

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 ~~4731.19~~ 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.

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4731-1-03

General prohibitions.

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

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4731-1-05

Scope of practice: massage therapy.

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

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

(G) As used within this rule:

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

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4731-1-07

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)(2) of section 4731.15 of the Revised Code until that person has completed coursework in that area that has been approved by the board at a school approved by the board pursuant to this chapter of the Administrative Code.

~~(A) Prior to February 1, 1993, the 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 that person 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) of this rule may be registered by the board as a cosmetic therapist but may not apply systematic friction, stroking, slapping, and kneading or tapping of the face, neck, scalp, or shoulders as defined in division (A)(2) of section 4731.15 of the Revised Code until that person has completed coursework in that area that has been approved by the board at a school approved by the board pursuant to this chapter of the Administrative Code.~~

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4731-1-09

Cosmetic therapy curriculum requirements.

- (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 ~~for classes enrolling on or after July 1, 2005~~ shall include a minimum of seven hundred and fifty clock hours covering a period of not less than nine months.
 - (2) ~~Beginning with classes enrolling on or after July 1, 2005, teach~~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. ~~Such credit may not~~

~~exceed ten percent 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, 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. 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.~~

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

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4731-1-10

Distance education.

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

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

(B) Each distance education program shall apply for and receive a separate certificate of good standing from the board prior to the ~~board admitting~~ students who have completed a course of instruction from that school being admitted to the licensure examination ~~for licensure~~. 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 ~~for the purposes of admitting graduates of a school or program for examination for licensure~~, a distance education school or program shall ~~be required to~~ 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 required three hundred and twenty-five clock hours in massage theory and practical, Require require a minimum of two hundred hours of hands-on instruction in the limited branch theory and practical portion of the course of instruction. ~~Of the minimum of twenty-five hours of instruction in ethics required in rules 4731-1-16 and 4731-1-09 of the Administrative Code, a minimum of ten hours shall be taught in a dedicated interactive manner during the hands-on 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;
 - ~~(8)~~(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.

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4731-1-11**Application and examination for certificate to practice cosmetic 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 to practice cosmetic therapy shall file a written application under oath on a form prescribed by the board, and provide such other facts and materials as the board requires. Applications shall be accompanied by an application fee of one hundred dollars.
- (C) Any person seeking a certificate to practice cosmetic therapy shall have limited branch portions of the examination authorized and administered by the board by an appropriate score as determined by the board. Test subjects include anatomy, physiology, chemistry, bacteriology, pathology, hygiene, treatment, ethics and law, as appropriate to the limited branch of medicine.

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4731-1-12**Application and examination for certificate 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 to practice massage therapy who meet the requirements of section 4731.19 of the Revised Code, shall file a written application under oath on a form prescribed by the board and provide such other facts and materials as the board requires.

(1) Applications shall be accompanied by an application fee except as otherwise provided herein.

(2) An applicant who submits an application for the December, 2011 massage therapy examination administered by the board who fails to graduate prior to the examination making the applicant ineligible to take the board administered examination, may file an application for a certificate to practice after passing the MBLEx without paying an application fee.

(C) Any person seeking a certificate to practice massage therapy shall have passed the MBLEx available through the federation of state massage therapy boards.

(1) Applicants for the examination will not be required to submit an application to the board or to demonstrate to the board that they meet the requirements to gain admission to the examination. Application will be made 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.

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4731-1-13

Examination failure; additional training.

