

1 Department of Commerce

2 Office of Consumer Services

3

4 Adopted Rules Governing the Practice of Cosmetology

5

6 Rules as Adopted

7 4 MCAR S 10.100 Definitions.

8 A. Application. For the purposes of 4 MCAR SS

9 10.100-10.143, the terms defined in this rule have the meanings
10 given them, unless their context clearly requires otherwise.

11 B. Accommodate. "Accommodate" or "to be accommodated" means
12 the maximum number of students present on the school premises at
13 any one time and for which the school has the required physical
14 and program resources. In most cases this will be the maximum
15 number of day student enrollees.

16 C. Advanced training. "Advanced training" means instruction
17 conducted by a recognized expert in the field, offered to
18 licensed individuals for the purpose of providing information or
19 skills supplemental to that required for initial licensure.

20 D. Advertising. "Advertising" means any written or graphic
21 representation designed to elicit enrollment or the sale of
22 goods or services and includes signs, displays, circulars,
23 brochures, and recruitment materials.

24 E. Application of artificial nails. "Application of
25 artificial nails" includes the application, construction, and
26 repair of sculptured nails, of nail tips, and nail wrapping.

27 F. Beauty coloring product. "Beauty coloring product" means
28 foundation color, skin tints, eye color, mascara, eye liner,
29 eyebrow color, and lip color.

30 G. Booth license. A "booth license" is an authorization to
31 lease and independently operate a work station in a licensed
32 salon.

33 H. Clean. "Clean" means free from all soil and dirt, washed
34 with soap or detergent and hot water.

35 I. Clinic. "Clinic" means the portion of a cosmetology
36 school where cosmetology services are offered to the public and

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1 which are performed by students and for which compensation is
2 given.

3 J. Communicable disease. "Communicable disease" means a
4 contagious or infectious disease or condition.

5 K. Community education. "Community education" means a
6 program of personal grooming, taught by a licensed
7 cosmetologist, manicurist, or esthetician of less than ten hours
8 duration, offered on a periodic basis.

9 L. Compensation. "Compensation" means a monetary or
10 nonmonetary remuneration for services.

11 M. Demonstration. "Demonstration" means a presentation of
12 less than eight hours duration, conducted by a recognized expert
13 in the field, for the purposes of training cosmetology students
14 or specialization by current licensees. The same demonstration
15 may be repeated successive times which total more than eight
16 hours. Demonstrations pursuant to nonretail sales are not
17 covered-by-this-definition-or exempt from these rules.

18 N. Documentation. "Documentation" means a signed, notarized
19 statement attesting the truth of the facts stated in it.

20 O. Evidence. "Evidence" means written proof.

21 P. Good repair. "Good repair" means that a thing is clean,
22 with no holes, frayed wires, or tears in coverings, and fully
23 operational for the purpose intended.

24 Q. Licensed services. "Licensed services" means those
25 services defined as the practice of cosmetology under Minnesota
26 Statutes, chapter section 155A.03, subdivision 2 and includes
27 the fitting of wigs and hair pieces on the head and the dressing
28 of wigs and hair pieces while on the head.

29 R. Office. "Office" means the Office of Consumer Services.

30 S. Retail sale. "Retail sale" means a sale directly to
31 unlicensed individuals.

32 T. Staff. "Staff" means the personnel of the cosmetology
33 unit, Office of Consumer Services.

34 U. Unlicensed Unregulated service. "Unlicensed
35 Unregulated service" means those services not defined as the
36 practice of cosmetology under Minnesota Statutes, chapter

1 section 155A.03, subdivision 2 and includes ear piercing, body
2 wrapping, permanent depilitation, tattooing, artificial tanning
3 of the skin; personal services incidental to performance in
4 theatrical or musical productions or media appearances; any
5 personal services performed incidental to mortuary practice; and
6 massage services.

7 V. Wet disinfectant. "Wet disinfectant" means a nonporous
8 receptacle containing a disinfectant solution.

9 4 MCAR S 10.101 Transfer of license prohibited.

10 Licenses shall not be transferable and shall be used only
11 by the named licensee.

12 4 MCAR S 10.102 Requirements for obtaining individual licenses.

13 A. General requirements.

14 1. Applications for licensure shall be made in writing
15 and contain the requirements of 2.-6.

16 2. The applicant shall provide evidence of completion of
17 high school or a General Educational Development certificate.

18 3. The applicant shall provide written evidence on a
19 standardized form, from a physician, dated within one year, that
20 he or she is free from all communicable diseases and parasites.

21 4. The applicant shall demonstrate by examination minimal
22 skills and knowledge necessary for the license sought. The
23 applicant shall successfully complete a written examination
24 demonstrating knowledge of professional, health, and safety
25 methods and procedures and knowledge of Minnesota Statutes and
26 rules pertinent to the practice of cosmetology at the level of
27 the license sought.

28 5. The applicant shall attach to the application a
29 two-inch by two-inch photograph taken within the past year.

30 6. The applicant shall pay the required examination and
31 license fees. Applicants whose professional training is
32 documented under the provisions of B.2.-3. and E. shall also pay
33 the processing fee.

34 B. Requirements for a cosmetologist, manicurist, and
35 esthetician. In addition to the requirements of A., the

1 applicant shall provide documentation of having obtained the
2 following professional training, within three years prior to
3 this application:

4 1. successful completion of a full course of training in
5 a Minnesota licensed school of cosmetology, as indicated by
6 documentation from the school, of at least 1550 hours for a
7 cosmetologist, 350 hours for a manicurist, and 600 hours for an
8 esthetician. The documentation shall include a certification of
9 skills; or

10 2. successful completion, as documented by the school and
11 including a certification of skills, of a full course of
12 training of at least the same number of hours in a state other
13 than Minnesota. If an applicant has received training in
14 another state, but has not completed that state's prescribed
15 course of training, or if that course is less than the number of
16 hours required by this rule, completion of training and
17 certification of skills in a Minnesota school shall be
18 attained. The applicant shall receive credit for all hours of
19 training earned in the non-Minnesota school. He or she shall
20 then attend a Minnesota school until the required number of
21 hours has been completed; or

22 3. current licensure from another state, District of
23 Columbia, territory, or country. A copy of the current license
24 or a certified statement from the licensing body that the
25 applicant is currently licensed shall be attached to the
26 application. If the other jurisdiction does not issue a
27 license, the applicant shall provide documentation of lawful
28 practice for at least 1800 hours within three years prior to the
29 application. Applicants claiming training and experience in a
30 foreign country shall supply official English language
31 transcripts of all documentation and evidence submitted to the
32 office.

33 C. Requirement for a manager. In addition to the
34 requirements of A., the applicant shall provide documentation of
35 a current Minnesota cosmetologist or manicurist license, and at
36 least 2700 hours of licensed practice, in a licensed salon and

1 supervised by a licensed manager, within the three years prior
2 to this application. An individual wishing to manage a school
3 shall also successfully complete an examination covering
4 Minnesota laws and rules related to schools. The applicant
5 shall pay the processing fee.

