Office of the Revisor of Statutes
Administrative Rules



TITLE: Adopted Permanent Rules Relating to Licensing Advanced Estheticians

AGENCY: Board of Cosmetology

REVISOR ID: R-4342

MINNESOTA RULES: Chapters 2105 and 2110

The attached rules are approved for
filing with the Secretary of State

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190436

Board of Cosmetology

Adopted Permanent Rules Relating to Licensing Advanced Estheticians

2105.0010 DEFINITIONS.

[For text of subp 1, see M.R.]

Subp. 1a. **Active license.** "Active license" means a current license that has not expired and is not retired.

Subp. 1b. **Advanced exfoliation.** "Advanced exfoliation" means a cosmetic procedure ~~removing skin cells throughout the epidermis~~ removing epidermal skin cells through manual, mechanical, or chemical means.

Subp. 1c. **Advanced extraction.** "Advanced extraction" means an extraction performed using lancets or needles.

[For text of subp 2, see M.R.]

Subp. 2a. **Autoclave.** "Autoclave" means a device registered and listed with the Food and Drug Administration used to sterilize tools, equipment, and supplies by subjecting them to high pressure saturated steam.

Subp. 2b. **Basic exfoliation.** "Basic exfoliation" means the removal of dead skin cells in the stratum corneum layer of the epidermis through manual or chemical means.

Subp. 2c. **Basic extraction.** "Basic extraction" means extractions performed using gloved fingers, cotton swabs, or comedone extractors.

[For text of ~~subp~~ subps 3 to 6, see M.R.]

Subp. 7. **Dispensary.** "Dispensary" means a physical location or area in a salon or school where products, chemicals, and disinfectants are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected or sterilized.

[For text of ~~subps 4 to~~ subp 8, see M.R.]

Subp. 8a. **Electrical energy treatments.** "Electrical energy treatments" means advanced practice esthetic services for the ~~personal~~ cosmetic care of the skin that use ~~various forms of light or~~ electrical energy~~.~~ as applied by skin care equipment used on the epidermal layer. Electrical energy treatments use light, direct current, indirect current, or sound energy, but do not include laser as identified in Minnesota Statutes, section 147.081, subdivision 3, as the practice of medicine.

[For text of subp 9, see M.R.]

Subp. 9a. **Extraction.** "Extraction" means the cosmetic technique of removing impactions and comedones from follicles.

[For text of subps ~~9~~ 10 to 11, see M.R.]

Subp. 11a. **Lymphatic drainage.** "Lymphatic drainage" means a ~~cosmetic~~ procedure using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic ~~maneuvers~~ manipulations to promote drainage of the lymphatic fluid through the tissue.

Subp. 11b. **Microdermabrasion.** "Microdermabrasion" means a cosmetic procedure using mechanical or manual means of light abrasion on the epidermal layer of the skin.

Subp. 11c. **Mobile structure.** "Mobile structure" means a trailer or other enclosed space towed by a vehicle. A mobile structure does not include a manufactured home as defined in Minnesota Statutes, section 327.31, subdivision 6.

Subp. 11d. **Nursing home.** "Nursing home" means a facility that is licensed under Minnesota Statutes, chapter 144A, and does not include any attached or adjacent facilities that are not licensed as a nursing home under Minnesota Statutes, chapter 144A.

Subp. 11e. **Operator.** "Operator" means a standard license for a ~~cosmetologist, esthetician, or nail technician~~ practitioner and not ~~an advanced practice license or~~ a manager license.

Subp. 11f. **Physical location.** "Physical location" means the contiguous space representing each salon that can be accessed by customers without exiting the salon.

Subp. 11g. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

~~Subp. 11h. **Primary exfoliation.** "Primary exfoliation" means the removal of dead skin cells in the stratum corneum layer of the epidermis through manual or chemical means.~~

Subp. 11h. **Sharps.** "Sharps" means any object, sterile or contaminated, that may purposefully or accidentally cut or penetrate the skin or mucosa including presterilized single-use lancets, dermal blades, and razor blades.

Subp. 11i. **Sharps container.** "Sharps container" means a closed, puncture-resistant, leak-proof container, labeled with the international biohazard symbol, that is used for handling, storage, transportation, and disposal of sharps.

Subp. ~~11i~~ 11j. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

Subp. ~~11j~~ 11k. **Special event.** "Special event" means an event held for any purpose other than the provision of licensed services, where a participant in the event may receive the limited cosmetology services described in part 2105.0410, subpart 2, at a location not in a licensed salon.

Subp. ~~11k~~ 11l. **Sterilization.** "Sterilization" means the destruction of all microbial life and spores through the use of heat, steam, or chemical sterilants.

[For text of subps 12 and 12a, see M.R.]

Subp. 13. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and that are exempt from regulation by the board. Unregulated services are ear piercing; body art; body painting; henna tattoos and permanent tattoos; eyebrow embroidery; eyebrow microblading; permanent hair removal; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions or media appearances; mortuary services; massage; body wraps and lymphatic drainage when performed by a massage therapist; the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3; and hair braiding, hair braiding services, and hair braiders, as defined in subparts 10a to 10c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 10a to 10c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

Subp. 14. **Work area.** "Work area" means a space where regulated services are provided. A separate work area is created when the service area is partitioned from other salon spaces or work areas by walls at least six feet high and doorways of less than five feet in width.

2105.0105 SCOPE.

Subpart 1. **Cosmetology.** The practice of cosmetology includes the services defined under Minnesota Statutes, section 155A.23, subdivision 3, and includes all ~~esthetic~~ services in ~~subpart~~ subparts 2 ~~and all nail services in subpart,~~ 3, and 4. ~~Cosmetologists must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis.~~ Cosmetology does not include advanced practice esthetic services in subpart 4 5. Cosmetology practice includes:

[For text of items A to ~~E~~ D, see M.R.]

E. other ~~personal~~ services for the cosmetic care of the hair, head, and scalp.

Subp. 2. **Esthetics.** The practice of esthiology is the cosmetic treatment of the stratum corneum of the epidermal layer of the skin surface. ~~Estheticians must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis.~~ Esthetic practice includes eyelash technology services in subpart 4 and includes items A to F:

A. cleansing, stimulating, exfoliating, or massaging a person's scalp, face, neck, arms, legs, or trunk with or without the use of any cosmetic preparation, antiseptic, tonic, lotion, or cream;

B. cosmetic care of a person's face, eyelashes, eyebrows, lips, nose, neck, arms, legs, or trunk using a cosmetic preparation, antiseptic, tonic, lotion, powder, oil, gels, paraffin, clay, cream, or makeup;

C. basic exfoliation, manual or machine skin cleansing, and basic extractions;

~~C~~ D. removing hair from a person's body using depilatories, waxes, preparations, sugaring, or tweezing;

~~D~~ E. application of makeup or airbrush makeup, ~~extractions, microdermabrasion, primary exfoliation,~~ eyelash and eyebrow tinting, eyebrow shaping and trimming, eyelash and eyebrow enhancements, ~~waxing, sugaring,~~ facials, and body wraps; and

~~E~~ F. other cosmetic ~~personal~~ services on the stratum corneum layer of the epidermis.

Subp. 3. **Nail technician services.** The practice of nail technology is the cosmetic care of the hands, feet, and nails. Nail technician services do not include waxing, eyelash or eyebrow enhancements, or any other esthetician service. Nail technicians must not use any tool or equipment to penetrate the skin.

Nail technology includes:

[For text of items A to E, see M.R.]

F. other ~~personal~~ services for the cosmetic care of the hands, feet, and nails.

~~Nail technician services do not include waxing, eyelash or eyebrow enhancements, or any other esthetician service. Nail technicians must not use any tool or equipment to penetrate the skin.~~

[For text of subp 4, see M.R.]

