



Notice of Rule Changes for Salons and Designated Licensed Salon Managers

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 salons and designated licensed salon managers (DLSMs) is intended to point out *some* of the biggest changes in the rules that will affect salons and DLSMs. 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 by clicking [here](#) or by visiting the BCE website at www.bceboard.state.mn.us.

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. These highlights do not include changed requirements for salon license applicants. For application requirements, please see Minnesota Rule 2105.0310.

Infection Control 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 filed with the board. The new infection control procedures are detailed, and every salon and designated licensed salon manager should become familiar with all of the requirements in Minnesota Rule 2105.0375. For an excerpt of rules pertaining to infection control and salon supervision, click [here](#) or visit the "Rules" section at www.bceboard.state.mn.us.

Highlights of infection control rule changes include:

- Specific procedures and requirements for cleaning, disinfecting, and storing each type of tool, equipment, and salon fixture, including:
 - Proper storage of disinfected tools, dirty tools, and laundry.
 - Specific requirements for shears, brushes, clippers, pencil cosmetics, pedicure tubs, etc.
 - Every tool, implement, and fixture in a salon is subject to the infection control rules, even if the item is for personal use.
 - Explanations of when a disinfectant spray or wipe can be used in place of a liquid disinfectant.

- Requirement to use a measuring device to dilute disinfectant (no “eyeballing”). This measuring device must be present at all times in the salon.
- Licensees must wear gloves or use tongs when working with disinfectant.
- Salons must have disinfectant containers with covers large enough to totally submerge the tools being disinfected.
- Requirements for sufficient supplies of disinfectant and single use items, disinfected tools and implements needed for a day’s business.
- Proper use of towel warmers and paraffin wax service tools and implements.

Required Safety Procedures in the Salon *Rule 2105.0370*

- Salons are required to have Safety Data Sheets (SDS), formerly called Material Data Sheets (MDS), for all hazardous substances in the salon, including those used by persons leasing space in the salon. The SDS can be paper or electronic and are available from the manufacturer (often on their website) or the wholesaler or supplier (*2105.0370, Item B*).
- If your salon does not have an air exchange system, the HVAC fan must always be on during business hours (*2105.0360, Subp. 7*).
- Salons must inform all licensees, including those leasing space, of the potential health effects of the hazardous products, safety measures implemented by the salon, personal protective equipment to be used, spill clean-up, etc. (*2105.0370, Item B*).
- When manufacturer’s directions require a patch test, the client must be offered a patch test and informed of the possible adverse effects (*2105.0375, Subp. 7, Item F*).
- Salons are required to follow new blood and bodily fluid exposure procedures (*2105.0375, Subp. 5*).

Salon Prohibitions *Rule 2105.0377*

- Roll-on wax is prohibited, except that single-use roll on wax cartridges are acceptable and must be disposed of immediately after service. Only cartridges with intact seals may be in the heating unit (*2105.0377, Item C*).
- UV light boxes or sterilizers are not permitted in salons (*2105.0377, Item D*).
- Autoclaves and autoclave packaging are prohibited, unless contracted laboratory spore tests are performed (*2105.0377, Item E*).
- Customer-supplied tools are prohibited, unless certain requirements are met (*2105.0377, Item G*).

Inspection Process *Rule 2105.0115, Subp. 1*

- Inspectors may begin inspecting immediately on arrival at the salon, after identifying themselves, and without waiting for a staff member or manager.
- Inspectors carry photo identification. Always ask for the identification if the inspector does not provide it on arrival.
- Salons and DLSMs must have access to all space in a salon, including space leased to a practitioner, and must provide access to all salon spaces to inspectors.
- Salons and salon staff must cooperate with inspectors. It is a violation to hinder, prevent, or refuse an inspection.

Inspection Reports, Violations, and Inspection Penalties *Rule 2105.0115*

- Salons must take immediate action to correct any violations (*2105.0115, Subp. 2*).

- The sign explaining that inspection reports are available is no longer required and should be removed.
- Inspection reports will eventually consist of two parts, an inspection result (a one-page document or rating) and the detailed inspection report. At this time, the Board is continuing to issue a single inspection report, which must be posted conspicuously at the entryway or reception desk of the salon. The report must remain in place until replaced by the next inspection report (2105.0115, Subp. 3).
- Inspection penalties will soon be implemented. The full list of penalties for individual practitioners, DLSMs, and the salon are listed in rule and statute (2105.0115, Subp. 4).