6 D. Requirements for an instructor. In addition to the
7 requirements of A., the applicant shall pay a processing fee and
8 shall successfully complete a practical examination
9 demonstrating teaching skills and techniques as related to the
10 instruction of cosmetology practices and provide documentation
11 of:

12 1. successful graduation from a licensed school of
13 cosmetology;

14 2. successful completion of at least 48 hours of training
15 in a program or programs approved by the office and which will
16 provide the knowledge and skills necessary to instruct in the
17 field of cosmetology;

18 3. a current Minnesota cosmetologist, manicurist, or
19 esthetician license; and

20 4. at least 1800 hours of experience as a licensed
21 cosmetologist, manicurist, or esthetician in Minnesota in a
22 Minnesota licensed salon, supervised by a licensed manager,
23 within the three years prior to this application.

24 5. individuals whose practitioner license is as manicurist
25 or esthetician shall be restricted to instruction in the area of
26 their practitioner license only.

27 E. Reactivation of license. An individual who has an
28 "inactive" Minnesota license and/or whose most recent active
29 license has expired by more than three years who wishes to
30 resume the practice of cosmetology shall document completion of
31 a refresher program of a minimum of 155 hours for a
32 cosmetologist, 60 hours for an esthetician, or 35 hours for a
33 manicurist in a licensed Minnesota school of cosmetology. The
34 documentation shall include a certification of skills.

35 4 MCAR S 10.103 Requirements for obtaining a license on the
36 basis of reciprocity.

1 A. License issued. A license shall be issued to an
2 individual applying from another jurisdiction if the
3 requirements of B.-D. are met.

4 B. Compliance with state rules. The applicant shall
5 demonstrate compliance with 4 MCAR S 10.102 A.2--6- 2., 3., 5.,
6 and 6. and shall successfully complete a written examination
7 demonstrating knowledge of Minnesota Statutes and rules
8 pertinent to the practice of cosmetology at the level of the
9 license sought.

10 C. Evidence of experience. The applicant shall provide
11 documentation of at least 1800 hours of experience as a licensed
12 practitioner at the level for which a Minnesota license is
13 sought within three years prior to the application. The
14 documentation must be from an employer or, in the case of
15 self-employed applicants, from a reliable source.

16 D. Specific requirements for instructor. An applicant for
17 an instructor's license shall provide evidence of 48 hours of
18 training comparable to the requirement of 4 MCAR S 10.102 D.2.,
19 and 1800 hours of licensed or lawful practice as a
20 cosmetologist, manicurist, or esthetician in a salon within the
21 three years prior to application.

22 4 MCAR S 10.104 Requirements for maintenance of individual
23 license.

24 A. Compliance with applicable law. The licensee shall
25 continuously comply with all applicable provisions of Minnesota
26 Statutes and rules.

27 B. Health requirement. The licensee shall continue to be
28 free from communicable diseases and parasites.

29 C. Change of name or address. The licensee shall advise the
30 office of a change of name or address in writing, including both
31 new and old name and address, within 30 days of the change, and
32 pay the duplicate license fee.

33 D. Renewal. The licensee shall renew the license as
34 required by 4 MCAR S 10.105 prior to its expiration date.

35 E. Display of license. The licensee shall post his or her
36 license as required by 4 MCAR S 10.116 A.18.a.

1 F. Additional requirements for manager. In addition to the
2 requirements of A.-E., the manager shall ensure that all salon
3 or school personnel comply with all applicable statutes and
4 rules, and that the salon or school which he or she manages is
5 in compliance with all applicable statutes and rules.

6 G. Additional requirements for instructor. In addition to
7 the requirements of A.-E., the instructor shall carry out the
8 curriculum of the school, as approved by the office, preparing
9 students for licensure under the laws of Minnesota.

10 4 MCAR S 10.105 License renewal for individuals.

11 A. Application. The licensee shall submit a written renewal
12 application request before his or her current license expires.
13 This may be accomplished on the license renewal notice form
14 provided by the office. However, if this renewal notice is not
15 received, the licensee is still responsible for timely renewal.

16 B. Practical and educational requirements. The licensee
17 shall establish that his or her knowledge and skills are up to
18 date, by meeting the following requirements no later than the
19 expiration of his or her current license:

20 1. a cosmetologist, manicurist, esthetician, or manager
21 shall provide documentation of having either practiced in a
22 licensed salon, or school for school managers, for at least 1800
23 hours at any time within the three years prior to the license
24 expiration, or 400 hours acquired through approximately regular
25 weekly experience within each of the last three years, or
26 successfully completed an approved refresher course, of at least
27 40 hours, within the three years prior to the license expiration;

28 2. an instructor shall pay the processing fee and shall
29 provide evidence of having successfully completed 45 hours of
30 continuing education approved by the office, including at least
31 15 hours of teaching-related material and 15 hours related to
32 analysis and use of professional clinical products;

33 ~~3.---a-salon-manager-shall-pay-the-examination-fee-and~~
34 ~~shall-successfully-pass-a-written-examination-covering-Minnesota~~
35 ~~laws-and-rules-pertinent-to-cosmetology-salons-prior-to-license~~
36 ~~renewal;~~

~~4.---a-school-manager-shall-pay-the-examination-fee-and shall-pass-a-written-examination-covering-Minnesota-laws-and rules-pertinent-to-cosmetology-schools-and-salons-prior-to license-renewal.~~

C. Fee. The licensee shall pay the required license fee before the expiration of the current license.

~~D.--Health-examination.--The-licensee-shall-provide-evidence on-a-standardized-form-from-a-physician-that-he-or-she-is-free from-communicable-diseases-and-parasites.~~

~~E.~~ D. Method of determining timely renewal. The postmark date on the transmittal envelope of the renewal request and fee shall be determinative in ascertaining whether receipt was prior to the current license expiration date.

~~F.~~ E. An applicant who has ceased all practice of cosmetology and who wishes to receive an inactive license shall meet the requirements of A., C., and ED. An inactive license shall not authorize any individual to engage in the practice of cosmetology as defined in Minnesota Statutes, chapter section 155A.03, subdivision 2.

4 MCAR S 10.106 Lapsed practitioner license.

A. Failure to renew. Failure to renew a practitioner license prior to its expiration date results in a lapsed license. The applicant shall comply with the requirements of 4 MCAR S 10.105 B. and ~~D.~~, and:

1. if fewer than 30 days have elapsed since the license expiration, the applicant shall submit a written application for renewal of license, the license fee, and the late penalty;

2. if more than 30 days have elapsed, the individual shall not practice cosmetology until he or she has applied for and received a new license in accordance with the provisions of 4 MCAR S 10.102 A.3.-6. and, if applicable, E.

B. Procedure for inactive licensee. If a licensee has not actively practiced cosmetology during the period of 30 days to three years after expiration of the license, he or she shall be reissued a license after submission of an affidavit attesting to the fact that the applicant has not practiced cosmetology since

1 the expiration date, payment of the license fee, and payment of
2 the processing fee. If more than three years have elapsed, the
3 applicant shall apply for a new license in accordance with the
4 provisions of 4 MCAR S 10.102.

5 C. Penalty. The manager of a salon or school shall pay a
6 penalty of \$25 for each licensee-whose-license-is-past-the
7 expiration-date-and-who-is individual practicing in the salon or
8 school who was not properly licensed at the time he or she
9 commenced this practice.