Subp. ~~4.~~ 5. **Advanced practice esthetic services.** The practice of advanced practice (AP) esthetics is the cosmetic treatment of the epidermal layer of the skin. ~~AP estheticians must not use any tool or implement designed to penetrate beyond the epidermal dermal juncture.~~ AP esthetics includes esthetic services in subpart 2 and:

A. advanced exfoliation including dermaplaning, microdermabrasion, chemical or enzyme exfoliation, and other exfoliation methods that exceed the stratum corneum;

B. ~~electrical energy~~ advanced skin care treatments using electrical energy treatments including light therapy, galvanic current, microcurrent, high frequency, radio frequency, sound waves; and lymphatic drainage; and ~~other energy treatments;~~ advanced extractions. Laser, as identified in Minnesota Statutes, section 147.081, subdivision 3, as the practice of medicine is not an advanced practice esthetic service;

C. ~~lymphatic drainage~~ skin needling; and

D. other cosmetic personal services on the epidermal layer of the skin.

2105.0110 ADVERTISING.

The following provisions govern all advertising relating to the practice of cosmetology:

[For text of items A and B, see M.R.]

C. An individual practitioner advertising the practitioner's licensed services must list either the full name as shown on the individual's license or the name of the salon as shown on the salon license.

[For text of item D, see M.R.]

E. It is a violation of this chapter to advertise as a medical esthetician or ~~medical~~ aesthetician, or as a clinical esthetician or aesthetician. It is a violation of this chapter to qualify the esthetician or advanced practice esthetician license title with another term. Only licensed estheticians may use the title "esthetician" and only licensed advanced practice estheticians may use the titles "esthetician", "advanced practice esthetician", or "AP esthetician".

2105.0115 INSPECTIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Inspection penalties and discipline.**

[For text of item A, see M.R.]

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (4) cited during a board inspection of a salon or permit holder except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A salon is subject to penalty for violations cited during a salon inspection for:

[For text of units (a) and (b), see M.R.]

(c) each active license of a practitioner or salon not conspicuously displayed;

[For text of units (d) to (h), see M.R.]

(2) A DLSM is subject to penalty for violations cited during inspection for:

[For text of units (a) and (b), see M.R.]

(c) each active license of a practitioner or salon not conspicuously displayed;

[For text of units (d) to (h), see M.R.]

(3) An individual practitioner is subject to penalty for violations cited during a salon inspection for:

(a) the practitioner's expired license;

(b) the practitioner's active license not conspicuously displayed, if an active license is held;

[For text of units (c) to (g), see M.R.]

[For text of subitem (4), see M.R.]

[For text of subp 5, see M.R.]

2105.0145 APPLICANTS FOR INDIVIDUAL LICENSES.

Subpart 1. **Cosmetologists, nail technicians, ~~and~~ estheticians, and eyelash technicians.** Applicants for a cosmetologist, nail technician, ~~or~~ esthetician, or eyelash technician license who have not been licensed in other states must provide the items required in items A to E:

[For text of items A to C, see M.R.]

D. proof of completion of training as follows:

(1) graduates of a Minnesota-licensed cosmetology school must submit the original course completion certificate with the notarized signatures of the school manager or owner documenting the successful completion of the curriculum and the required number

of hours of training, all of which include any hours transferred from another school within the past three years: 1,550 hours for a cosmetologist; 600 hours for an esthetician; ~~and~~ 350 hours for a nail technician~~, including any hours transferred from another school within the past three years~~; and 38 hours for an eyelash technician. If the completed training is more than five years old, a skills course certificate no more than one year old must also be submitted;

(2) a graduate of a training program licensed by another state that is:

(a) equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, ~~or~~ nail technician, or eyelash technician program must submit an original notarized ~~transcript or document~~ board form from a licensed cosmetology school that establishes the completion of the curriculum and required number of hours of training, all of which include any hours transferred from another school within the past five years: 1,550 hours for a cosmetologist; 600 hours for an esthetician; ~~and~~ 350 hours for a nail technician~~, including any hours transferred from another school within the past five years~~; and 38 hours for an eyelash technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; and

(b) not equal to the curriculum and minimum hour requirements required of Minnesota-licensed cosmetology schools for a cosmetologist, esthetician, ~~or~~ nail technician, or eyelash technician program must obtain a course completion certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician;

~~and~~ 350 hours for a nail technician; and 38 hours for an eyelash technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted;

(3) an applicant who partially completed a training program licensed by another state, or who completed an unlicensed training program in another state, must obtain a course completion certificate by applying to a Minnesota-licensed cosmetology school as a transfer student under part 2110.0705 and must meet and complete the school's requirements. The applicant must then submit the original course completion certificate with the notarized signatures of the school manager or owner, documenting successful completion of the required curriculum and number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; ~~and~~ 350 hours for a nail technician; and 38 hours for an eyelash technician. If the completed training is more than five years old, a skills course certificate from a Minnesota-licensed cosmetology school no more than one year old must also be submitted; or

[For text of subitem (4), see M.R.]

[For text of item E, see M.R.]

Subp. 1a. **Advanced practice estheticians.** The board shall issue an AP esthetician salon manager license to an applicant with an active salon manager license who meets the requirements of this part. An AP esthetician license supersedes an esthetician license.

A. An applicant for an AP esthetician license who holds an active esthetician or cosmetologist license must provide the following:

(1) a completed application form;

(2) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

(a) general theory test; and

(b) written practical test;

(3) an original AP esthetician course completion certificate documenting the successful completion of curriculum from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

(4) payment of the fees required by Minnesota Statutes, section 155A.25.

B. An applicant for an AP esthetician license who completed training in Minnesota for both an esthetician or cosmetologist license and ~~training for~~ an AP esthetician license but does not hold an active esthetician or cosmetologist license must provide the following:

(1) a completed application form;

(2) a high school diploma, a high school transcript showing graduation, a general educational development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(3) an original course completion certificate for a board-approved esthetician or cosmetology course documenting the successful completion of the curriculum with the notarized signature of the school manager or school owner. If the completed training is more than five years old, a skills course certificate no more than one year old must also be submitted;

(4) original passing test results no more than one year old of the board-approved general theory and written practical tests for the esthetician or cosmetology license:

(a) general theory test;

(b) written practical test; and

(c) Minnesota laws and rules test;

(5) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:

(a) general theory test; and

(b) written practical test;

(6) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and

(7) payment of the fees required by Minnesota Statutes, section 155A.25.

~~C. An applicant for an AP esthetician license who is not licensed in any state and who completed esthetician or cosmetologist training in another state must provide the following:~~

~~(1) a completed application;~~

~~(2) a high school diploma, a high school transcript showing graduation, a general educational development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

~~(3) proof of training for an esthetician as identified in subpart 1, item D, the following:~~

~~(4) original passing test results no more than one year old of the board-approved general theory and written practical tests for the esthetician or cosmetologist license:~~

~~(a) general theory test;~~

~~(b) written practical test; and~~

~~(c) Minnesota laws and rules test;~~

~~(5) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:~~

~~(a) general theory test; and~~

~~(b) written practical test;~~

~~(6) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and~~

~~(7) payment of the fees required by Minnesota Statutes, section 155A.25.~~

~~D.~~ C. An applicant with an AP esthetician license or master esthetician license from another state must apply under part 2105.0183, subpart 4. ~~An applicant for an AP esthetician license with an esthetician or cosmetologist license from another state and who is not licensed in Minnesota must provide the following:~~

~~(1) a completed application form;~~

~~(2) certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed an esthetician general theory and practical test. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form. If the out-of-state license is not active, an original board-approved esthetician skills course certificate that is no more than one year old;~~

~~(3) a high school diploma or transcript showing graduation, a general education development (GED) certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;~~

~~(4) original passing test results no more than one year old of a board-approved general theory esthetician test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed a general theory test, this requirement is met and the general theory test does not have to be retaken;~~

~~(5) original passing test results no more than one year old of a board-approved written esthetician practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed a written practical test, this requirement is met and the written practical test does not have to be retaken;~~

~~(6) original passing test results of the Minnesota state laws and rules test no more than one year old;~~

~~(7) original passing test results no more than one year old of the following board-approved tests for the AP esthetician license:~~

~~(a) general theory test; and~~

~~(b) written practical test;~~

~~(8) an original AP esthetician course completion certificate from a board-approved school with the notarized signature of the school manager or school owner. If the completed AP esthetician training is more than five years old, a skills course certificate no more than one year old must also be submitted; and~~

~~(9) payment of the fees required by Minnesota Statutes, section 155A.25.~~

Subp. 2. **Salon managers.** ~~An applicant for a salon manager license must:~~

A. An applicant who holds an active Minnesota operator license and wishes to advance to a salon manager license must:

(1) submit a completed application form;

(2) document at least 2,700 work hours of licensed experience in a licensed salon within the three years prior to application;

(3) submit original passing test results of the salon manager test no more than one year old; and

(4) pay the fees required in Minnesota Statutes, section 155A.25.

