

2110.0125 INSPECTIONS.**Subpart 1. Protocol.**

A. Each school is subject to inspection at any time the board deems it necessary to affirm compliance. All school staff, including the owner, designated school manager (DSM), instructors, and unlicensed support staff must cooperate with the inspection. The school must allow a board inspector to inspect the school on the inspector's arrival at the school.

B. Board inspectors must carry board-issued photo identification.

Subp. 2. Violations and orders to comply.

A. The board must notify schools with a written inspection report when any violation is found during a board inspection. The school licensee and the DSM must take immediate action to address each violation and within ten business days bring the school and all licensees into compliance with this chapter, chapter 2105, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the school and the DSM must report to the board via mail or e-mail within ten business days of the order's issuance using a form provided by the board. The report must:

(1) explain how each violation was corrected and the date of correction; and

(2) for each violation that was not immediately corrected or not corrected within ten days, provide a written explanation of the reasons for the delay, the specific steps the licensee will take to correct the violation, and the projected date the outstanding violation will be corrected. The board shall grant extensions requested in writing when the health and safety of the students and the public is not at immediate risk, and when the delay is warranted based on the information provided by the school.

Subp. 3. Posting inspection results. The board must provide each school with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the school and DSM must conspicuously post the inspection results in the entryway to the school clinic or at the reception desk and place the detailed inspection report in the reception area. The inspection results and inspection report must be visibly available in the reception area of the school for the public's review. The inspection results must remain posted and the inspection results must remain available in the reception area until replaced by new inspection results and a new detailed inspection report.

Subp. 4. Inspection penalties and discipline.

A. Violations of Minnesota Statutes, chapter 155A, and violations of this chapter and chapter 2105, including those listed in item B, cited on a board inspection are subject to:

(1) application of penalties prescribed in Minnesota Statutes, section 155A.25; and

(2) disciplinary action as identified in Minnesota Statutes, section 155A.33.

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:
 - (a) each expired instructor license;
 - (b) an expired DSM license;
 - (c) an expired school license;
 - (d) each active license of an instructor, designated school manager, or school not conspicuously displayed;
 - (e) reuse of or failure to dispose of single-use items immediately after use;
 - (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or
 - (g) refusal or failure to cooperate with an inspection.
- (2) A DSM is subject to penalty for violations cited during a school inspection for:
 - (a) each instructor with an expired license;
 - (b) an expired DSM license
 - (c) an expired school license;
 - (d) each active license of an instructor, designated school manager, or school not conspicuously displayed;
 - (e) reuse of or failure to dispose of single-use items immediately after use;
 - (f) the presence of prohibited razor-type callus shavers, graters, or rasps; or
 - (g) the DSM's refusal or failure to cooperate with an inspection.
- (3) An instructor is subject to penalty for violations cited during a school inspection for:
 - (a) an expired instructor's license;
 - (b) the instructor's active license not conspicuously displayed;
 - (c) reuse of or failure to dispose of single-use items immediately after use;
 - (d) the presence of prohibited razor-type callus shavers, graters, or rasps; or
 - (e) the instructor's refusal or failure to cooperate with an inspection.

Subp. 5. **Application of inspection penalties.** The maximum total inspection penalties per license per inspection must not exceed:

- A. \$3,000 for the school license;
- B. \$2,000 for the designated school manager; and
- C. \$1,000 for each instructor.

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

History: *41 SR 305; 43 SR 347*

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