



Notice of Rule Changes for Cosmetologists, Estheticians, and Nail Technicians

Minnesota Board of Cosmetologist Examiners | BCE.Board@state.mn.us | 651-201-2742

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On September 13, 2016, new rules take effect for all Board of Cosmetologist Examiners licensees and applicants for licensure. These changes to Minnesota Rules Chapters 2105 and 2110 are part of a massive rules overhaul that the Board has been working on for several years with input from licensees, the public, businesses, and organizations.

To help everyone learn about some of the new rules, the Board has prepared three separate notices, one for practitioners (cosmetologists, estheticians, nail technicians, salon managers, instructors and school managers), one for salons and designated licensed salon managers, and one for schools. This notice for practitioners is intended to point out *some* of the biggest changes in the rules that will affect individuals with current or expired licenses. The full chapter of rules, including new rules and current rules, can be found on the Board's website during the week of September 13, 2016 (as soon as the new chapter is available from the Revisor's Office). Until then, you can view all rule changes at the Board's website, www.bceboard.state.mn.us, under "Rule Making: Important Announcement."

IMPORTANT: There are over 500 rule changes and many are not discussed in this notice. Every licensee must comply with the new rules, including the hundreds that are not discussed below, and with current rules which were not changed and are still in effect.

Highlights of New Rule Changes

Below, highlights of new rule changes and reminders of still-in-effect rules are provided by topic. Each topic has descriptions of key changes and includes the rule citation of where each change can be found.

Maintaining Your Current License *Rule 2105.0190*

- If your name changes, you have 30 days to submit a name change request for your license. On the 31st day, your license is invalid under your old name. Working on an invalid license means you, your salon manager, and your salon could be fined for an unlicensed practitioner (*2105.0190, Subp. 2*).
- It is your responsibility to make certain that the salon or school where you work has a current license, as it is a violation to work in an unlicensed salon (*2105.0190, Subp. 1*).
- The rules about displaying your license have changed. You must post your license or your name as shown on the license at each work station you use (*2105.0190, Subp. 4*).

Renewing Your Current Operator or Salon Manager License *Rule 2105.0200*

- Work experience is no longer required to renew a license. Additionally, refresher courses are not required to replace work experience.
- Cosmetologists, estheticians, and nail technicians need continuing education credits (CE) to renew an operator or salon manager license. Before August 1, 2017, renewal requires completion of the 4-hour core CE class related to infection control and laws and rules. Beginning on August 1, 2017, two 4-hour classes are required (the core CE and the new professional practice CE). The professional practice CE class must relate to the type of license you hold (a nail

tech can't use a class on waxing, for example) (2105.0200, Subp. 2). Approved classes are listed on the Board's website at www.bceboard.state.mn.us.

- You cannot work with an expired license, even if you submitted a renewal application before the expiration date (2105.0200, Subp. 1C). Working on an expired license can mean an inspection penalty for you, for the Designated Licensed Salon Manager, and for the salon (2105.0115, Subp. 4B). *Hint:* You can renew your license online for same day licensing. Licenses can be renewed online or by mail up to 10 weeks prior to the expiration date. If you use a paper renewal, send in your renewal application at least 3 weeks before it expires to allow processing time.
- If you submitted a renewal application but have not received a new license certificate in the mail yet, you can check online to see if your license was renewed and is active. If it is renewed and active, you can print the online license lookup page showing your license is renewed and active, then post it at the salon for up to 30 days (2105.0190, Subp. 4) until you receive your printed license certificate. This will help avoid penalties for not posting a license.

Renewing Your Current Instructor License *Rule 2105.0200, Subp. 2A*

- Instructors still need 45 hours of continuing education to renew their license, but now 30 of the CE hours must be on teaching methodology and 15 hours on clinical practice in your field of licensure. Because some instructors may have already taken CE classes for their next renewal, anyone renewing before August 1, 2017 can use any combination of 45 CE hours that are on teaching methodology and clinical practice.
- You can also use credits earned during your license cycle from MNSCU, the University of Minnesota, and other Minnesota licensed postsecondary schools for your CE hours, without prior board approval (2105.0220, Subp. 2A, Item B).
- If you are teaching a BCE-approved CE class (instructor, core, or professional practice) you can claim CE hours for your own practitioner or instructor license renewal (2105.0200, Subp. 2A, Items C, D, and E). You can claim the CE hours for teaching a course only once, toward one renewal. A maximum of 15 CE hours can be claimed from teaching CE classes (2105.0200 Subp. 2A, Item E).
- Some courses might be approved as both instructor clinical practice and professional practice. You can use the CE hours earned from taking such a course on both your instructor renewal and your practitioner license renewal (2105.0200, Subp. 2a, Items C, D, and E).

Renewing Your Current School Manager License *Rule 2105.0200, Subp. 2B*

- Beginning August 1, 2017, school managers need a 4-hour CE class on business practices to renew their license. School manager CE classes don't require pre-approval from the BCE.
- Because business practice is also a topic for the professional practice CE classes required for salon managers, you could take a professional practice CE class on business practices for salon managers and use the CE hours for both the salon manager renewal and the school manager renewal.