B. ~~hold an active Minnesota cosmetologist, esthetician, advanced practice esthetician, or nail technician license;~~ An applicant who holds an active salon manager license and is applying for a practitioner license in another field may apply for a salon manager license in the new field without first obtaining or paying for an operator license in the new field. An applicant must:

(1) submit a completed application for the new field and meet the requirements for the operator license;

(2) pay the fees required in Minnesota Statutes, section 155A.25.

C. ~~document at least 2,700 work hours of licensed experience in a licensed salon within the three years prior to application;~~ An applicant who holds an active salon manager license in one field and an active operator license in another field may advance the operator license to a salon manager license without meeting the requirements of item A, subitems (1) and (2). An applicant must:

(1) submit a completed application; and

(2) pay the fees required in Minnesota Statutes, section 155A.25.

[For text of items ~~C to~~ D and E, see M.R.]

Subp. 3. **School managers.** An applicant for a school manager license must:

[For text of item A, see M.R.]

B. hold an active Minnesota cosmetology salon manager license;

[For text of items C and D, see M.R.]

Subp. 4. **Instructors.** An applicant for an instructor license must:

[For text of item A, see M.R.]

B. hold an active Minnesota ~~cosmetologist, nail technician, esthetician, or advanced practice esthetician~~ license as an operator or manager;

C. document at least 2,700 hours of licensed practice ~~as a cosmetologist, nail technician, esthetician, or advanced practice esthetician~~ in the same licensure field as the instructor license type sought within the three years prior to application;

D. submit the original course completion certificate of a board-approved instructor course on teaching methodology not more than one year old;

[For text of items E and F, see M.R.]

Subp. 5. **Additional licenses.**

[For text of item A, see M.R.]

B. An esthetician or an advanced practice esthetician with an active Minnesota license is not required to obtain a separate eyelash technician license but may do so by completing an application form and paying the fees required by Minnesota Statutes, section 155A.25.

2105.0155 GRANDFATHERED ADVANCED PRACTICE ~~ESTHETICIANS~~ ESTHETIC LICENSES.

Subpart 1. **Grandfathering provisions for advanced practice esthetician operators.** A cosmetologist ~~and~~ or esthetician operator may apply for a grandfathered advanced practice (AP) esthetician license by meeting the requirements in this subpart. The completed application must be received by the board no later than ~~December 31, 2017~~ July 31, 2019. A cosmetologist who meets the requirements for a grandfathered AP esthetician license must be issued a separate AP esthetician license. An applicant for a grandfathered AP esthetician license must:

A. provide a completed application;

B. hold an active Minnesota cosmetologist or esthetician operator license;

C. have demonstrated work experience in a licensed salon consisting of a total of 900 hours in the past three years providing AP esthetician services, including experience in three or more AP services including at least one type of advanced exfoliation services and at least one type of ~~electromagnetic~~ advanced facial services using electrical energy ~~services, or~~. A licensed cosmetology or licensed esthetician instructor may substitute teaching hours in advanced practice esthetic services at a licensed school for part or all of the 900 hours of work experience. An applicant who does not meet the 900 hours of experience must submit original passing test results not more than one year old of the board-approved ~~tests~~ written theory and written practical tests for AP estheticians; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 2. **Grandfathering provisions for advanced practice esthetician salon managers.** A cosmetologist and esthetician salon manager may apply for an advanced practice (AP) esthetician salon manager license under the grandfathering provisions of this part by meeting the requirements in this subpart. The completed application must be received by the board no later than ~~December 31, 2017~~ July 31, 2019. A cosmetologist who wishes

to retain the cosmetology license and who meets the requirements for a grandfathered AP esthetician license must be issued a separate AP esthetician license. An applicant for a grandfathered AP esthetician salon manager license must:

A. provide a completed application form;

B. hold an active Minnesota cosmetologist or esthetician salon manager license;

C. have demonstrated work experience in a licensed salon consisting of a total of 900 hours in the past three years providing AP esthetician services, including experience in three or more AP services including at least one type of advanced exfoliation services and at least one type of ~~electromagnetic~~ advanced facial services using electrical energy ~~services, or~~. A licensed cosmetology or licensed esthetician instructor may substitute teaching hours in advanced practice esthetic services at a licensed school for part or all of the 900 hours of work experience. An applicant who does not meet the 900 hours of experience must submit original passing test results no more than one year old of the board-approved ~~tests~~ written theory and written practical tests for AP estheticians; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 3. **Grandfathering provisions for advanced practice esthetician instructors.** A cosmetology ~~and esthetician~~ instructor or esthetic instructor with an active license may apply for an advanced practice (AP) esthetician instructor license under the grandfathering provisions of this part by meeting the requirements in this subpart. The completed application must be received by the board no later than ~~December 31, 2017~~ July 31, 2019. A cosmetologist instructor who meets the requirements for a grandfathered AP esthetician instructor license will be issued a separate AP esthetician instructor license. An applicant for a grandfathered AP esthetician instructor license must:

A. provide a completed application form;

B. hold an active Minnesota cosmetology or esthetician instructor license;

C. hold an active Minnesota AP esthetician license as an operator or salon manager; and

D. submit payment of the fees required by Minnesota Statutes, section 155A.25.

Subp. 4. **Student grandfathering provisions for advanced practice esthetician licenses.** A student who completes an esthetic licensure program on or after January 1, 2018, but before June 1, 2019, may apply for an advanced practice (AP) esthetician license by meeting the requirements in this subpart. The completed application must be received by the board no later than December 31, 2019. A student applicant for a grandfathered AP esthetician license under this subpart must:

A. provide a completed application;

B. hold an active esthetician operator license;

C. submit original passing test results no more than one year old of the board-approved theory test for AP estheticians;

D. submit original passing test results no more than one year old of the board-approved written practical test for AP estheticians; and

E. submit payment of the fees required of applicants for licensure by Minnesota Statutes, section 155A.25.

2105.0183 TRANSFER OF LICENSES FROM OTHER STATES OR COUNTRIES.

Subpart 1. **Applicants with required training who are licensed in another state.** Applicants for a cosmetologist, esthetician, nail technician, or ~~esthetician~~ eyelash technician operator license who have completed or exceeded the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; ~~and~~ 350 hours for a nail technician,; and 38 hours for an eyelash technician and are licensed in another state must provide the following:

[For text of items A and B, see M.R.]

C. if the out-of-state license is not active, an original board-approved skills course certificate no more than one year old;

[For text of items D to H, see M.R.]

Subp. 2. **Applicants with less than the required training who are licensed in another state.** Applicants for a cosmetologist, esthetician, nail technician, or ~~esthetician~~ eyelash technician operator license who have not completed the required number of hours of training: 1,550 hours for a cosmetologist; 600 hours for an esthetician; ~~and~~ 350 hours for a nail technician~~;~~; and 38 hours for an eyelash technician, and who are licensed in another state must provide the following:

[For text of item A, see M.R.]

B. evidence of an active license for at least three years in another state, or an original course completion certificate from a Minnesota-licensed cosmetology school no more than one year old with notarized signatures of the school manager or owner documenting the completion as a transfer student under part 2110.0705 of additional training hours and the practical skills test;

[For text of item C, see M.R.]