10 ~~4-MCAR-S-10.107-Retail-sales.~~

11 ~~It-is-not-a-violation-of-Minnesota-Statutes,-chapter-155A~~
12 ~~or-these-rules-for-an-individual-to-demonstrate-the-application~~
13 ~~of-a-beauty-coloring-product,-incidental-to-the-original-retail~~
14 ~~selling-efforts-for-the-product,-if:~~

15 ~~1.--the-individual-is-employed-by-a-manufacturer,~~
16 ~~wholesaler,-retailer,-or-distributor;~~

17 ~~2.--the-individual-has-received-a-minimum-of-16-hours-of~~
18 ~~color-application,-safety,-and-sanitation-training-before~~
19 ~~conducting-any-application-demonstrations-on-the-public-in~~
20 ~~accordance-with-Minnesota-law;~~

21 ~~3.--the-store-in-which-the-individual-is-employed-shall~~
22 ~~maintain-documentation-of-training;~~

23 ~~4.--appropriate-sanitation-procedures-are-followed:~~

24 ~~a.--purchasers-themselves-apply-disposable-headbands-or~~
25 ~~other-disposable-items-to-secure-their-hair-if-necessary-for-the~~
26 ~~demonstration;~~

27 ~~b.--applicators-for-the-products-are-either-disinfected~~
28 ~~or-disposed-of-after-each-purchaser;~~

29 ~~c.--the-individual-who-is-demonstrating-the-products~~
30 ~~cleanses-his-or-her-hands-immediately-before-each-application;~~

31 ~~d.--a-used-disposable-towelette-is-thrown-away-or-a~~
32 ~~clean-towel-is-used-for-each-hand-cleansing;-and~~

33 ~~e.--an-appropriate-receptacle-is-used-for-the-disposal~~
34 ~~of-items;-and~~

35 ~~5.--no-direct-skin-contact-application-of-the-product-is~~
36 ~~performed-on-a-purchaser-or-potential-purchaser-except-by-the~~

1 purchaser.

2 ~~In the alternative, if the product is applied only to a~~
3 ~~model who is also employed as part of the sales process, then~~
4 ~~the product application is not violative of Minnesota Statutes,~~
5 ~~chapter 155A and these rules.~~

6 4 MCAR S 10.108 Examination administration.

7 A. Schedules and sites. Examination schedules and sites
8 shall be determined by the office.

9 B. School to provide exam space. Each school shall make
10 space available on its premises for the performance of the
11 licensing examinations upon request by the office, if the
12 request is reasonable and timely.

13 C. Instructor examination.

14 1. The office shall have access to the clinic area of a
15 licensed school no more than once per year and to licensed
16 instructors no more than twice per year for assistance in
17 conducting the practical examination for instructors.

18 2. Each examinee is responsible for providing his or her
19 own model for the practical examination and shall be responsible
20 for insuring the suitability of that model for the examination.
21 Models shall be over 16 years of age and shall be required to
22 sign a waiver releasing the office, the examiners, the host
23 school, and the examinee of all professional liability. The
24 model shall not be a licensed cosmetologist or a cosmetology
25 student.

26 D. Reexam limit. No license applicant may take an exam more
27 than three times in 12 months. No passing score shall be
28 considered valid for more than 12 months.

29 E. Exam administered in English. Examinations shall be
30 administered and conducted in English without an interpreter or
31 reader.

32 4 MCAR S 10.109 Reinstatement after denial, suspension,
33 revocation of license.

34 An applicant shall have a license reinstated for the
35 remainder of its unexpired term or shall be relicensed in the

1 following circumstances:

2 A. after suspension of license, by meeting the following
3 requirements:

4 1. the applicant shall provide documentation of the
5 correction or elimination of the grounds for the suspension;

6 2. the applicant shall make application for reinstatement
7 of license, in writing and on forms supplied by the office;

8 3. the applicant shall pay the reinstatement fee;

9 4. if the suspended license has expired by no more than
10 30 days, an individual applicant shall comply with 4 MCAR S
11 10.105 B.-~~BC~~.; a salon shall comply with 4 MCAR S 10.120; and a
12 school shall comply with 4 MCAR S 10.135;

13 B. after revocation or if the suspended license has expired
14 by more than 30 days, by meeting the following requirements:

15 1. the applicant shall provide documentation of the
16 correction or elimination of the grounds for the revocation;

17 2. the applicant shall make application for relicensure,
18 in writing and on forms provided by the office ~~as-if-no-license~~
19 ~~had-been-previously-issued~~;

20 3. the applicant shall pay the reinstatement fee and the
21 license fee; and

22 4. the salon or school applicant shall meet the
23 requirements for initial licensure; and

24 5. the individual applicant shall meet the requirements
25 of 4 MCAR S 10.102 A.3.-6. and, if applicable, E., and the
26 renewal requirements of 4 MCAR S 10.105 B.

27 4 MCAR S 10.110 General salon requirements.

28 A. Location. No cosmetology service shall be provided in a
29 place other than a licensed cosmetology salon, manicurist salon,
30 cosmetology school, or as otherwise provided by these rules.

31 B. License requirement. No salon shall operate without a
32 license.

33 C. Employment of unlicensed persons. No salon shall employ
34 or allow unlicensed persons to perform any cosmetology service.

35 D. Termination of license. A salon license shall not be
36 transferable and shall terminate upon the occurrence of a change

1 of either ownership or location. The old license shall be
 2 returned to the office and an application for a new license
 3 shall be made in the same manner as if no license had been
 4 issued previously.

5 E. Change of name. The salon manager or owner shall inform
 6 the office in writing, within 30 days, of a name change,
 7 including old and new name, and pay the processing fee. A
 8 license will be issued in the new name for the remaining term of
 9 the old license. The old license shall be returned to the
 10 office upon receipt of the license in the new name.

11 4 MCAR S 10.111 Requirements for salon licensure.

12 A. General requirements for all salon licenses. The
 13 requirements of 4 MCAR SS 10.111-10.115, and 10.117, ~~and 10.118~~
 14 shall be met by all applicants proposing to establish a salon.
 15 Upon compliance, the office will issue a provisional license
 16 which will enable the salon to open for business. The salon's
 17 compliance with all applicable provisions of Minnesota Statutes,
 18 chapter 155A and these rules shall be confirmed by an
 19 operational inspection by the office staff. A permanent license
 20 for the balance of the three-year license cycle shall be issued
 21 upon confirmation of the salon's compliance.

22 B. Application. The person, association, firm, or
 23 corporation proposing to establish a cosmetology or manicure
 24 salon shall apply in writing to the office, on forms supplied by
 25 the office, giving the following information:

26 1. the name of the salon, its address, and names and
 27 addresses of all owners of sole proprietorships or partnerships
 28 and controlling officers of corporations;

29 2. notarized signatures of the owners of sole
 30 proprietorships or partnerships and the controlling officers of
 31 corporations;

32 3. the days of the week and the hours which the salon
 33 will be open;

34 4. evidence of the salon's compliance with local fire,
 35 zoning, health, and building codes, or in the absence of local
 36 codes, with the corresponding state codes zoning requirements

1 and the regulations of the Minnesota Department of Health, State
2 Building Code and Standards, and the State Fire Marshall;

3 5. the name of the licensed manager who will be employed
4 by the salon, including that individual's license number and its
5 expiration date; and

6 6. a floor plan of the salon, drawn to scale on 8-1/2" x
7 11" or 8-1/2" x 14" paper, providing the dimensions of the salon
8 as a whole and designating the size and location of all
9 entrances and exits, and indicating the location and dimensions
10 of all required areas, facilities, and equipment.

11 C. Evidence of liability insurance. The applicant shall
12 provide evidence of the salon's coverage by professional
13 liability insurance, of at least \$25,000 for each claim and
14 \$50,000 total coverage for each policy year for each operator.