Maintaining A Salon License Rule 2105.0322

- You are no longer required to keep a copy of the current laws and rules in the salon. However, due to the extensive changes in infection control rules, it will be helpful to you, the DLSM, and all practitioners to have a copy of the infection control requirements in the salon for reference. These can be printed [here](#) or by visiting the “Rules” section at www.bceboard.state.mn.us.
- The unregulated service sign is no longer required and should be removed from your salon.
- The salon no longer needs to have a waste receptacle at each station. Instead, a clean waste receptacle is required for each work area where services are provided (2105.0360, Subp. 8).
- Fire code requirements on the use of extension cords and power strips are now in rule. If your salon uses any extension cords or power strips, refer to rule 2105.0360, Subp. 5.
- If your salon’s Designated Licensed Salon Manager (DLSM) resigns, you have 10 days to notify the BCE of the resignation and 60 days to register a new DLSM. Having a DLSM is a condition of salon licensure (2105.0322, Subp. 10).
- If your salon’s location, owner, or business structure changes, you have only 60 days to become relicensed. The 61st day, the salon is considered unlicensed. *Hint:* When relicensing your salon, please keep application processing time in mind.
- If your salon name changes, you have 60 days to submit a name change request for the license. On the 61st day from the name change, the salon is considered unlicensed if a new salon license has not been issued for the new name (2105.0322, Subp. 7).
- The rules about displaying licenses have changed. Practitioner licenses must still be posted either in the reception area or at the work station. In addition, if the practitioner license is not posted at the work station, the practitioner’s full licensed name must be posted at each work station used by the practitioner. This can be accomplished by posting a sign or business card, or by the practitioner wearing a name tag (2105.0190, Subp. 4).
- Microblading is not regulated by the BCE, but requires a license from the Minnesota Department of Health just like permanent makeup.

Salons that Lease Space to Licensees (Booth Renters)

- A salon manager license is no longer required by rule to lease space in a licensed salon; now operators may lease space or rent a booth in a licensed salon. It is up to the salon whether or a salon manager license is a condition of leasing the space.
- You, as a salon owner or DLSM, are responsible for ensuring that all licensees who rent space in your salon comply with rule requirements, including current and active licensure, displaying licenses, infection control requirements, offering patch tests, etc., since the lessee is operating under your salon license. You are responsible for any rule violations by licensees that occur in your salon. (rule 2105.0390)

- You must provide a method for lessees to track their work hours, but you are not required to ensure they use this method. This is to provide a way for lessees to accumulate work experience hours for a salon manager or instructor license. This method could be a paper notebook, time clock, online system, or any method that allows for contemporaneous tracking of time. If using paper systems (timecards or notebooks), you must collect these on a regular basis to prevent falsification of records (2105.0390, Item D).
- You must ensure that lessees carry professional liability coverage required by rule or that they are covered within the salon's professional liability coverage (rule 2105.0322). *Hint:* Check with your insurance agent to make sure your policy can cover practitioners not employed by the salon.

Suite-Style Salons Rule 2105.0397

- Certain rules have been adapted to the special circumstances of suite-style salons.

Salons in Private Residences Rule 2105.0393

- The salon name must be posted at the driveway entrance (2105.0360, Subp. 1).
- If the salon owner or Designated Licensed Salon Manager is present, the salon must allow an inspection even if the salon is not open for business at the time (2105.0393).

Special Event Permits Rule 2105.0410, Subp. 2

- To receive a special event permit, a practitioner must hold a current and active salon manager license. If the salon manager license expires, the permit will not be valid while the license is expired.
- The practitioner must carry professional liability insurance.
- Only limited services can be provided within the scope of the practitioner's 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 residents of a licensed nursing home. This does not include staff members or family members of residents in nursing homes.
- A current salon affiliation is no longer required for this permit.
- 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.
- Permit holders 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.

Advertising Rule 2105.0110

- The definition has been updated and "advertising" now includes ads in print, on air, or online and social media ads, as well as signs, displays, circulars, brochures, and business cards (2105.0010, Subd. 2).

- All advertising for salons must list the licensed name of the salon as shown on the salon license. Salons with multiple locations may use the common brand name instead of the full assumed name listed on the license.
- If your website or other advertising lists practitioner names, it must have at least the first name of the licensee as shown on the individual's license.

Full Text of Adopted Rule Changes

To view the specific rules for all changes, click [here](#) or visit the BCE website, 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.