D. if the out-of-state license is not active, the applicant must provide an original board-approved skills course certificate no more than one year old;

[For text of item E, see M.R.]

F. original passing test results no more than one year old of a board-approved general theory test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory test does not have to be retaken;

[For text of items G to I, see M.R.]

[For text of subp 3, see M.R.]

Subp. 4. **Applicants with an instructor license from another state.** Applicants who hold an active instructor license issued from another state may apply for an instructor license. Applicants must provide the following:

[For text of item A, see M.R.]

B. an active Minnesota ~~cosmetologist, esthetician, advanced practice esthetician, nail technician,~~ operator or salon manager license;

C. documentation of at least 2,700 hours of licensed practice as ~~a cosmetologist, esthetician, nail technician~~ an operator, salon manager, or instructor within the three years prior to the application;

[For text of ~~items C and~~ item D, see M.R.]

E. an original course completion certificate of a board-approved instructor course not more than one year old. If a certification of licensure from a state where the applicant holds an active instructor license attests that the applicant successfully completed comparable instructor training, this requirement is met and the instructor course does not have to be retaken;

F. original passing test results no more than one year old of a board-approved instructor general theory test. If a certification of licensure from a state where the applicant holds an active instructor license attests that the applicant passed a comparable instructor theory test, this requirement is met and the instructor theory test does not have to be retaken;

G. original passing test results no more than one year old of a board-approved instructor practical test. If a certification of licensure from a state where the applicant holds

an active instructor license attests that the applicant has passed such a test, this requirement is met and the instructor practical test does not have to be retaken;

[For text of items H and I, see M.R.]

Subp. 4a. **Applicants with an advanced practice or master esthetician training or license from another state or country.** An applicant for an advanced practice esthetician operator license whose training or licensure is from another state or country must:

A. apply to a board-licensed school as a transfer student for an evaluation of applicable esthetician and advanced practice (AP) esthetician training, school records, and work experience under part 2110.0705; rectify any deficiencies noted in the evaluation results; and provide the original esthetician course completion certificate and the original AP esthetician course completion certificate; and

B. complete an application and submit the following items:

(1) a high school diploma or transcript showing graduation, general education development certificate, or a recognized equivalent of a high school diploma (RED) as identified in Code of Federal Regulations, title 34, section 600.2;

(2) if applicant has held a cosmetologist, esthetician, or AP esthetician license in another state, a certification of licensure no more than 90 days old sent to the board directly from each state where the applicant has been licensed. A license certification must verify the current status and history of licensure, discipline history, hours of training, and whether or not the licensee has passed the general theory and practical tests. If a state does not issue certification of licensure, the applicant must submit a copy of the most recent license and a completed supplemental verification form;

(3) original passing test results no more than one year old of a board-approved esthetician or cosmetology general theory test. If a certification of licensure from a state in

which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the general theory test does not have to be retaken;

(4) original passing test results no more than one year old of a board-approved esthetician or cosmetology written practical test. If a certification of licensure from a state in which the applicant has been licensed attests that the applicant has passed such a test, this requirement is met and the written practical test does not have to be retaken;

(5) original passing test results of a board-approved theory AP esthetician test no more than one year old;

(6) original passing test results of a board-approved written practical AP esthetician test no more than one year old;

(7) original passing test results of the Minnesota state laws and rules test no more than one year old; and

(8) payment of the fees required by Minnesota Statutes, section 155A.25.

[For text of subp 5, see M.R.]

2105.0184 MILITARY TEMPORARY LICENSE.

Subpart 1. **Application and issuance.** In compliance with Minnesota Statutes, section 197.4552, the board shall issue military temporary (MT) licenses for cosmetologists, estheticians, advanced practice estheticians, nail technicians, eyelash technicians, salon managers, instructors, and school managers valid for a 12-month license cycle. An applicant for an MT license must submit:

[For text of items A and B, see M.R.]

C. a copy of an active valid license without a history of discipline for a cosmetologist, esthetician, advanced practice esthetician, nail technician, eyelash technician, salon manager, school manager, or instructor from another state; and

[For text of item D, see M.R.]

[For text of subp 2, see M.R.]

2105.0187 SKILLS COURSES.

A. A cosmetologist skills course, esthetician skills course, advanced practice esthetician, ~~or~~ nail technician, or eyelash technician skills course must be offered in person, taught by an instructor licensed in the course subject, and:

[For text of subitems (1) and (2), see M.R.]

[For text of item B, see M.R.]

C. ~~Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor. Estheticians must attend an esthetician skills course taught by an esthetician or cosmetologist instructor. Advanced practice estheticians must attend an advanced practice course taught by an advanced practice esthetician instructor. Nail technicians must attend a skills course taught by a cosmetologist or nail technician instructor.~~ Each licensee or applicant must attend a skills course specific to the licensure field held or sought by the licensee or applicant.

[For text of items D to G, see M.R.]

2105.0190 MAINTAINING INDIVIDUAL LICENSES.

Subpart 1. **Compliance with applicable law.** The licensee is responsible for verifying that the salon or school in which the licensee is practicing has an active license, and the licensee must continuously comply with all applicable provisions of Minnesota statutes and rules.

Subp. 1a. **New services or devices.** Before providing any service using a product, technique, device, or equipment new to the licensee, the licensee must:

A. ensure that the use of the product, device, or technique is within the licensee's scope of practice as defined in part 2105.0105;

B. review and comply with any manufacturer's directions for use, safety requirements, and contraindications;

C. maintain a record of any training received by the licensee on the product, technique, or device, for as long as the licensee is using the product, technique, or device; and

D. attest that the licensee has the knowledge and training necessary to safely provide the service using the new product, technique, or device.

[For text of subps 2 to 3, see M.R.]

Subp. 4. **Display of license.** The practitioner must conspicuously post an active license at each salon where the practitioner practices. The conditions in items A to D must be met at all times.

[For text of items A and B, see M.R.]

C. Copies of licenses do not meet the requirements of license posting. Licensees must obtain duplicate licenses from the board in order to post licenses at multiple workstations or multiple salons. After a license is issued by the board, a printout of the online license status from the board Web site showing an active license may be used to meet the posting requirements for a maximum of 30 days beginning on the license issuance date.

[For text of item D, see M.R.]

Subp. 5. [Repealed, 41 SR 305]

2105.0200 LICENSE RENEWAL FOR INDIVIDUALS.

Subpart 1. **Application for renewal of license.** All licenses expire on the last day of the individual's birth month of the year due and each licensee is responsible for applying

to renew the license without notice from the board. If more than ~~one year has~~ three years have passed since the expiration date of the license, the license is not eligible for renewal under this section, and the requirements of part 2105.0215 apply.

A. The board must return incomplete renewal applications to the applicant with notice of the items that are incomplete.

B. The applicant must pay late fees required by Minnesota Statutes, section 155A.25, if a license renewal application or a resubmitted application is received after the expiration date of the license.

C. A licensee whose renewed license has not been issued by the board by the end of the business day on the licensee's expiration date is not authorized to practice after the expiration date until a license is issued, and any unlicensed practice after the expiration date is subject to the inspection penalties in part 2105.0115 and disciplinary provisions as described in Minnesota Statutes, section 155A.33.

Subp. 2. **Continuing education (CE) requirements for practitioners.** The licensee must complete the following continuing education (CE) requirements before applying to renew a license:

A. A cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager renewing a license ~~on or after August 1, 2017,~~ must complete a total of eight hours of CE credits from board-approved providers within the three years prior to the date of the license renewal. Licensees must maintain proof of completion of the CE credits as required in subpart 5. The eight hours must consist of:

(1) four hours of core CEs, consisting of one hour pertaining to state cosmetology laws and rules, and three hours related to health, safety, and infection control matters; and

(2) four hours of professional practice CEs, consisting of one or more of the following topics within the licensee's scope of practice:

(a) product chemistry and chemical interaction;

(b) proper use of machines and instruments;

(c) business management, professional ethics, and human relations; or

(d) techniques relevant to the type of license held by the practitioner.

