

2105.0410 LICENSED SERVICES NOT OFFERED IN A LICENSED SALON.

Subpart 1. **Nursing homes; housing with services and assisted living facilities.** This part applies to nursing homes licensed under Minnesota Statutes, chapter 144A, housing with services establishments registered under Minnesota Statutes, section 144D.02, and operating under title protection under Minnesota Statutes, chapter 144G, and beginning August 1, 2021, assisted living facilities licensed under Minnesota Statutes, chapter 144G.

A. A salon as defined in Minnesota Statutes, section 155A.23, subdivision 9, that is located in a nursing home, housing with services entity, or assisted living facility is required to be licensed if any cosmetology services are provided to anyone other than the homebound residents of the nursing home, housing with services entity, or assisted living facility. A resident of a housing with services entity receiving comprehensive home care services and residents of an assisted living facility receiving assisted living services are considered to be homebound residents. All residents of a nursing home are considered homebound for the purposes of this part.

B. A salon as defined in Minnesota Statutes, section 155A.23, subdivision 9, located in a nursing home, housing with services entity, or assisted living facility is not required to be licensed if:

(1) only homebound residents are served by the salon, and nonhomebound residents, staff, family members, or the public are never served by the salon; and

(2) the use of the unlicensed salon is restricted to:

(a) board-licensed practitioners of cosmetology services who have homebound service permits and provide services for homebound residents of the facility;

(b) staff employed by the facility providing services to homebound residents of the facility, and the services are limited to washing hair, setting hair, trimming hair, filing nails, applying and removing nail polish, and makeup applications;

(c) family members providing services to their own homebound family members who are residents of the facility; and

(d) volunteers providing services without compensation to homebound residents of the nursing home, housing with services entity, or assisted living facility.

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:

(1) cosmetologists may style, reinforce, or extend hair;

(2) cosmetologists and nail technicians may remove and apply nail polish; and

(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.

(2) One permit covers all events registered by the permit holder with the board for the calendar year.

(3) Each event must be registered online with the board at least 48 hours prior to the start of the event.

(4) The permit holder must print the special events permit from the online license record and have the printed permit in the permit holder's possession during each event.

(5) The permit holder must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit that meets the requirements of part 2105.0370, item A.

(6) At each special event, the permit holder must provide a sufficient number of brushes, combs, makeup brushes, and other implements equal to the number of persons receiving cosmetology services at the event, so that only disinfected tools and implements are used on each client.

D. The hours spent working under a special event permit do not count toward the work hours in a licensed salon required to obtain other licenses under this chapter.

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 practitioner license;

(2) provide a current Certificate of Insurance of professional liability insurance as required under part 2105.0310;

(3) attest that services will be provided only to individuals residing in a licensed nursing home, or in the residence of a homebound individual, and that the licensee will carry the homebound service permit at all times when providing services for homebound individuals; and

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

B. Homebound service permits are issued by the board for a three-year cycle.

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.

D. The permit holder must maintain the professional liability insurance as required in item A for the duration of the permit.

E. The licensee must comply with all infection control requirements and safety requirements in parts 2105.0375 and 2105.0377, and must carry a first aid kit meeting the requirements in part 2105.0370, item A, when not in a licensed nursing home.

F. The hours spent working under a homebound service permit do not count toward the work hours in a licensed salon required to obtain other licenses under this chapter.

Statutory Authority: *MS s 14.389; 155A.23; 155A.26; 155A.27; 155A.29; 155A.30; L 2015 c 77 art 2 s 81; L 2017 1Sp4 art 2 s 64*

History: *41 SR 305; 42 SR 589; 43 SR 347; 44 SR 941*

Published Electronically: *March 6, 2020*