chair and one adjustable stool for every two students;
- (4) One epilator for every two students which shall conform to the food and drug administration standards relating to these devices and shall be approved by the federal communications commission;
- (5) One sink for clinical use separate from toilet facilities;
- (6) Sterilization mixture for instruments, adequate for use in clinical training;
- (7) One dry heat sterilizer, one autoclave for sterilization, one ultrasonic cleaner for instruments, and packaging materials for sterilizing instruments;
- (8) Sufficient towels to provide clean towels for each patient;
- (9) Covered receptacles for disposable waste and a SHARPS collector for probes;
- (10) One classroom chair for each classroom student;
- (11) One treatment room light for every professional treatment table or moveable chair;
- (12) Clinical supplies including, but not limited to, creams, lotions, and antiseptics adequate for use in clinical training;
- (13) Library consisting of books relating to subjects taught; and
- (14) Fireproof cabinets for recordkeeping.

(G)(H) Student records shall be retained and held subject to inspection by the student or his representative.

(H)(4) The following records shall be retained and held subject to inspection by the board or its representatives:

- (1) Daily attendance for each student; and
- (2) All examinations taken by each student.

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4731-1-16 CURRICULUM REQUIREMENTS.

~~(A)~~ Those schools who make application to obtain a certificate of good standing for a course of instruction in mechanotherapy must:

- ~~(1)~~ Offer a course of instruction covering a period of at least thirty-six months and a minimum of twenty-two hundred clock hours; and
- ~~(2)~~ Teach the following subjects, as appropriate to the limited branch:
 - ~~(a)~~ Anatomy, physiology, bacteriology, pathology, ethics, clinical program, diagnosis and hygiene; and
 - ~~(b)~~ Such other subjects as the board deems necessary and appropriate to mechanotherapy.

~~(A)~~(B) Those schools who make application to obtain a certificate of good standing for a course of instruction in massage must:

- (1) Offer a course of both practical and theoretical instruction covering a period of not less than one year and a minimum of six hundred clock hours; and
- (2) Teach the following subjects, as appropriate to the limited branch:
 - (a) Anatomy, physiology, pathology, ethics, clinical program and hygiene; and
 - (b) Such other subjects as the board deems necessary and appropriate to massage.

~~(B)~~(C) Those schools who make application to obtain a certificate of good standing for a course of instruction in cosmetic therapy must:

- (1) Offer a course of both practical and theoretical instruction covering a period of not less than one year and a minimum of six hundred clock hours; and
- (2) Teach the following subjects, as appropriate to the limited branch:
 - (a) Anatomy, physiology, chemistry, bacteriology, electricity, ethics, clinical program and hygiene; and
 - (b) Such other subjects as the board deems necessary and appropriate to cosmetic therapy.

- (C)(D) Educational objectives shall be clearly defined and simply stated and shall indicate what the educational program can do for reasonably diligent students.
- (D)(E) The course of instruction shall be outlined in detail showing major subjects and clock hours devoted to each subject, entrance requirements and occupational objectives.
- (E)(F) 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.
- (F)(G) No student is permitted to attend a limited branch school for more than eight clock hours of credit in any one day.

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4731-1-22 OUT-OF-STATE SCHOOLS.

- (A) The board recognizes that registration, approval or licensing laws and standards of other states regulating limited branch schools may differ from Ohio laws and standards. Therefore, the board may recognize out-of-state schools as institutions in good standing for purposes of admitting graduates from those schools for examination for licensure in a limited branch of medicine or surgery if the board determines that
- (1) The out-of-state school satisfies the course of instruction period and clock hour requirements enumerated in paragraphs (A) to (C) AND (B) of rule 4731-1-16 of the Administrative Code; and
 - (2) The other state of location has laws or rules governing its schools which are substantially similar to those contained in this chapter of the Administrative Code; and
 - (3) The appropriate regulatory body of the state of location has recognized the school to provide a similar course of instruction; and
 - (4) The state of location recognizes graduates of the school as eligible for a license, or eligible for examination for a license to practice a limited branch of medicine or health care profession in that state which is substantially similar in definition to one of the limited branches of medicine recognized by the board pursuant to Chapter 4731. of the Revised Code and this chapter of the Administrative Code.
- (B) Upon the effective date of this rule, the board will immediately require all out-of-state schools to satisfy the requirements set forth in paragraph (A) of this rule whether or not the schools have been recognized previously as an institution in good standing for purposes of admitting graduates from those schools for licensure examination in this state or their graduates have been recognized previously as eligible to sit for licensure examination in this state.

- (C) After the board receives a completed application from an out-of-state school, an investigation shall be conducted by the board with respect to whether the requirements of this chapter of the administrative code have been met. An on-site inspection of the school may be conducted.
- (D) Recognition of an out-of-state school as an institution in good standing for purposes of admitting graduates from that school for licensure examination is not transferable.
- (E) ~~Any of the following changes shall be reported to the board by the limited branch school prior to their becoming effective: June 17, 1991~~
- ~~(1) Transfer of ownership of the school; or~~
 - ~~(2) Change in location or locations of the school.~~

A transfer of ownership of a limited branch school or a change in the location or locations of a limited branch school shall be reported to the board prior to the change becoming effective.

- (F) Upon receipt of notice as provided in paragraph (E) of this rule, the board shall forward the appropriate forms in order to initiate review and investigation to determine whether to recognize an out-of-state limited branch school as an institution in good standing for purposes of admitting graduates of that school for licensure examination. An on-site inspection may be conducted in the event of a change of school location.
- (G) Any of the following changes shall be reported to the board by the limited branch school prior to their becoming effective, but shall not result in automatic suspension of recognition of an out-of-state school as an institution in good standing for purposes of admitting graduates of that school for licensure examination:
- (1) Change in subjects taught; or
 - (2) Change in the administrative staff or instructors.

- (H) The board may conduct an on-site inspection or an investigation at any time and without notice to determine whether compliance with this chapter of the Administrative Code is being maintained.

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Ray Q. Bumgarner, Executive Director
Ohio State Medical Board

Date

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4731.15
Rule amplifies: 4731.19