B. The CE credits are valid for only one license renewal period, but may be applied to multiple licenses held by the same practitioner if the CEs were completed within three years prior to the license renewal date.

Subp. 2a. **CE and other renewal requirements for instructors.**

A. An instructor must complete 45 hours of board-approved CEs within three years before the license renewal, including at least 30 hours in teaching methodology and 15 hours on clinical practice in the field of licensure. Licensees must retain proof of the CE credits as required in subpart 5.

[For text of items B to H, see M.R.]

Subp. 2b. **CE and other renewal requirements for school managers.**

A. A school manager renewing a license ~~on or after August 1, 2017,~~ must complete a CE class or seminar in business practices of at least four hours, no more than three years prior to the renewal application, and retain proof of completion as required in subpart 5.

B. To renew the school manager's license, a school manager must hold an active cosmetology salon manager's license.

C. School manager CEs are valid for only one license renewal.

D. A school manager may apply four CEs from an approved professional practice CE course on business management to the renewal of both the underlying salon manager license and the school manager license.

[For text of subps ~~2b~~ 3 to 5, see M.R.]

2105.0205 RETIRED LICENSE.

A licensee with an active or expired Minnesota practitioner license who has ceased all practice of cosmetology may apply for a retired license that does not allow any practice of cosmetology as defined in Minnesota Statutes, section 155A.23, subdivision 3. The board must void any active license when a retired license is issued for the remainder of the license cycle. If the practitioner's license is expired, the applicant must pay the renewal and late fees required by Minnesota Statutes, section 155A.25.

[For text of item A, see M.R.]

B. A person with a retired license who wishes to obtain an active practitioner license must apply to renew the original expired practitioner license under the terms of this chapter as if no retired license was issued. If the retired license has not expired, no new renewal fee is required.

[For text of item C, see M.R.]

2105.0215 PROCEDURE FOR RENEWING AN EXPIRED LICENSE.

[For text of subps 1 and 2, see M.R.]

Subp. 3. **Instructor licenses expired three years or more.** If an instructor's license has been expired three years or more, the board shall issue a license with a new license cycle when the expired licensee submits a renewal application and meets these requirements:

A. holds an active operator's or salon manager's license;

[For text of items B and C, see M.R.]

Subp. 4. **School manager licenses expired three years or more.** If a school manager's license has been expired three years or more, a license with a new license cycle shall be issued by the board when the expired licensee submits a renewal application and:

A. holds an active cosmetology salon manager's license;

[For text of items B and C, see M.R.]

2105.0305 DESIGNATED LICENSED SALON MANAGER.

[For text of items A to F, see M.R.]

~~G. A DLSM must hold the same licensure level as the salon license, except that a cosmetologist salon manager may serve as a DLSM for a nail or an esthetician salon. An advanced practice (AP) esthetician salon manager may serve as a DLSM for an esthetician or an AP esthetician salon.~~

2105.0310 SALON LICENSURE APPLICATION.

Subpart 1. **All salon licenses.** The requirements of this part and parts 2105.0360 and 2105.0370 must be met by all applicants proposing to establish a salon. A salon license is required for each physical location. A licensed salon business may not share any physical space with another licensed salon business except for restrooms, and may not be located inside the perimeter of another licensed salon.

~~Subp. 1a. **Types of salon licenses.** The services a salon may offer are determined by the type of salon license held. Cosmetology salons may offer cosmetology services, esthetic services, and nail services. Nail salons must offer only nail services. Esthetician salons must offer only esthetician services. Advanced practice esthetician salons may offer esthetic and advanced esthetic services. A single salon may hold more than one type of salon license.~~

Subp. 2. **Application.** An applicant for a salon license must apply on forms supplied by the board, giving the following information:

[For text of items A to G, see M.R.]

H. current Certificate of Workers' Compensation Insurance, unless the salon is not required to provide insurance coverage under the Minnesota Workers' Compensation Act, Minnesota Statutes, chapter 176;

[For text of items I and J, see M.R.]

K. the name, license number, and notarized signature of the DLSM accepting the responsibilities of the DLSM. The DLSM must meet the requirements of part 2105.0305.

2105.0322 MAINTAINING SALON LICENSE.

[For text of subps 1 to 4, see M.R.]

Subp. 5. **Salon premises.** Regulated cosmetic services must not be provided in a place other than a licensed salon or licensed school, or as otherwise provided by this chapter.

[For text of subps 6 to 9, see M.R.]

Subp. 10. **Change of DLSM.** The salon owner must inform the board in writing within ten business days of the departure or resignation of the DLSM. The salon has 60 days from the date of the change to register with the board a new DLSM meeting the requirements of part 2105.0305.

2105.0360 SALON PHYSICAL REQUIREMENTS.

[For text of subps 1 to 5, see M.R.]

Subp. 5a. **Dispensary.** Each salon must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect or sterilize tools and implements, and store hazardous supplies. Each dispensary must have a clean waste receptacle emptied daily. A dispensary must not be located in a restroom.

[For text of items A and B, see M.R.]

[For text of subps 6 to 8, see M.R.]

2105.0370 SALON OPERATIONAL REQUIREMENTS.

A salon must continuously meet the following minimum operational requirements.

[For text of items A and B, see M.R.]

C. The active salon license showing the current DLSM must be conspicuously posted facing the public side of the reception area providing the public a full, unobstructed view of the license.

[For text of items D to F, see M.R.]

2105.0375 INFECTION CONTROL REQUIREMENTS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Disinfecting.**

[For text of items A to C, see M.R.]

D. Disinfectant solutions must be legibly labeled with the disinfectant name and any dilution requirements. Disinfectant solutions must be disposed of immediately if visible debris is present. If concentrated disinfectants must be diluted with water, measuring devices must be readily available and used to ensure an effective solution is made. Unless otherwise directed by the disinfectant label, disinfectant solutions must be made daily and disposed of at the end of the day.

[For text of items E to G, see M.R.]

Subp. 4a. **Sterilizing.**

A. Any tool or implement that is designed to puncture or invade the skin must be cleaned and then sterilized ~~using an autoclave, heat sterilizer, or a chemiclave~~ before the tool or implement can be reused. A sterilized tool or implement must be stored in the

sterilization pouch or container in which it was sterilized. Each sterilized package or container must have the batch number and date of sterilization, corresponding to the log of use referenced in item D.

B. Autoclaves ~~and other sterilizing devices~~, steam or dry heat sterilizers, chemical vapor sterilizers, and any other sterilizing device must be registered and listed with the United States Food and Drug Administration and used only as instructed by the manufacturer.

C. Autoclaves and other sterilizers must be spore tested through an independent lab every 30 days to ensure functionality. Spore-testing results and maintenance records must be kept on site at the salon for 36 months. Autoclaves and autoclave packaging of tools are prohibited unless regular spore tests are performed by a contracted laboratory at least once per month but not more than 30 days between tests. If a positive spore test is received, the autoclave must not be used until a negative spore result is received. The salon must maintain a log of each use, all testing samples and results, and a maintenance log of all maintenance performed according to the manufacturer's directions. The salon must retain the most recent 36 months of the log at the salon for review by the board.

D. Sterilized items must be stored in the package in which they were sterilized. Each package must show the batch number and sterilization date corresponding to the log kept of each sterilization process required in item C.

Subp. 5. **Blood and body fluid exposure.** Licensees must stop a service whenever an unexpected cut, abrasion, or other injury occurs during a service resulting in exposure to blood or other body fluids, or when blood or other body fluids appear as a result of a service, and follow the steps in items A to G.

[For text of items A to F, see M.R.]

G. Contaminated tools, implements, and equipment must be cleaned and then disinfected or sterilized according to subparts 3, 4, and 4a.

Subp. 6. **Storage of items.**

[For text of item A, see M.R.]

B. Plastic or paper bags or sealed wrapping must not be used to store disinfected items unless the item has been sterilized ~~by an autoclave used~~ under the requirements of ~~part 2105.0377, item F~~ subpart 4a.

