



Notice of Rule Changes for Schools and Designated School 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 BCE 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 BCE 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 is for schools and designated school managers (DSMs) and is intended to point out *some* of the biggest changes that will affect schools. The full chapter of rules, including new rules and current rules, can be found on the BCE 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 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.

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 BCE. The new infection control procedures are detailed and every school manager and instructor should become familiar with all of the requirements in Minnesota Rule 2105.0375. For an excerpt of rules pertaining to infection control, click [here](#) or visit the "Rule Making" 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 fixture, including:
 - Proper storage of disinfected tools, dirty tools, and laundry.
 - Specific requirements for shears, brushes, clippers, pencil cosmetics, pedicure tubs, and more.
 - Every tool, implement, and fixture in a school clinic 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 school clinic.
- Students and instructors must wear gloves or use tongs when working with disinfectant.
- School clinics must have covered disinfectant containers large enough to totally submerge the tools being disinfected.
- Requirements for sufficient supplies of disinfectant and single use items, as well as disinfected tools and implements needed for a day’s use in the clinic.
- Proper use of towel warmers and paraffin wax service tools and implements.

Required School Safety Procedures *Rule 2105.0370*

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

School 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 the school clinic (*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*).

Maintaining a School License *Rule 2110.0320*

- The unregulated services sign is no longer required and should be removed.
- Fire code requirements on the use of extension cords and power strips are now in rule. If the school uses extension cords or power strips, refer to Minnesota Rule 2110.0390, Subp. 3.
- If the school name changes, you have 60 days to submit a name change request for the license. On the 61st day from the name change, the school is considered unlicensed if a new license has not been issued for the new name (*21010.0320, Subp.4*).
- If the Designated School Manager (DSM) resigns, the school has only 10 days to appoint a licensed instructor or school manager as acting DSM and notify the BCE of the change. Within 30 days, a new DSM must be officially registered. A DSM is a condition of school licensure (*2110.0320, Subp. 8; 2110.0625*).

- If the school location, owner, or business structure changes, the school has only 60 days to become relicensed. The 61st day, the school is considered unlicensed.
- If the school's instructor roster changes, the DSM must notify the BCE via email within 10 days of a change (2110.0320, Subp. 9).
- Changes in requirements related to instructors, including unlicensed substitutes, can be found at Minnesota Rule 2110.0630.
- Instructors from other states can now transfer an instructor license into Minnesota (2105.0183, Subp. 4).
- Requirements for adding courses, changing curriculums, and changing textbooks can be found at Minnesota Rule 2110.0320, Subp. 10-11.
- Requirements related to field trips and guest presenters can be found at Minnesota Rule 2110.0500, Subp. 2-3.

Renewing a School License Rule 2110.0330

- School renewal applications are due at least 30 days prior to the license expiration date.

Service Exercise Quotas Rule 2110.0510, Item D

- The new rules require the following quotas to be completed by all cosmetology and esthiology students in the hours already allotted to esthetic services: 60 facials, 40 makeup applications, 20 facial waxes, and 20 body waxes with one half of all 40 waxes using hard wax and the other half using soft wax. Any cosmetology or esthiology student who completes their training hours after January 1, 2017 must meet these quota requirements (2110.0510, Item D (7)). A new Course Completion Certificate is being developed to accommodate service quota changes and the new version will be sent to all schools this fall.
- The rule provision prohibiting licensed estheticians and licensed nail technicians from performing clinical services in their license area when returning for a different license (2110.0560) has been repealed. An esthetician or nail technician who is enrolled in a full cosmetology program may meet the service quotas for cosmetology either by repeating the service quotas in their current area of licensure or by being given credit for their original quotas if the quotas were completed within the last 5 years, per current Minnesota Rule 2110.0550.

Students and Related Topics

- Refresher courses have been eliminated and are not a requirement for renewal, reactivation, or licensure.
- Students now have five years, instead of three, to become licensed after completing training. The Practical Skills Test is considered part of the initial training and is valid, with the training, for five years. If the training is over five years old, the student must take a skills course. Skills courses are valid for one year (2110.0690).
- Accrued student hours are valid for five years (2110.0680, Item B). If a student has a gap in training that is longer than five years, their previously accrued hours are no longer valid. Schools are allowed to shorten this timeframe, but must address the shortened time frame in the student enrollment agreement.
- Students must clock in and out for lunch (2110.0400, Item F).
- Changes in license application procedures mean that some applicants will be required to apply to schools as a transfer student. Minnesota Rule 2110.0705 identifies the school's requirements for handling transfer students.
- Schools may not charge students for supplies and materials necessary to perform clinical services and classroom exercises (2110.0410; Subp. 1, Item B). Expenses for supplies and

materials may be incorporated into the tuition costs for the program, but can't be charged separately to the student.

- During the first 240 hours of a cosmetology course, the first 120 hours of an esthetics course, and the first 50 hours of a nail course, students may not perform any clinic services and may only perform elementary service skills limited to the observation of an instructor demonstration or student-to-student application of basic services (2110.0510; 2110.0520; 2110.0530).
- The new rules refer to a skills course, which is required in very limited circumstances (when a student does not become licensed within 5 years, when an applicant from another state has an expired license *and* does not have equivalent training). Schools may provide the skills course without pre-approval. For more information on skills courses, see Minnesota Rule 2110.0545.
- Since salons can now lease space to operators, students should be informed that if they lease space in a salon instead of being employed by a salon, they should make use of the timekeeping methods provided by the salon if the student wants to accrue work experience hours towards a manager or instructor license.

Inspections *Rule 2105.0115, Subp. 1*

- Schools must take immediate action to correct any rule violations.
- 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. For now, inspection reports must be posted conspicuously at the entryway, or reception desk of the clinic, and also placed in the reception area so that the public may review the report. 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 possible inspection penalties for the school and the Designated School Manager (DSM) are listed in rule and statute (2110.0125, Subp. 4).

Additional Changes

- Body wraps, when not performed by a massage therapist, are now regulated by the BCE (2110.0010, Subp. 20).
- Microblading is not regulated by the BCE, but requires a license from the Minnesota Department of Health, as does permanent makeup.
- A scope of service for cosmetologists, estheticians, and nail technicians can be found at Minnesota Rule 2105.0105.

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." There, 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.