15 D. Evidence of workers' compensation insurance. If
16 applicable, the applicant shall provide evidence of his or her
17 compliance with Minnesota Statutes, section 176.182.

18 E. Payment of fee. The applicant shall pay the license and
19 processing fees.

20 4 MCAR S 10.112 Applicability of requirements for salon license.

21 The provisions of 4 MCAR SS 10.110-10.121 apply to both
22 cosmetology and manicure salons, except for 4 MCAR SS 10.113
23 E.2., 10.114 B.-C., 10.115 A., and 10.116 A.1.-3., A.7., and
24 A.12., which do not apply to manicure salons.

25 4 MCAR S 10.113 Physical requirements.

26 A. Space.

27 1. There shall be at least 120 square feet of work space
28 exclusive of any restroom, reception, or supply area for a
29 one-practitioner cosmetology salon, and 100 square feet of work
30 space for a one-practitioner manicure salon.

31 2. There shall be at least 50 additional square feet of
32 work space for each additional licensee simultaneously on duty
33 in a cosmetology salon, and at least 35 additional square feet
34 of work space of each additional licensee simultaneously on duty
35 in a manicure salon.

1 3. The supply area shall not be accessible to the public.

2 B. Entrance and exits. Each salon shall have at least two
3 entrance/exit points ~~which shall comply with state fire code~~
4 ~~requirements and local building code requirements.~~ A salon
5 ~~located in a basement may have a window for one of its two exits.~~

6 C. Walls and ceilings. All walls and ceilings shall be kept
7 clean and in good repair at all times, free from crevices,
8 cracks, or holes which could collect dirt.

9 D. Floors.

10 1. All floors shall be kept clean and free from hair and
11 other debris at all times and shall be in good repair, free from
12 crevices, cracks, holes, or tears which could collect dirt or
13 hair.

14 2. Carpet shall not be an acceptable floor covering
15 unless it is commercial grade carpet.

16 E. Lighting and electricity.

17 1. Each salon shall provide direct lighting to all work
18 areas. Light fixtures shall be clean and dust-free.

19 2. There shall be at least one electrical outlet in each
20 work station.

21 F. Plumbing, water supply.

22 1. ~~All plumbing fixtures shall be of impervious material,~~
23 ~~and installed in accordance with local plumbing ordinances, and~~
24 ~~shall not constitute a cross-connection.~~

25 2. There shall be clean, hot, and sanitary running water
26 provided in the work area, dispensary area, and toilet
27 facilities.

28 3. 2. Each salon shall provide adequate toilet
29 facilities, on its premises or in an adjacent common area, which
30 are not used for no other any unrelated purpose such as storage
31 or as a dispensary. The toilet facilities shall ~~comply with the~~
32 ~~requirements of the state building code and the Occupational~~
33 ~~Safety and Health Administration~~ be clean and sanitary and shall
34 contain, at a minimum, a commode, lavatory, soap dispenser,
35 single-service sanitary towels, and a waste basket. The door
36 shall be kept closed at all times ~~or the rest room shall be~~

1 ~~screened-from-view.~~

2 G. Ventilation. Salon ventilation shall comply with the
3 requirements of the state building code. Window ventilation
4 shall not be acceptable as a method of meeting the standard.

5 4 MCAR S 10.114 Fixtures, furniture, and equipment.

6 A salon shall meet the following minimum requirements:

7 A. there shall be a work station with chair, storage space,
8 and mirror assigned to each licensee on duty;

9 B. there shall be at least one shampoo bowl in good repair
10 and operational for each six work stations;

11 C. there shall be at least one standard or hand-held blow
12 dryer hair dryer in good repair, clean and operational for each
13 six work stations;

14 D. there shall be at least one nonporous wet disinfecter
15 large enough to completely immerse all items to be disinfected;

16 E. all furniture shall have a washable covering or finish
17 and shall at all times be kept clean and in good repair;

18 F. there shall be a waste receptacle at each work station.
19 This receptacle shall be emptied at least daily. It shall be
20 lined with a disposable plastic bag or liner, or washed daily.

21 There shall be at least one covered metal container which
22 shall be used exclusively as a receptacle for soiled towels and
23 linen. It shall be kept closed at all times.

24 There shall be at least one large covered metal container
25 for disposal of garbage. This container shall be emptied at
26 intervals necessary to maintain cleanliness. The container
27 shall be lined with a disposable plastic bag or liner, or be
28 washed daily;

29 G. there shall be storage cabinets for all clean linen and
30 towels. They shall be equipped with tight-fitting closable
31 doors, which shall be kept closed;

32 H. there shall be storage space for all supplies. Supplies
33 which contain any caustic or other harmful material shall be
34 conspicuously labeled and kept inaccessible to clients;

35 I. each salon shall maintain a readily accessible first aid
36 kit;

1 J. each salon shall have at least one readily accessible
 2 fire extinguisher which complies with state fire code
 3 requirements. All employees shall be instructed in the location
 4 and use of the fire extinguisher; and

5 K. emergency telephone numbers shall be posted next to the
 6 telephone at the reception desk.

7 ~~4-MCAR-S-10.115-Supplies-and-materials-~~

8 ~~A-salon-shall-meet-the-following-minimum-requirements-~~

9 ~~A.--brush-rollers-shall-not-be-allowed;-and~~

10 ~~B.--there-shall-be-at-least-two-dozen-clean-towels-per~~
 11 ~~operator-per-day-~~

12 4 MCAR S 10.116 Operational requirements for salons.

13 A. Operational requirements. It is the responsibility of
 14 the manager of the salon and of each operator to comply with the
 15 following operational requirements:

16 1. each licensee shall maintain an adequate supply of
 17 clean and disinfected brushes, combs, and other implements and
 18 tools for use on his or her patrons. The licensee shall have at
 19 least 12 combs and 12 brushes;

20 2. all combs and brushes and brush rollers shall be
 21 cleaned and disinfected after use on each person. Hair shall be
 22 removed from all implements before disinfecting;

23 3. rollers, pins, clippies, hairnets, shears, razors, and
 24 all other hairdressing tools shall be cleaned thoroughly and
 25 disinfected at a minimum of once per week. These items shall be
 26 stored in a clean, closed container or be covered with a clean
 27 towel until reused;

28 4. clean linens and protective papers shall be used for
 29 each person. A clean towel shall be placed on the head rest of
 30 the facial chair before any person reclines in that chair. A
 31 clean towel shall be placed between the client's head and the
 32 shampoo bowl during shampooing. A paper strip or clean towel
 33 shall be placed completely around the neck of each client before
 34 any apron or hair cloth or any other protective covering is
 35 fastened around the neck;

1 5. all fluids, semi-fluids, creams, and powders shall be
2 kept in clean covered containers and shall be dispensed with a
3 clean disinfected spatula or from a shaker or pump or spray
4 dispenser. Spatulas made of nonabsorbent material may be
5 disinfected and reused; wooden spatulas shall be discarded after
6 each use. Gauze or cotton applicators shall be discarded after
7 each use. Waving fluids shall be dispensed from suitable
8 containers, in a manner which prevents contamination of unused
9 fluid. All containers shall be covered when not in use;

10 6. all bottles and containers shall be correctly and
11 clearly labeled to disclose their contents. Poisonous
12 substances shall be clearly and conspicuously marked;

13 7. permanent waving end papers and neck strips shall not
14 be reused. All permanent wave rods and supplies shall be washed
15 thoroughly after use on each client and shall be stored in
16 clean, closed containers or covered by a clean towel when not in
17 use;

18 8. all electrical tools and implements shall be kept on
19 stands or hangers or otherwise be stored properly when not in
20 use. One six-foot grounded heavy-duty extension cord may be
21 used in a work station if necessary to service a client with an
22 implement actually in use. The extension cord shall not extend
23 beyond the area of the work station;

24 9. all clean towels, robes, and linen shall be stored in
25 a clean, closed cabinet until used. The cabinet shall be made
26 of a solid, completely closed material;

27 10. each towel, robe, and linen shall be used only once
28 and then be properly laundered. After use and until laundering,
29 each item shall be placed in the required metal receptacle,
30 which shall be kept covered. All soiled towels and linens shall
31 be laundered in washing machines with laundry detergent, in
32 water of a temperature of at least 160 degrees Fahrenheit.
33 Commercial laundering is acceptable;

34 11. The procedures contained in a.-g. shall be used to
35 disinfect items.