C. Items pulled out for service must not come into contact with contaminated surfaces ~~that have not been disinfected~~.

D. Tools, implements, linens, and other nonelectrical items that have been removed from clean storage must be placed in covered and closed containers labeled "used" immediately after the service is completed, or immediately cleaned and disinfected or sterilized. Storage containers for used items must have solid sides and lids and must be cleaned and disinfected weekly or whenever visibly soiled. Disinfectant wipes or sprays may be used when the container is too large to be submerged in disinfectant.

Subp. 7. **Safety and infection-control practices.**

A. Only cleaned, disinfected or sterilized, and properly stored tools and implements must be used on a client.

B. A supply of disinfected or sterilized tools and implements, single-use supplies, and disinfectant must be present and available for use by practitioners. The supply must be sufficient, based on the practitioner and salon service volume, to ensure each client is serviced with tools and implements that are either properly cleaned and disinfected or sterilized each day.

C. All fluids, semifluids, creams, waxes, and powders must be kept in clean, covered containers with a solid cover and must be dispensed in a manner that prevents contamination of the unused supply.

[For text of subitems (1) to (3), see M.R.]

[For text of items D and E, see M.R.]

F. Licensees must comply with all manufacturer's directions for product and equipment use.

(1) When the manufacturer's use directions require a patch test, the licensee must:

(a) offer a patch test; and

(b) provide information to the client regarding the risk of potential adverse reactions to the product.

(2) Licensees must comply with the manufacturer's directions for machine and equipment use and maintenance.

(3) Licensees must maintain all equipment and product instructions and manuals on the salon premises.

[For text of items G to ~~L~~ K, see M.R.]

L. Tools and implements must not be placed in or on clothes, aprons, pockets, bags, or holsters, or worn by the licensee, and must not come into contact with ~~nondisinfected~~ contaminated surfaces.

M. Tools or implements dropped on the floor or otherwise contaminated during a service must be removed from the work station, cleaned and disinfected or sterilized, or placed in a covered container labeled "used" until cleaned and disinfected or sterilized.

[For text of item N, see M.R.]

O. Licensees must wear gloves~~:~~ as required in this part. Before donning gloves, licensees must wash hands and wrist area with soap and water. Gloves must be changed

during a service if a glove becomes damaged or comes in contact with any nonclean surface or objects or with a third person. Gloves must be discarded at the end of every service.

Licensees must wear gloves when:

(1) ~~while providing skin care and~~ performing extractions, waxing, or hair removal services;

~~(2) when exposure to bloodborne pathogens is possible; and~~

~~(3)~~ (2) when using a device or implement that penetrates the skin~~.~~;

(3) when providing any service on the skin where the skin barrier is not intact or is compromised;

(4) when the licensee's skin on the hand is not intact or is compromised; and

(5) when mixing or touching disinfectant solutions.

[For text of subps 8 to 10, see M.R.]

Subp. 11. **Electrical and electronic tools.** Electric clippers, nail drills, flat irons, blow dryers, glass or metal electrodes, high frequency wands, esthetic machines, steamers, diffusers, or other electric or electronic tools must be cleaned and disinfected or sterilized after each use, including the body, handle, and attached cord.

[For text of item A, see M.R.]

B. Metal guards, clipper blades, drill bits, and other parts designed to be removed must be removed. All product residue, hair, skin debris, nail dust, and other visible debris must be removed using a disinfected brush or clean towel, and the removable part must be disinfected with an EPA-registered, hospital-level disinfectant spray or wipe after each use. The surfaces must remain wet with the spray or wipe disinfectant for the contact time listed on the disinfectant label and the manufacturer's directions must be followed.

[For text of items C to E, see M.R.]

F. Skin care machines and equipment must be cleaned and then disinfected or sterilized according to the manufacturer's directions.

[For text of subps 12 to 15, see M.R.]

2105.0377 SALON PROHIBITIONS.

[For text of items A and B, see M.R.]

~~C. Cosmetologists and estheticians must not use any tool or equipment designed to penetrate beyond the stratum corneum of the epidermis. Nail technicians must not use any tool or equipment to penetrate the skin.~~

~~D~~ C. Roll-on wax is prohibited. Single-use roll-on wax cartridges are acceptable but must be disposed of immediately after service. Roll-on wax cartridges warming in a wax heater must have an intact seal. The heating unit is subject to the requirements of part 2105.0375 and must be cleaned and disinfected after each use.

~~E~~ D. UV sterilizers or light boxes are not an acceptable infection control device and must not be present in a salon. This does not apply to UV dryers or ultraviolet lamps used to dry or cure nail products.

~~F~~ E. Autoclave packaging of tools is prohibited unless an autoclave is used and the salon is in compliance with part 2105.0375, subpart 4a.

~~G~~ F. Electric or battery-operated files or drills not specifically manufactured for use on humans are prohibited.

~~H~~ G. Practitioners must not use tools or implements provided by customers unless the practitioner first cleans and then disinfects or sterilizes the tool or implement. Customer-supplied prohibited tools must not be used and must be immediately removed from the salon premises. Customer-supplied single-use items must be new.

~~I~~ H. Salons must not store a customer's tools or implements.

~~J~~ I. Only single-use sterile lancets may be used.

2105.0390 SALON SUPERVISION.

A. The owner and the designated licensed salon manager (DLSM) registered with the board are responsible for the salon at all times, even when not present at the salon. The owner and the DLSM must ensure that:

(1) all practitioners, including nonemployees, who perform licensed services in the salon are in compliance with this chapter and Minnesota Statutes, chapter 155A; and

[For text of subitem (2), see M.R.]

B. The salon must designate and register only one person as the DLSM, consistent with part 2105.0305~~, for each salon license held by the salon~~. This does not preclude a salon from having a business manager or other managers who are not licensed as operators or managers. ~~Salons holding both a nail salon and an esthetician salon license may have a designated licensed salon manager for each license, or a cosmetologist salon manager may serve as the designated licensed salon manager for both licenses. An advanced practice esthetician salon manager may serve as a DLSM for an esthetician salon or an advanced practice esthetician salon.~~

[For text of items C and D, see M.R.]

2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.

[For text of subp 1, see M.R.]

Subp. 2. **Special events permits.**

A. Licensees with an active manager's license may apply online for a special events permit. Applicants must carry professional liability coverage of at least $25,000 for

each claim and $50,000 total coverage for each policy year, and must pay the fees required by Minnesota Statutes, section 155A.33.

B. The permit holder may only provide the following services:

[For text of subitems (1) and (2), see M.R.]

(3) cosmetologists, estheticians, and advanced practice estheticians may remove and apply makeup, except eyelash extensions may not be applied or removed.

C. Permits have the restrictions in subitems (1) to (6).

(1) Permits expire on December 31 of the year in which the permit is issued, but are valid only with an active manager's license held by the permit holder.

[For text of subitems (2) to (6), see M.R.]

[For text of item D, see M.R.]

E. A special event permit holder must not use the permit to provide regulated services in a mobile vehicle or mobile structure that is owned or operated by the permit holder or a board licensee unless the mobile vehicle or mobile structure is licensed as a mobile salon under this part. A licensed mobile salon does not require a special event permit for services offered in the mobile salon.

Subp. 3. **Homebound permit.** A homebound service permit authorizes a licensee to provide services in a licensed nursing home to residents or in the residence of an individual who is homebound.

A. To obtain a homebound service permit, an applicant must apply and:

(1) hold an active Minnesota ~~cosmetologist, nail technician, esthetician, advanced practice esthetician, or salon manager~~ practitioner license;

[For text of subitems (2) to (4), see M.R.]

[For text of item B, see M.R.]

C. A homebound service permit is not valid unless the permit holder's practitioner license is active. If the practitioner's license has expired, a permit must not be used until the practitioner has renewed the practitioner license.

[For text of items D to F, see M.R.]

