

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."**

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Certification

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TO BE RESCINDED

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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01/24/2012

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.

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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 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-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;

- (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 the additional training.

(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 4731-1-09 of the Administrative Code at the same school that issued the certificate of competency.

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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~~ 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.

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TO BE RESCINDED

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.

(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:

(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 per cent and such a finding is supported by other relevant factors as the board may deem appropriate; or

(b) That school ranked in the lower fifty per cent 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) 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.

(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.

(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:

- (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 per cent; or
 - (b) Whether that school ranks in the upper fifty per cent of licensure pass rates for all schools during the previous year.
- (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 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.
- (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.

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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.

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