Renewing Your Expired License—Expired Less Than 3 Years *Rule 2105.0215, Subp. 1*

Operators, Salon Managers, Instructors, and School Managers

- If your license is expired for less than 3 years, you can renew it by submitting an application, a renewal fee and late fee, and completing the required CE classes. Your license will be renewed for the remainder of your license cycle, so your cycle may be less than 3 years, depending on when you renew the license.
- Refresher courses are no longer required.

Renewing Your Expired License—Expired 3 Years or More *Rule 2105.0215*

Operators and Salon Managers *Rule 2105.0215, Subp. 2*

- If your operator or salon manager license has been expired for 3 years or more, you can renew it by retaking and passing the state laws and rules test and written practical test, submitting an application, and paying the initial license fee. A license with a new license cycle will be issued.
- Refresher courses are no longer required.

Instructors *Rule 2105.0215, Subp. 3*

- If your instructor license has been expired for three years or more, you can renew it with a current operator or salon manager license by submitting a renewal application, retaking the instructor tests (general theory, instructor practical, and instructor laws and rules test), and paying the initial license fee. A license with a new cycle will be issued (*2105.0215, Subp. 3*).

School Managers *Rule 2105.0215, Subp. 4*

- If your school manager license has been expired for three years or more, you can renew it with a current salon manager license by submitting a renewal application, retaking the school manager test, and paying initial license fees. A license with a new cycle will be issued.

Retired Licenses (Formerly “Inactive”) *Rule 2105.0205*

- Inactive licenses are now called retired licenses and the requirements to activate the license are now exactly the same as renewing an expired license.
- The BCE will replace all inactive licenses with a retired license by mid-2018.

Infection Control and Practitioner Safety *Rule 2105.0375*

Poor infection control practices are one of the biggest problems in the industry today and are the basis of most consumer complaints. The new infection control procedures are detailed and you and your fellow licensees should become familiar with all of the requirements of rule 2105.0375.

These rules include:

- Specific procedures for disinfecting each type of tool, equipment, and salon fixtures
- Requirements for offering patch tests to clients in accordance with manufacturer’s directions and informing clients of risks of adverse reactions to products and procedures
- Explanations of when a disinfectant spray or wipe can be used in place of a wet disinfectant
- If a disinfectant must be diluted, a measuring device must be used (no “eyeballing”)
- Licensees must wear gloves or use tongs when working with disinfectants
- Safety procedures required for practitioners
- Requirements for sufficient supplies on hand of disinfectant, single use items, and disinfected tools and implements
- Proper storage of disinfected tools and dirty tools, implements, laundry, etc.
- Every tool, implement, etc. in a salon is subject to the infection control rules, even if the item is for personal use.

Salon Prohibitions *Rule 2105.0377*

- This rule section addresses prohibited uses of ultra violet (UV) light boxes or sterilizers, roll-on wax, autoclaves and autoclave packaging, customer supplied tools, and prohibited substances.

Leasing Space in a Salon *Rule 2105.0110*

- Operators can lease space in salons; a salon manager license is no longer required. A salon may choose to require a salon manager license as part of their leasing agreement.
- Operators leasing space in a salon who may wish to apply for a manager license or instructor license in the future must make use of the time tracking method provided by the salon so that work experience hours can be verified.
- If you are leasing space in a salon, be aware of the new advertising requirements which apply to advertising in print, on air, and on social media as well as brochures and business cards (*rule 2105.0110*).

Special Event Permits *Rule 2105.0410, Subp. 2*

- A special event permit requires a current salon manager license. If your manager license expires, your permit will not be valid until your manager license is renewed.
- You must carry professional liability insurance.
- You can provide only limited services within the scope of your license. These services are listed in rule.
- Work hours under a special event permit do not count as work experience required for instructor licenses.
- The special event must be an event held for any purpose other than the provision of licensed services (*2105.0010, Subp. 11G*).

Homebound Service Permits *2105.0410, Subp. 3*

- This permit can only be used for persons who are homebound. Many seniors in senior housing arrangements are not homebound and the homebound service permit is ONLY for persons who are homebound or persons who are in a licensed nursing home. This does not include staff members or family members of residents in nursing homes.
- Permits are not valid without a current operator or manager license. If your license expires, your permit will not be valid while your license is expired.
- You do not need to maintain a salon affiliation to hold this permit, but you must carry professional liability insurance.
- Work hours under a homebound service permit do not count toward work experience required for a salon manager or instructor license.

Full Text of Adopted Rule Changes

To view the specific rules for all changes, visit the BCE website at www.bceboard.state.mn.us and scroll to “Rule Making: Important Announcement.” Here, you will find the full text of all newly adopted rule changes. Keep in mind that this document does not contain the full chapter, it only includes changes. The full chapter, with new changes and old still-in-effect rules, will be posted as soon as it is available the week of September 13, 2016.

Questions

If you have questions, please send an email to bce.board@state.mn.us or call 651-201-2742. Depending on the nature of your question, you will be directed to the appropriate BCE division.