2105.0830 COMPLIANCE WITH OTHER REGULATIONS.

Compliance with this chapter does not ensure compliance with other requirements set forth by federal, state, and local laws, codes, ordinances, and regulations as they apply to business operation, physical construction and maintenance, safety, and public health.

2110.0010 DEFINITIONS.

[For text of subps 1 and 2, see M.R.]

Subp. 2a. **Active license.** "Active license" means a current license that has not expired and is not retired.

Subp. 3. [Repealed, 41 SR 305]

Subp. 3a. **Advanced exfoliation.** "Advanced exfoliation" means a cosmetic procedure ~~removing skin cells throughout the epidermis through~~ removing epidermal cells through manual, mechanical, or chemical means.

Subp. 3b. **Advanced extraction.** "Advanced extraction" means extractions performed using lancets or needles.

[For text of subps 4 ~~to 15~~ and 5, see M.R.]

Subp. 5a. **Basic exfoliation.** "Basic exfoliation" means the removal of dead skin cells in the stratum corneum layer of the epidermis through manual or chemical means.

Subp. 5b. **Basic extraction.** "Basic extraction" means extractions performed using gloved fingers, cotton swabs, or comedone extractors.

[For text of subps 6 to 13b, see M.R.]

Subp. 14. **Dispensary.** "Dispensary" means a physical location or area in a salon or school where products, chemicals, and disinfectants are prepared, measured, mixed, portioned, or disposed of, and where tools and implements are cleaned and disinfected or sterilized.

[For text of subp 15, see M.R.]

Subp. 15a. **Electrical energy treatments.** "Electrical energy treatments" means advanced practice esthetic services for the ~~personal~~ cosmetic care of the skin that use ~~various forms of light or~~ electrical energy~~.~~ as applied by skin care equipment used on the epidermal layer. Electrical energy treatments use light, direct current, indirect current, or sound energy, but do not include laser as identified in Minnesota Statutes, section 147.081, subdivision 3, as the practice of medicine.

[For text of subp 16, see M.R.]

Subp. 16a. **Extraction.** "Extraction" means the cosmetic technique of removing impactions and comedones from follicles.

[For text of subps 17 to 18, see M.R.]

Subp. 18a. **Lymphatic drainage.** "Lymphatic drainage" means a procedure using a light rhythmic pressure applied by manual or other means to the skin using specific lymphatic manipulations to promote drainage of the lymphatic fluid through the tissue.

Subp. ~~18a~~ 18b. **Operator.** "Operator" means a standard license for a practitioner and not a manager license.

Subp. ~~18b~~ 18c. **Porous material.** "Porous material" means a material that absorbs liquid or allows liquid to penetrate.

Subp. ~~18e~~ 18d. **Simple braiding devices.** "Simple braiding devices" include clips, combs, curlers, curling irons, hairpins, rollers, scissors, needles, and thread.

[For text of ~~subps 16 to~~ subp 19, see M.R.]

Subp. 20. **Unregulated service.** "Unregulated service" means those services not defined as the practice of cosmetology under Minnesota Statutes, section 155A.23, subdivision 3, and that are exempt from regulation by the board. Unregulated services are ear piercing~~,~~; body art~~,~~; body painting~~,~~; henna tattoos and permanent tattoos~~,~~; eyebrow embroidery~~,~~; eyebrow microblading~~,~~; permanent hair removal~~, and~~; permanent makeup; tanning by UV radiation and spray tanning units; injectables; services for theatrical, television, film, fashion, photography, or media productions; media appearances; mortuary services; massage; body wraps and lymphatic drainage when performed by a massage therapist; ~~and~~ the practice of medicine as defined in Minnesota Statutes, section 147.081, subdivision 3; hair braiding, hair braiding services, and hair braiders, as defined in subparts 17a to 17c; and threading as defined in Minnesota Statutes, section 155A.23, subdivision 13. Ordinances by local units of government that prohibit hair braiding, hair braiding services, or hair braiders, as defined in subparts 17a to 17c, or regulate any matter relating to licensing, testing, or training of hair braiding, hair braiding services, or hair braiders are preempted by this part.

2110.0125 INSPECTIONS.

[For text of subps 1 to 3, see M.R.]

Subp. 4. **Inspection penalties and discipline.**

[For text of item A, see M.R.]

B. Board staff must issue penalties prescribed in Minnesota Statutes, section 155A.25, for violations in subitems (1) to (3) cited during a board inspection of a school except as provided for in subpart 5. Licensees must pay penalties in full before any license is renewed or issued.

(1) A school is subject to penalty for violations cited during an inspection for:

[For text of units (a) to (c), see M.R.]

(d) each active license of an instructor, designated school manager, or school not conspicuously displayed;

[For text of units (e) to (g), see M.R.]

(2) A DSM is subject to penalty for violations cited during a school inspection for:

[For text of units (a) to (c), see M.R.]

(d) each active license of an instructor, designated school manager, or school not conspicuously displayed;

[For text of units (e) to (g), see M.R.]

(3) An instructor is subject to penalty for violations cited during a school inspection for:

[For text of unit (a), see M.R.]

(b) the instructor's active license not conspicuously displayed;

[For text of units (c) to (e), see M.R.]

[For text of subp 5, see M.R.]

2110.0310 SCHOOL LICENSURE.

Subpart 1. **Application contents.** An applicant for a cosmetology school must apply on forms supplied by the board, giving the following information:

[For text of items A to L, see M.R.]

M. a roster of all instructors, including license number, type of license, designation of employment status (full time or part time) and days of the week and hours scheduled for instruction;

[For text of item N, see M.R.]

O. a complete inventory of facilities, equipment, and machines supportive of instructional and clinical operations, as required by this chapter;

[For text of items P to W, see M.R.]

[For text of subps 2 and 3, see M.R.]

2110.0320 MAINTAINING A SCHOOL LICENSE.

[For text of subps 1 to ~~13~~ 9, see M.R.]

Subp. 10. **Change or addition of courses and curriculum.**

A. A school planning to discontinue any course offering must notify the board via e-mail.

B. A school planning to add a new course offering or a change to the curriculum for a currently approved course must apply for and receive board approval prior to offering the new or changed course. Application must include:

(1) the course name and anticipated first offering date; ~~and~~

(2) a detailed outline of the course or lesson plan, including:

(a) topics of the units of instruction;

(b) for each unit, identifying the hours devoted to the unit and designating the hours as theory, preclinic, or clinic hours;

(c) for each unit, identifying the unit prerequisites necessary for a student to have completed prior to beginning the unit;

(d) for each unit, identifying the textbook and supplementary instructional resources; and

(e) an indication of whether or not the school's instructors will use the instructor's manual associated with the textbook curriculum.; and

(3) an inventory of each device, equipment, instrument, or tool to be used by students. For each item, indicate:

(a) how many students will share the use of the item;

(b) whether students will use it in mannequin practice, student-student practice, or in clinical practice; and

(c) whether the item will be used in services offered and listed on the service menu in the school clinic.

[For text of subps 11 to 13, see M.R.]

Subp. 14. **License.** A cosmetology school must not operate without an active and conspicuously displayed school license.

[For text of subp 15, see M.R.]

Subp. 16. **Separation of school from any salon.** A salon must be operated as a separate and distinct business and the salon must be completely separated physically from the school.

2110.0390 PHYSICAL REQUIREMENTS.

[For text of subps 1 to 3, see M.R.]

Subp. 3a. **Dispensary.** Each school must have a dispensary area used to mix chemicals, mix disinfecting solutions, disinfect or sterilize tools and implements, and to store hazardous supplies. The dispensary must have a clean waste receptacle emptied daily.

[For text of items A and B, see M.R.]

[For text of subps 4 to 6, see M.R.]

2110.0500 CURRICULUM APPROVAL AND CONTENT.

Subpart 1. **Curriculum approval.** Cosmetology schools must have a board-approved curriculum divided into daily lesson plans. The curriculum must include theory and practical application of skills, including the instruction in parts 2110.0510 to 2110.0530.

[For text of subp 2, see M.R.]