36 a. All hair shall be removed before disinfection.

1 b. Each item shall be washed in hot water with soap or
2 detergent and rinsed thoroughly with hot water.

3 c. Each item shall be immersed for at least ten
4 minutes in a disinfectant solution comprised of the following:
5 sodium hypochlorite (200 ppm of available chlorine); or iodophor
6 germicidal detergent (200 ppm of available iodine); or
7 quaternary ammonium germicidal detergent solution (200 ppm); or
8 70 percent ethyl alcohol or 95 percent isopropyl alcohol.

9 d. Metal implements and tools shall be disinfected by
10 immersion in a solution of 70 percent ethyl alcohol or 95
11 percent isopropyl alcohol.

12 e. Items to be air dried shall not be rinsed after
13 disinfection.

14 f. Each item shall be stored until used in a clean,
15 closed container, drawer, or cabinet, or under a clean towel.

16 g. Used items and disinfected items shall not be
17 stored in the same container, drawer, or cabinet.

18 12. wig blocks shall have a nonabsorbent covering which
19 shall be kept clean and sanitary. Each nonabsorbent covering
20 shall be removed after each servicing of the wig and shall be
21 placed in a properly labeled container. Each wig accepted for
22 service shall be stored in an individual sanitary receptacle
23 such as a plastic bag and shall not be allowed to come into
24 contact with any other wigs. New wigs shall not be allowed to
25 come into contact with any client's hair, skin, or wig. Plastic
26 wrap or other suitable covering material shall be placed over a
27 prospective buyer's hair while trying on wigs;

28 13. each licensee on duty shall be assigned to a specific
29 work station;

30 14. the licensee shall wash his or her hands with soap
31 and hot water before any service to a new patron. Fingernails
32 shall be kept clean;

33 15.

34 a. each licensee shall be responsible for the order,
35 cleanliness, and sanitation of his or her work station and all
36 equipment and materials used;

1 b. each licensee shall be responsible for using only
2 clean and properly disinfected implements when providing any
3 service;

4 c. each licensee shall ensure that all hair is removed
5 from the floor after each haircut;

6 d. each licensee shall clean up any spills of water or
7 other liquid from the floor immediately;

8 e. each licensee shall remove all hair and rinse the
9 shampoo bowl immediately after each use;

10 16.

11 a. each licensee shall be clean and shall wear clean
12 clothing and shoes;

13 b. each licensee shall be free from communicable
14 diseases and parasites when performing services on any client;

15 c. licensees shall not smoke, eat, or drink while
16 performing any services;

17 d. licensees shall not carry combs or other implements
18 in the pockets of clothing;

19 17. services shall not knowingly be performed on any
20 person who has a communicable disease, condition, or parasites;

21 18.

22 a. current licenses of salon personnel shall be
23 conspicuously posted at approximately eye level in the reception
24 area or in each licensee's assigned work station. The
25 licensee's street address may be obliterated with tape, but name
26 and town must remain unobstructed. A two-inch by two-inch
27 photograph of the licensee, alone, taken within the last three
28 years, shall be attached to each license. If the license is at
29 the reception area, the licensee's name and type of license held
30 shall be posted at the work station;

31 b. ~~the current shop license, a copy of the salon's~~
32 ~~most-recent-inspection-report,~~ and the salon rules shall be
33 conspicuously posted together in the reception area at
34 approximately eye level;

35 19. no animals, birds, or pets shall be allowed in a
36 salon. This ~~excludes~~ prohibition does not apply to guide dogs;

1 20. if a salon receives compensation for child care
2 services, the following requirements shall be met:

3 a. the ~~unlicensed~~ unregulated service shall be
4 identified in compliance with 4 MCAR S 10.122;

5 b. the child care activities shall be contained in a
6 room separated from the salon. The square footage of this room
7 shall not be included in the required minimum square footage for
8 the salon;

9 c. an individual shall be hired to attend the children
10 at all times and shall not simultaneously be responsible for the
11 performance of any cosmetology services.

12 B. Salon supervision.

13 1. There shall be a manager responsible for each salon at
14 all times.

15 2. Only one person shall be designated as manager for
16 each salon. No manager may be concurrently responsible for more
17 than one salon. When the manager is not on duty, he or she may
18 specify a responsible person in his or her absence. The
19 responsible person shall be a licensed cosmetologist in a
20 cosmetology salon or licensed manicurist in a manicure salon.

21 3. The manager shall ensure that all licensees under his
22 or her supervision comply with all provisions of these rules and
23 Minnesota Statutes, chapter 155A.

24 4. The manager shall ensure that no unlicensed individual
25 provides any cosmetology service in the salon.

26 5. The manager shall maintain, on the salon premises, the
27 work hour time records of each employee, as required by
28 Minnesota Statutes, section 177.30. Time records shall be
29 provided upon written request to the licensee or to the office.

30 6. The manager shall ensure that all equipment required
31 by these rules is operational and maintained in proper working
32 condition, that adequate supplies are in stock at all times, and
33 that sanitation and safety requirements are met.

34 4 MCAR S 10.117 Additional requirements for specific types of
35 salon licenses.

36 In addition to the requirements of 4 MCAR SS 10.113-10.116,

1 the requirements contained in A.-EF. shall be met.

2 A. Beauty salon and barber shop. A beauty salon and a
3 barber shop may be operated in the same establishment, if the
4 beauty salon occupies a physically separate area comprised of
5 continuous footage, and is clearly identified as a beauty salon
6 by a conspicuously displayed sign which states, "Beauty Salon"
7 in letters at least two inches in height.

8 B. Esthetician services. Esthetician services shall be
9 provided only in a licensed cosmetology salon. Esthetician
10 services shall not be offered in a manicurist salon.

11 C. Mobile salons.

12 1. Mobile homes, motor homes, trailers, or any type of
13 recreational vehicle which contains a beauty salon shall be
14 permanently stationed at one location.

15 2. Salons in a vehicle which moves from one location to
16 another shall not be allowed.

17 D. Licensed health care facilities.

18 1. It is not necessary for a licensed health care
19 facility to have a licensed salon in order for nursing and
20 patient care personnel or volunteers to wash, set, or trim
21 residents' hair.

22 2. Licensed operators with certificates of identification
23 may provide cosmetology services to residents.

24 3. If the licensed health care facility chooses to have a
25 licensed salon on the premises, all the requirements for a salon
26 ~~must~~ shall be met.