- (A) If an applicant fails all or part of the limited branch examination for cosmetic therapy three times, the applicant shall not be admitted to the examination again except upon presentation of a certificate of competency issued by a limited branch school holding a certificate of good standing for the portion or portions of the examination the applicant is applying to retake.
- (B) If an applicant retaking the cosmetic therapy examination or portion thereof pursuant to a certificate of competency fails the examination or portion, the applicant shall not be admitted to the examination again except upon presentation of a second certificate of competency issued by a limited branch school holding a certificate of good standing for the portion or portions of the examination the applicant is applying to retake.
- (C) If the applicant retaking the cosmetic therapy examination or portion thereof pursuant to a second certificate of competency fails the examination or portion two additional times, the applicant shall not be admitted to the examination again based upon either a certificate of competency or the diploma or certificate from a school in good standing that initially served as the basis for the applicant's admission to the examination.
- (D) Any limited branch school holding a certificate of good standing may offer the additional training that is intended to lead to a certificate of competency for applicants who have failed all or part of the examination three times. The school shall:
- (1) Offer additional training in anatomy/physiology or in limited branch theory/practical or in both, as appropriate to the limited branch of cosmetic therapy, which additional training shall consist of at least ~~thirty clock hours for each portion of the examination to be retaken. After December 31, 2005, the additional training shall consist of at least~~ thirty-five clock hours for the basic science portion of the examination, and forty clock hours for the limited branch portion of the examination;
 - (2) Fully inform the applicant about the nature of the additional training the applicant desires to take and about what that training can reasonably be expected to do for the applicant;
 - (3) Accurately inform the applicant about the nature of the obligations into which the applicant is entering and the applicant's responsibilities and rights under the contract the applicant signs;
 - (4) Assess the applicant's knowledge and skills in the limited branch and may

refuse admission to an applicant who the school believes will not be able to successfully complete the additional training ~~and receive a certificate of competency;~~

- (5) Obtain a certified copy of the applicant's transcript from the school from which the applicant holds a diploma or certificate, if the applicant is not a graduate of the school providing the additional training;
- (6) Maintain adequate records of each applicant's attendance, experience and performance; and,
- (7) Provide the applicant a certificate of competency upon successful completion of either the ~~anatomy/physiology~~ additional training ~~or the theory/practical additional training, or both.~~

(E) Probationary status:

- (1) If an applicant is admitted to the cosmetic therapy examination based upon a certificate of competency issued by a school in good standing, that applicant's performance on the examination shall not be included in determining whether the graduates of that school demonstrate minimally adequate performance on the examination under rule 4731-1-19 of the Administrative Code.
- (2) If an applicant is admitted to the cosmetic therapy examination based upon a certificate of competency issued by a school on probation for any reason, that applicant's performance on the examination shall be included in determining whether the graduates of that school demonstrate minimally adequate performance on the examination under rule 4731-1-19 of the Administrative Code, except that the applicant's performance shall not count if the applicant had previously been admitted to the examination based on completion of a full course of study pursuant to rule ~~4731-1-16~~4731-1-09 of the Administrative Code at the same school that issued the certificate of competency.

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TO BE RESCINDED

4731-1-14

Preliminary education certificate.

- (A) The medical board must receive from each student of a limited branch school a completed application for a preliminary education certificate and a fee of thirty-five dollars. Application forms shall be prescribed by and available from the medical board. Upon approval of the application and satisfaction of all other requirements, the medical board shall issue a preliminary education certificate.
- (B) The educational requirements to receive a preliminary education certificate shall be graduation from high school or its equivalent as defined in rule 3301-41-01 of the Administrative Code. The school must certify:
- (1) That the applicant meets the preliminary education requirements outlined in this chapter of the OAC;
 - (2) That if the name of the student applicant is different from the name on the documents used to verify the student's graduation from high school or its equivalent, the school must verify the identity of that applicant;
 - (3) That the applicant meets the admission requirements of the appropriate educational oversight agency as described in rule 4731-1-15, OAC.
- (C) The medical board must receive the original copy of the completed application for a preliminary education certificate. It must be received at the board offices or postmarked no later than the first day of classes for the school.
- (D) Failure of a student to submit an application for a preliminary education certificate to the medical board within the timeframe indicated above shall invalidate the hours earned in that academic term from the total required of a student to qualify to sit for an Ohio limited branch licensing exam.
- (E) The medical board may randomly select applications for verification that all preliminary education requirements have been met. Limited branch students whose applications are selected shall submit additional documentation of compliance with preliminary education requirements as the board may require.

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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 ~~forms~~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 rule 4731-4-02(D) 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.

~~(B)~~(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 ~~place~~placed on probation by the board pursuant to this chapter of the Administrative Code.

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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 with certification by a recognized body of authority or who, on the date this rule becomes effective, have taught the course for more than one year at a limited branch school that holds a certificate of good standing issued by the board.

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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 cosmetic therapy exam 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 ~~on the issue of such proposed proposal denial or such proposed suspension, probation, or permanent revocation.~~ 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.