Subp. 3. **Guest presenters.** Guest presenters may be used by a school when accompanied by the regular course instructor as long as the guest presenters are limited to one percent of the total curriculum time. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds an active instructor license. Eyelash technician courses must not use guest presenters.

[For text of subp 4, see M.R.]

2110.0520 ESTHETICIAN TRAINING.

[For text of item A, see M.R.]

B. The first 120 hours must be preclinical instruction in the theory of sciences of anatomy, dermatology, and chemistry as related to skin care; infection control; safety procedures related to the practice of skin care; and Minnesota statutes and rules that pertain

to the regulation of the practice of skin care; student orientation; and elementary service skills. Elementary service skills must be limited to the observation of an instructor demonstration, or student-to-student application of basic services related to esthetics.

C. There must be instruction in applied science and skills in the procedures of cosmetic care of the skin, client consultation and skin analysis, applications of facials and makeup, and in waxing.

[For text of items D and E, see M.R.]

2110.0525 ADVANCED PRACTICE ESTHETICIAN TRAINING.

A. Advanced practice (AP) esthetician training must consist of a board-approved curriculum of ~~600~~ 500 hours that includes items B to E. A prerequisite for the training is completion of the esthetician or cosmetologist training in part 2110.0520 at a board-licensed school within the past five years or an active Minnesota license as a cosmetologist or esthetician.

B. Part 2110.0500, subparts 2 and 3, do not apply to AP esthetician curriculums. Up to five percent of the AP esthetician curriculum may be accomplished through field trips, and up to five percent of the AP esthetician curriculum may be provided by guest presenters when accompanied by the instructor. If the regular course instructor is not in attendance when a guest presenter is present, the limitations of part 2110.0630 apply unless the guest presenter holds an active instructor license.

C. A combined esthetician and AP esthetician program approved by the board may be offered to any student and must include both the esthetician training in this part and part 2110.0520. Students who partially complete a combined program under this item are not eligible for an esthetician license unless the partial training received meets the requirements of part 2110.0520.

D. There must be theoretical instruction in the following: advanced cell histology of the skin; lymphatic system; wound healing; skin classification systems; dermatological disorders and terminology; advanced practice skin care treatments; chemistry and biochemistry of product ingredients and modalities; electrical and light energy; client consultation with skin classifications and medical history; infection control; and health and safety.

E. There must be clinical instruction in the following: ~~professional skin treatments within the scope of practice for an AP esthetician on skin analysis, client consultation; manual and machine advanced exfoliation services, electric energy treatments, lymphatic drainage, and infection control and safety procedures.~~

(1) skin analysis;

(2) client consultation;

(3) dermaplaning or a machine exfoliation service;

(4) chemical peels to include alpha hydroxy acids, beta hydroxy acids, trichloroacetic acids, and blended acid peels;

(5) electrical energy services to include services using direct current, indirect current, sound energy, and light energy;

(6) advanced facial treatments using lymphatic drainage and advanced extractions;

(7) skin needling; and

(8) infection control and safety procedures.

2110.0545 SKILLS COURSES.

[For text of items A and B, see M.R.]

C. Cosmetologists must attend a cosmetologist skills course taught by a cosmetology instructor, estheticians must attend an esthetician skills course taught by an esthetician~~, advanced practice (AP) esthetician,~~ or cosmetology instructor, and nail technicians must attend a skills course taught by a nail technician or cosmetology instructor. ~~AP estheticians must attend a skills course taught by an AP esthetician instructor.~~

[For text of items D and E, see M.R.]

2110.0630 INSTRUCTORS.

[For text of items A to D, see M.R.]

E. ~~Esthetician instructors and nail~~ Instructors are restricted to instruction in the area of their practitioner license and may not instruct in other disciplines. ~~Advanced practice esthetician instructors are restricted to instruction in esthetics and advanced practice esthetics.~~

[For text of item F, see M.R.]

2110.0670 STUDENT RECORDS.

[For text of items A to D, see M.R.]

E. The school must maintain the following reports for each student:

[For text of subitems (1) to (4), see M.R.]

(5) documentation signed by the school owner or DSM must indicate that the student has successfully completed the course of training, including documentation of the student's completion of the practical exercises, as required by parts 2110.0510, item D; 2110.0520, item D, subitem (1); and 2110.0530, item D, subitem (1), or as required by the board-approved curriculum; and documentation of the student's successful completion of the skills certification review, on a form acceptable to the board; and

[For text of subitem (6), see M.R.]

2110.0705 TRANSFER STUDENTS.

Subpart 1. **Transfers from another school or state.** Students who have completed a portion of required training at another school or in another state or country may apply as a transfer student to a cosmetology school to complete the required training. Accrued student hours are valid for five years and apply to students who have partially completed a school program in or out of state. The school must include in the student's records documentation of any transfer of credits, and copies of student transcripts and records from the original school. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

~~*[For text of subp 2, see M.R.]*~~

Subp. 2. **Practitioners from other countries applying as a transfer student for an evaluation.** Individuals who have practiced cosmetology in other countries and who are seeking licensure must obtain a course completion certificate by a licensed cosmetology school as a requirement to become licensed. The applicant may apply as a transfer student and request an evaluation to identify any further training necessary to obtain the course completion certificate.

Subp. 3. **Evaluation of transfer students.**

A. The method of evaluation must include a review of the student's records, training, and work experience, and must include a skills test. Any records from another country, including records in English, must be evaluated by a board-approved credentialing agency at the student's or school's expense.

B. The evaluation results must identify any specific additional training necessary for the issuance of the course completion certificate, based on the training requirements identified in this chapter for ~~cosmetologists, estheticians, and nail technicians~~ each field of licensure and the school's assessment of the student's training and experience.

C. The school must maintain in the student's record the evidence and documentation of the school's evaluation, including the method of evaluation, the dates and location of the student's original training, any testing results, copies of any transcripts or diplomas used in the evaluation, and an explanation of the typical training or apprenticeship required in the country where the student previously practiced.

2110.0710 FULL COURSE OF INSTRUCTION.

No student shall be enrolled in a school for less than a full course of instruction, except that a licensed individual or a previously licensed individual requesting a refresher course, an applicant who has failed the state examination and requests additional training, a transfer student, a student who has enrolled only to learn unregulated services, and reciprocity applicants who require additional schooling may be enrolled for these purposes.

2110.0720 DISPLAY OF LICENSES.

Active licenses of all instructors, the designated school manager, and the school must be conspicuously posted in the reception area.

2110.0740 SCHOOL CLINICS.

[For text of items A to G, see M.R.]

H. All students are required to wear an identification badge at all times. The badges must be at least two inches by one inch; state the student's name; and state ~~that the student is either a "Cosmetologist Student," "Esthetician Student," "AP Esthetician Student," or "Nail Technician student."~~ "Student." Badges must be furnished by the school as part of tuition costs.

[For text of items I and J, see M.R.]

REPEALER. Minnesota Rules, ~~parts 2105.0010, subpart 3a; and~~ part 2105.0420, ~~are~~ is repealed.

MINNESOTA
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August 23, 2018

VIA EMAIL ONLY
Nancy Breems
Secretary of State, Elections Division
180 State Office Building
100 Rev Dr Martin Luther King Jr Blvd
St. Paul, Minnesota 55155-1299
official.documents@state.mn.us

Re: ***In the Matter of the Board of Cosmetologist Examiners' Proposed Permanent Rules Governing Advanced Practice Estheticians***
OAH 8-9013-33230; Revisor R-4342

Dear Ms. Breems:

Enclosed for filing is an electronic copy of the above-entitled adopted rules.

Please send the agency copy of the rules to:

Rebecca Gaspard
Minnesota Board of Cosmetologist Examiners
Board of Cosmetologist Examiners
2829 University Ave SE Ste 710
Minneapolis, MN 55414
rebecca.gaspard@state.mn.us

If you have any questions regarding this matter, please contact Katie Lin at (651) 361-7911 or katie.lin@state.mn.us.

Sincerely,

Sheena Denny

Enclosures
cc: Rebecca Gaspard (via email)