27 E. Salons in private residences. Salons may be established
28 in private residences, if the following conditions are met:

29 1. the salon shall not be used for any residential
30 purposes at any time;

31 2. the salon shall be completely separated from the
32 residential areas. There shall be a permanent, solid partition,
33 from floor to ceiling, between the salon and the residential
34 areas. Any door in this partition shall be kept closed at all
35 times;

36 3. ~~the-salon-entrance/exit-shall-not-lead-through-any~~

1 ~~residential-area-or-through-a-garage;~~

2 ~~4.~~ all cosmetology services offered by the salon shall be
3 available within the salon;

4 ~~5.~~ 4. laundry tubs shall not be used as shampoo bowls;
5 and

6 ~~6.~~ 5. the primary residential toilet facilities shall not
7 be used for salon clients.

8 ~~4-MCAR-S-10.118~~ F. Requirements for a booth license. A
9 Minnesota licensed cosmetologist or manicurist manager may lease
10 work space from a licensed salon and operate that space as an
11 independent business upon obtaining a booth license. An
12 applicant for a booth license shall meet the following
13 requirements:

14 ~~A.~~ 1. the applicant shall hold a current Minnesota manager
15 license;

16 ~~B.~~ 2. the applicant shall provide documentation of leased
17 work space from a licensed Minnesota salon. The work space
18 shall be at least 50 square feet for a cosmetologist or 35
19 square feet for a manicurist. The lease shall include
20 provisions regarding responsibility for keeping records of hours
21 worked by the booth licensee, maintenance responsibilities of
22 the booth licensee, use of salon equipment, purchase of
23 supplies, professional liability insurance coverage, and other
24 agreements reached by the parties;

25 ~~C.~~ 3. the applicant shall provide evidence of coverage by
26 professional liability insurance in the amount required for
27 salon licensees. It shall be acceptable for the salon owner's
28 professional liability policy to cover the booth licensee;

29 ~~D.~~ 4. the applicant shall be responsible for operating his
30 or her work space in full compliance with these rules.

31 ~~4 MCAR S 10.119~~ Requirements for maintaining a salon or booth
32 license.

33 The following requirements shall be met by all salons and
34 booths:

35 A. the licensee shall continuously comply with all

1 applicable provisions of Minnesota Statutes and rules;

2 B. the manager shall advise the office of a change in name
3 of the salon in writing, including both new and old name and
4 address, within 30 days of the change;

5 C. the licensee shall renew the license prior to its
6 expiration date;

7 D. the licensee shall display the required documents.

8 4 MCAR S 10.120 Salon license renewal.

9 A. Requirements. The requirements of B.-G. shall be met in
10 order to renew a license.

11 B. Request for renewal. The licensee shall be responsible
12 for requesting renewal of his or her salon license, in writing,
13 before the license expires. This may be accomplished on the
14 license renewal notice form provided by the office. However, if
15 this renewal notice is not received, responsibility for proper
16 and timely renewal remains with the licensee.

17 C. Liability insurance coverage. The licensee shall provide
18 evidence of continued professional liability insurance coverage
19 in the required amount.

20 D. Workers' compensation insurance coverage. If applicable,
21 the licensee shall provide evidence of continued compliance with
22 Minnesota Statutes, section 176.182.

23 E. Fee. The licensee shall pay the required license fee
24 before the expiration of the current license.

25 F. Timely renewal. The postmark date on the transmittal
26 envelope of the renewal request and fee shall be determinative
27 in ascertaining whether receipt was prior to the current license
28 expiration date.

29 G. Identity of manager. The licensee shall state the name
30 of the salon manager and the number and expiration date of his
31 or her license.

32 4 MCAR S 10.121 Delinquent salon licenses.

33 A. Failure to renew. Failure to renew a license prior to
34 its expiration date shall result in a delinquent salon license.
35 This license must be renewed within 30 days.

1 B. Renewal. If less than 30 days have elapsed since the
 2 expiration date of the license, the applicant shall submit a
 3 written application for renewal of license, the license fee, and
 4 the required late penalty. If more than 30 days have elapsed,
 5 the salon shall cease operation until a new salon application
 6 has been submitted and a provisional license has been issued.

7 4 MCAR S 10.122 ~~Unlicensed~~ Unregulated services.

8 A. Disclosure. All services not licensed as the practice of
 9 cosmetology offered within a salon or school clinic shall be
 10 clearly identified as "~~unlicensed~~ unregulated services" and
 11 listed on a sign conspicuously posted in the reception area.
 12 The sign shall contain lettering at least two inches high and
 13 shall state: "Unregulated services. The following services
 14 offered by (salon or school name) are not ~~licensed~~ regulated by
 15 the state of Minnesota:

16
 17
 18"

19 B. Disclosure of courses relating to ~~unlicensed~~ unregulated
 20 services. Each school shall clearly identify those courses and
 21 clinical experiences in its curriculum which are not required by
 22 the office and which pertain to services not licensed by the
 23 state. These courses shall be clearly identified in all
 24 recruitment advertising and written material used for the
 25 purposes of soliciting prospective students.

26 Nonrequired courses and ~~unlicensed~~ unregulated services
 27 shall be conspicuously identified in all written material, in
 28 type of the same size as the course or service name.

29 Instructional time and clinical experience in ~~unlicensed~~
 30 unregulated services shall not be included in the minimum hours
 31 of schooling required for licensure.

32 4 MCAR S 10.123 Advertising.

33 The following provisions govern all advertising relating to
 34 the education, licensing, or practice of cosmetology:

35 A. all advertising shall comply with Minnesota Statutes,

1 sections 325F.67 to 325F.70 and related rules;

2 B. no advertisement shall state or imply favorable
3 consideration by the Office of Consumer Services other than to
4 state that the salon or school is licensed by the office;

5 C. any advertisement that a salon or school is licensed by
6 the state of Minnesota shall specify the type of license held
7 and the license number;

8 D. no salon or school advertisement stating licensure by the
9 state of Minnesota shall include reference to any ~~unlicensed~~
10 unregulated services;

11 E. a school advertisement of cosmetology services shall
12 clearly and conspicuously state that all services are performed
13 by students, in boldface type of the same size as the most-used
14 type size in the ad;

15 F. no school may advertise that its students will earn a
16 commission, salary, or pay of any kind, other than gratuities,
17 on cosmetology services performed in the school clinic.

18 4 MCAR S 10.124 Inspections.

19 A. Office staff to conduct. Salons and schools shall be
20 inspected by the office staff. Advance notice of inspections
21 shall not be given.

22 B. Grading. Inspectors shall grade items "S" for compliance
23 with Minnesota Statutes, chapter 155A and these rules and "U"
24 for noncompliance.

25 All items graded "U" shall be corrected within ten business
26 days, and written notification of the correction shall be sent
27 to the office within that time.

28 Failure to correct a noncompliance item may be grounds for
29 suspension or revocation of the salon or school license, and of
30 the individual license of the manager and the cosmetologist,
31 manicurist, esthetician, or instructor involved.

32 C. Information on business hours and location. Each salon
33 owner shall provide the office with:

34 1. an accurate schedule of the hours which the salon is
35 open for business. If the salon is open by appointment only,
36 the salon owner shall designate one-half day a month when he or

1 she shall be available at the salon for inspection of the salon;

2 2. for country shops, a detailed map indicating the
3 salon's exact location and directions for driving to that salon.