Effective: 01/24/2012

R.C. 119.032 review dates: 10/18/2011 and 01/24/2017

CERTIFIED ELECTRONICALLY

Certification

01/12/2012

Date

Promulgated Under: 119.03
Statutory Authority: 4731.05, 4731.15
Rule Amplifies: 4731.15, 4731.16
Prior Effective Dates: 6/17/91, 6/30/01

4731-1-19

Probationary status.

- (A) If the graduates of a course of instruction at any limited branch school holding a certificate of good standing fail to demonstrate minimally adequate performance as determined by the board on its limited branch examination for cosmetic therapy or the MBLEx for massage therapy, the board may place that school's certificate of good standing on probationary status.

~~Graduates of a course of instruction at a limited branch school shall be deemed to have failed to demonstrate minimally adequate performance on a limited branch examination if:~~

- (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 limited branch examination if:~~~~The overall licensure pass rate for all first time applicants from that school on each of the immediately previous three examinations at which the school had applicants was below seventy five per cent; and,~~

~~(a) The overall licensure pass rate for all first time applicants from that school on each of the immediately previous three examinations at which the school had applicants was below seventy-five percent and such a finding is supported by other relevant factors as he board may deem appropriate; or~~

~~(b) That school ranked in the lower fifty percent of licensure pass rates for all schools for the previous three examinations and such a finding is supported by other relevant factors as the board may deem appropriate.~~

- (2) ~~That school ranked in the lower fifty per cent of licensure pass rates for all schools for the previous three examinations; and,~~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 examination if:

~~(a) The average overall licensure 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.~~

- (3) ~~Such a finding is supported by other relevant factors as the board may deem appropriate.~~

- (B) If a certificate of good standing is placed on probationary status and graduates of that

course of instruction 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.

~~In determining whether graduates of a course of instruction at a limited branch school have demonstrated improved performance the board shall review the following:~~

(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 all of the following:~~Whether the overall licensure pass rate for all first time applicants from that school for each examination during the previous year is above seventy-five per cent; or,~~

(a) Whether the overall licensure pass rate for all first time applicants from that school for each examination during the previous year is above seventy-five percent; or

(b) Whether that school ranks in the upper fifty percent of licensure pass rates for all schools during the previous year.

(2) ~~Whether that school ranks in the upper fifty per cent of licensure pass rates for all schools during the previous year; and,~~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 licensure 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.

~~(3) 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 the issue of such proposed proposal denial or such proposed suspension, probation, or revocation.~~ 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.

Effective: 01/24/2012

R.C. 119.032 review dates: 01/24/2017

CERTIFIED ELECTRONICALLY

Certification

01/12/2012

Date

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Statutory Authority: 4731.05, 4731.15
Rule Amplifies: 4731.16

TO BE RESCINDED

4731-1-14

Preliminary education certificate.

- (A) The medical board must receive from each student of a limited branch school a completed application for a preliminary education certificate and a fee of thirty-five dollars. Application forms shall be prescribed by and available from the medical board. Upon approval of the application and satisfaction of all other requirements, the medical board shall issue a preliminary education certificate.
- (B) The educational requirements to receive a preliminary education certificate shall be graduation from high school or its equivalent as defined in rule 3301-41-01 of the Administrative Code. The school must certify:
- (1) That the applicant meets the preliminary education requirements outlined in this chapter of the OAC;
 - (2) That if the name of the student applicant is different from the name on the documents used to verify the student's graduation from high school or its equivalent, the school must verify the identity of that applicant;
 - (3) That the applicant meets the admission requirements of the appropriate educational oversight agency as described in rule 4731-1-15, OAC.
- (C) The medical board must receive the original copy of the completed application for a preliminary education certificate. It must be received at the board offices or postmarked no later than the first day of classes for the school.
- (D) Failure of a student to submit an application for a preliminary education certificate to the medical board within the timeframe indicated above shall invalidate the hours earned in that academic term from the total required of a student to qualify to sit for an Ohio limited branch licensing exam.
- (E) The medical board may randomly select applications for verification that all preliminary education requirements have been met. Limited branch students whose applications are selected shall submit additional documentation of compliance with preliminary education requirements as the board may require.

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CERTIFIED ELECTRONICALLY

Certification

01/12/2012

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