



Ohio Revised Code

Section 4709.13 Disciplinary actions and reasons.

Effective: October 24, 2024

Legislation: House Bill 158 - 135th General Assembly

(A) The state cosmetology and barber board may take disciplinary action under division (B) of this section for any of the following:

- (1) Willful, false, and fraudulent or deceptive advertising;
- (2) Habitual drunkenness or addiction to any habit-forming drug;
- (3) Failure to comply with the safety, infection control, and licensing requirements of this chapter or rules adopted under it;
- (4) Continued practice by an individual knowingly having an infectious or contagious disease;
- (5) Falsification of any record or application required to be filed with the board;
- (6) Failure to pay a fine or abide by a suspension order issued by the board;
- (7) Failure to cooperate with an investigation or inspection;
- (8) Failure to respond to a subpoena;
- (9) Conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code;
- (10) In the case of a barber shop, any individual's conviction of or plea of guilty to a violation of section 2905.32 of the Revised Code for an activity that took place on the premises of the barber shop.

(B) On determining that there is cause for disciplinary action, the board may do one or more of the following:



(1) Deny, suspend, revoke, or impose conditions on a license or permit issued by the board pursuant to this chapter;

(2) Impose a fine;

(3) Require the holder of a license or permit issued under this chapter to take corrective action courses.

(C)(1) Except as provided in divisions (C)(2) and (3) of this section, the board shall take disciplinary action pursuant to an adjudication under Chapter 119. of the Revised Code.

(2) The board may take disciplinary action without conducting an adjudication under Chapter 119. of the Revised Code against an individual who or barber shop that is subject to discipline under division (A)(9) or (10) of this section. After the board takes such disciplinary action, the board shall give written notice to the subject of the disciplinary action of the right to request a hearing under Chapter 119. of the Revised Code.

(3) In lieu of an adjudication, the board may enter into a consent agreement with the holder of a license or permit issued under this chapter. A consent agreement that is ratified by a majority vote of a quorum of the board members is considered to constitute the findings and orders of the board with respect to the matter addressed in the agreement. If the board does not ratify a consent agreement, the admissions and findings contained in the agreement are of no effect, and the case shall be scheduled for adjudication under Chapter 119. of the Revised Code.

(D) The amount and content of corrective action courses and other relevant criteria shall be established by the board in rules adopted under section 4709.05 of the Revised Code.

(E)(1) The board may impose a separate fine for each offense listed in division (A) of this section. The amount of the first fine issued for a violation as the result of an inspection shall be not more than two hundred fifty dollars if the violator has not previously been fined for that offense. Any fines issued for additional violations during such an inspection shall not be more than one hundred dollars for each additional violation. The fine shall be not more than five hundred dollars if the violator has



been fined for the same offense once before. Any fines issued for additional violations during a second inspection shall not be more than two hundred dollars for each additional violation. The fine shall be not more than one thousand dollars if the violator has been fined for the same offense two or more times before. Any fines issued for additional violations during a third inspection shall not be more than three hundred dollars for each additional violation.

(2) The board shall issue an order notifying a violator of a fine imposed under division (E)(1) of this section. The notice shall specify the date by which the fine is to be paid. The date shall be less than forty-five days after the board issues the order.

(3) At the request of a violator who is temporarily unable to pay a fine, or on the board's own motion, the board may extend the time period within which the violator shall pay the fine up to ninety days after the date the board issues the order.

(4) If the fine remains unpaid on the ninety-first day after the board issues an order under division (E)(2) of this section, the amount of the fine shall be certified to the attorney general for collection in the form and manner prescribed by the attorney general. The attorney general may assess the collection cost to the amount certified in such a manner and amount as prescribed by the attorney general.

(F) The board shall notify a licensee who is subject to discipline under division (A) of this section and the owner of the barber shop in which the conditions constituting the reason for discipline were found. The individual receiving the notice and the owner of the barber shop may request a hearing pursuant to section 119.07 of the Revised Code. If the individual or owner fails to request a hearing or enter into a consent agreement thirty days after the date the board, in accordance with sections 119.05 and 119.07 of the Revised Code, notifies the individual or owner of the board's intent to act against the individual or owner under division (A) of this section, the board, by a majority vote of a quorum of the board members, may take the action against the individual or owner without holding an adjudication hearing.

(G) The board, after a hearing in accordance with Chapter 119. of the Revised Code or pursuant to a consent agreement, may suspend a license or permit if the licensee or permit holder fails to correct an unsafe condition that exists in violation of the board's rules or fails to cooperate in an inspection.



If a violation of this chapter or rules adopted under it has resulted in a condition reasonably believed by an inspector to create an immediate danger to the health and safety of any individual using the facility, the inspector may suspend the license or permit of the facility or the individual responsible for the violation without a prior hearing until the condition is corrected or until a hearing in accordance with Chapter 119. of the Revised Code is held or a consent agreement is entered into and the board either upholds the suspension or reinstates the license or permit.

(H) The board shall not take disciplinary action against a person licensed to operate a barber shop for a violation of this chapter that was committed by a licensed barber while practicing within the barber shop, when the barber's actions were beyond the control of the barber shop owner.