4 D. Cost and frequency of inspections. Each cosmetology
5 salon and school shall be inspected annually. Additional
6 inspections may be made as necessary to confirm correction of
7 previous noncompliance. The cost of the annual inspection shall
8 be included in the licensing fee. The cost of additional
9 inspections to confirm correction of previous noncompliance
10 shall be assessed to the school.

11 E. Results. Inspectors shall discuss the results of the
12 inspection at its conclusion, in private, with the salon or
13 school owner, manager, or a responsible person so designated in
14 writing by the manager. A written report shall also be given or
15 sent to the manager.

16 F. Posting of reports. The most recent inspection report
17 shall be posted in the dispensary area. A 5" x 7" notice shall
18 be posted in the reception area stating in boldface letters:
19 "THIS (SALON OR SCHOOL) HAS BEEN LICENSED AND INSPECTED BY THE
20 STATE OF MINNESOTA. A COPY OF THE MOST RECENT INSPECTION REPORT
21 IS AVAILABLE FOR YOUR REVIEW UPON REQUEST."

22 4 MCAR S 10.125 General requirements for schools.

23 A. Location where services taught. No cosmetology
24 instruction shall be given in any place other than a licensed
25 school of cosmetology or as otherwise provided in these rules.

26 B. License required. No cosmetology school shall be
27 permitted to operate without a license.

28 C. Employment of licensed instructors. No cosmetology
29 school shall employ an instructor who does not hold a current
30 Minnesota cosmetology instructor license. A school may use
31 occasional guest instructors or lecturers who do not hold a
32 cosmetology license to provide supplemental information to
33 students from related fields, such as medicine, public
34 relations, or law.

35 D. Termination. A school license is nontransferable and
36 shall terminate upon the occurrence of either of the following:

1 1. a change of ownership of the school. The new owner
2 shall apply for a new school license in the same manner as if no
3 license had been previously issued, at least 30 days before the
4 effective date of the change; or

5 2. a change of location. An application for a new
6 license shall be made in the same manner as if no license had
7 been previously issued.

8 E. Change of name. The school owner or manager shall inform
9 the office of a name change, in writing, 30 days before the
10 effective date of the change and pay the school name change
11 fee. A license will be issued in the new name for the unexpired
12 term of the old license, which shall be returned to the office
13 upon receipt of the license in the new name.

14 F. Separation of school from business salon.

15 1. Any cosmetology salon owned or operated by a school
16 owner shall be operated as a separate and distinct business.

17 2. There shall be complete physical separation between
18 the salon and school.

19 3. Salon and school shall have separate managers.

20 4. There shall be separate and clearly identified and
21 differentiated entrances and telephone numbers for salon and
22 school.

23 5. Salon employees shall not teach in the school unless
24 they are licensed instructors included on the school staff
25 roster.

26 6. No customer work may be done by an instructor in the
27 salon during instructional hours stated on the school roster.

28 7. Each facility shall maintain the stock of supplies
29 necessary for its operation.

30 G. Exclusive use as school. No school, or portion thereof,
31 shall be used for any residential purposes.

32 4 MCAR S 10.126 Requirements for school licensure.

33 A. Application contents. The person, association, firm, or
34 corporation proposing to establish a cosmetology school shall
35 make written application to the office, on forms supplied by the
36 office, giving the following information:

- 1 1. the name of the school, its address, and the names and
2 addresses of all owners of sole proprietorships or partnerships
3 and controlling officers of corporations;
- 4 2. notarized signatures of the owners of sole
5 proprietorships or partnerships, controlling officers of
6 corporations, and manager;
- 7 3. the days of the week and the hours which the school
8 will be open;
- 9 4. the daily and weekly class schedule;
- 10 5. evidence of the school's compliance with local fire,
11 ~~zoning, health, and building codes, or in the absence of local~~
12 ~~codes, with the corresponding state codes~~ zoning requirements
13 and the regulations of the Minnesota Department of Health, State
14 Building Code and Standards, and the State Fire Marshall;
- 15 6. the name of the licensed manager who will be employed
16 by the school, including that individual's license number and
17 expiration date;
- 18 7. a roster of all instructors, including license number,
19 designation of employment status (full-time or part-time) and
20 days of the week and hours scheduled for instruction;
- 21 8. a diagram of the school drawn to scale on 8-1/2" x 11"
22 or 8-1/2" x 14" paper, providing the dimensions of the school as
23 a whole and designating the size and location of all entrances
24 and exits, and the location and dimensions of all required areas
25 and facilities;
- 26 9. a complete inventory of facilities and equipment
27 supportive of instructional and clinical operations, as required
28 by these rules;
- 29 10. a designation of the licenses for which preparation
30 will be offered;
- 31 11. a detailed outline of the courses of training to be
32 offered, designating the preclinical and clinical curriculum,
33 text materials, and the clinical plan designed for each license
34 category;
- 35 12. the maximum possible number of enrollees the school
36 will be able to accommodate;

- 1 13. copies of all financial aid and refund policies;
- 2 14. copies of all student rules and disciplinary policies;
- 3 15. a copy of the standard enrollment contract;
- 4 16. copies of all written material used to solicit
- 5 prospective students, including but not limited to tuition,
- 6 refund, and fee schedules, catalogs, brochures, and all
- 7 recruitment advertisements;
- 8 17. a current balance sheet, income statement, or
- 9 evidence of sufficient financial worth to conduct a school and
- 10 to meet its financial obligations.

11 B. Evidence of liability insurance coverage. The applicant
12 shall provide evidence of the school's coverage by professional
13 liability insurance, of at least \$25,000 per incident and an
14 accumulation of ~~\$75,000~~ \$150,000 for each premium year ~~for each~~
15 ~~teaching-station-in-the-clinical-operation-of-the-school.~~

16 C. Evidence of workers' compensation insurance. The
17 applicant shall provide evidence of the school's compliance with
18 Minnesota Statutes, section 176.182.

19 D. Surety bond. The applicant shall file with the director
20 of the office a continuous corporate surety bond in an the
21 ~~amount equal-to-the-full-tuition-for-all-of-the-maximum~~
22 ~~potential-enrollees-in-the-school~~ \$10,000, conditioned upon
23 the faithful performance of all contracts and agreements with
24 students made by the applicant. The bond shall run to the state
25 of Minnesota and to any person who may have a cause of action
26 against the applicant arising at any time after the bond is
27 filed and before it is cancelled for breach of any contract or
28 agreement made by the applicant with any student. The aggregate
29 liability of the surety for all breaches of the conditions of
30 the bond shall not exceed ~~the-full-tuition-for-all-of-the~~
31 ~~maximum-potential-enrollees-in-the-school~~ \$10,000. The surety
32 of the bond may cancel it upon giving 60 days notice in writing
33 to the director of the office and shall be relieved of liability
34 for any breach of condition occurring after the effective date
35 of cancellation.

36 E. Payment of fee. The applicant shall pay the school

1 license and school application fees.

2 4 MCAR S 10.127 Facilities requirements for licensure.

3 In addition to the requirements of 4 MCAR SS 10.125 and
4 10.126, the requirements contained in 4 MCAR SS 10.128-10.131
5 shall be met by the school before a license will be issued.
6 Compliance with these requirements shall be confirmed by an
7 inspection by cosmetology unit staff. The license shall be
8 issued after a satisfactory initial inspection.

9 4 MCAR S 10.128 Physical requirements.

10 A. Space.

11 1. There shall be a combined clinic and classroom size of
12 at least 25 square feet for each enrollee to be accommodated.
13 This space shall exclude all office space, storage areas, lounge
14 facilities, and restrooms.

15 2. All supplies and materials shall be stored in a space
16 inaccessible to the public.

17 3. The dispensary shall be a specified area inaccessible
18 to the public.

19 4. There shall be a furnished student lounge of at least
20 120 contiguous square feet.

21 5. There shall be an instructors' lounge separate from
22 the student lounge.

23 B. Entrances and exits. Each school shall have at least two
24 entrance/exit points which-meet-state-fire-code-requirements-and
25 local-building-code-requirements---A-school-located-in-a
26 basement-shall-not-be-allowed-to-use-a-window-as-one-of-the
27 required-exits.

28 C. Electrical requirement. Each classroom shall be clearly
29 lit and shall have at least two electrical outlets. Use of
30 extension cords shall not be an acceptable means of meeting this
31 requirement.

32 D. Toilet facilities. Each school shall provide adequate
33 toilet facilities on its premises or in an adjacent common area
34 for the use of students, staff, and customers. Separate
35 restroom facilities must be provided for women and men. Each

~~1 facility shall meet the same requirements designated for those~~
~~2 in salons in 4 MCAR S 10.113 F.3.~~

3 E. Additional requirements. In addition, each school shall
 4 meet the physical requirements for salons contained in 4 MCAR S
 5 10.113 C.; D.; E.; F.1. and F.2.; and G.

6 4 MCAR S 10.129 Fixtures, furniture, equipment.

7 A school shall meet the following minimum requirements:

8 A. there shall be one work station with chair, storage, and
 9 mirror for each student assigned to the clinic floor;

10 B. there shall be at least one hair dryer, clean, in good
 11 repair, and operational, for each six work stations;

12 C. there shall be at least one facial chair, clean and in
 13 good repair, for each six enrollees. This may be a work station
 14 chair with a reclining back and attachable headrest;

15 D. there shall be at least one manicure table, clean and in
 16 good repair, for each ten enrollees;

17 E. there shall be at least one heat cap;

18 F. there shall be skin care machines or models or diagrams
 19 sufficiently detailed to allow instruction in their use and
 20 operation;

21 G. there shall be at least one adult-size desk/table and
 22 chair in the classroom area for each enrollee to be accommodated;

23 H. there shall be at least one time clock or other reliable
 24 method of recording time to be used by the students when
 25 checking in and out of school. Each student student's hours
 26 shall ~~punch-his-er-her-own-card~~ be recorded at the beginning and
 27 end of each day and before and after lunch;

28 I. in addition, each school shall meet the fixture,
 29 furniture, and supply requirements for salons as designated in 4
 30 MCAR S 10.114 B. and D.-K.; and

31 J. there shall be locker space available for students
 32 requesting it.

33 4 MCAR S 10.130 Supplies and materials.

34 A. Basic supplies.

35 1. The school shall supply each student with a beginning

1 professional kit, containing the implements and the majority of
2 equipment required for the course of training for which the
3 student has enrolled. The cost shall be clearly indicated to
4 the student prior to enrollment, even if it is included in the
5 basic tuition fee.

6 2. The school shall provide the student with all supplies
7 and materials necessary to perform all clinical services and
8 classroom exercises.

9 3. The school shall supply at least one manikin with hair
10 for each cosmetology enrollee, and one manikin without hair for
11 each esthetician enrollee.

12 B. Towels and linens. There shall be one dozen towels per
13 enrollee maintained in good repair and available to students.

14 C. Instructional materials. The school shall supply each
15 enrollee with a copy of all textbooks to be used in the course
16 of training, and copies of all other necessary instructional
17 materials, including a copy of Minnesota Statutes, chapter 155A
18 and these rules. Workbooks associated with the textbooks shall
19 become the property of the student. The cost of these materials
20 shall be clearly indicated to the student prior to enrollment,
21 unless it is included in the tuition fee.

22 D. Instructional aids. The school shall have instructional
23 aids to provide the required instruction to all enrollees.

24 There shall be at least one bulletin board, located in the
25 student lounge, which shall contain, but not be limited to, all
26 communications addressed to the students from the office and
27 copies of the student rules and disciplinary policies. There
28 shall be at least one blackboard in each classroom.

29 E. Reference materials. Reference materials shall be
30 centrally located and made available to all students, including:

- 31 1. an American language dictionary;
- 32 2. charts for basic anatomy (hair, skin, and nails);
- 33 3. trade magazines and publications;
- 34 4. a copy of Minnesota Statutes and rules pertaining to
35 the regulation of the practice of cosmetology; and
- 36 5. copies of other related statutes and rules.

1 4 MCAR S 10.131 General operational requirements for schools.

2 It shall be the responsibility of the school owner and
3 manager to ensure compliance with the requirements of A.-M.

4 A. Identification. Each school shall be identified as
5 either a school of cosmetology, beauty school, beauty academy,
6 beauty training center, or any other designation whereby the
7 public may be able to distinguish it from a salon.

8 Identification shall consist of signs conspicuously placed on
9 the front of the school and in the reception area of the school
10 clinic. Each school shall also have a sign conspicuously posted
11 in its clinic reception area stating, "Beauty School. All work
12 performed by students." in letters at least two and one-half
13 inches in height.

14 B. Manager.

15 1. There shall be a manager responsible for each school
16 at all times. There shall be only one person designated as
17 manager for each school. No manager may concurrently be
18 responsible for more than one school nor for a school and a
19 salon. When the manager is not on duty, he or she shall specify
20 a responsible person on the premises. The responsible person
21 shall be an instructor licensed in accordance with these rules.

22 2. The manager shall ensure that all personnel and
23 students under his or her supervision comply with all provisions
24 of these rules.

25 3. The manager shall ensure that no unlicensed instructor
26 conducts any class, demonstration, or any other educational
27 experience within the school except as allowed by Minnesota
28 Statutes, chapter 155A and these rules.

29 4. The manager shall ensure that all equipment required
30 by these rules is clean and maintained in proper working
31 condition, that proper supplies are in stock at all times, and
32 that safety, sanitation, and operational requirements are met by
33 the school. The manager shall be responsible for recruitment
34 and advertising materials.

35 C. Instructors.

36 1. There shall be at least two licensed instructors on

1 the school premises ~~for-the-first~~ during the time students are
2 present; and each school shall have a minimum ratio of one
3 instructor for each 1 to 20 students to be accommodated; and one
4 ~~additional-licensed-instructor-for-each-additional-1-to-20~~
5 ~~students-to-be-accommodated~~ all students shall be under the
6 direct supervision of an instructor at all times when in a
7 classroom, clinic, or other area in which they are performing
8 cosmetology services.

9 a. A school may operate for 30 days per year with an
10 unlicensed substitute for one of the licensed instructors, if
11 the school manager is on the school premises and available to
12 supervise the substitute, and if there is at least one licensed
13 instructor, available and responsible for the direct supervision
14 of the unlicensed substitute.

15 b. The school shall notify the office in writing
16 within three days of each occurrence of failure to meet the
17 required instructor quota.

18 2. If a school is not in compliance with C.1., students
19 will be notified by the office that it will not accept hours
20 accrued during the period of noncompliance.

21 3. Instructors shall devote the entire time scheduled to
22 training and shall have no additional noninstructional duties or
23 responsibilities.

24 4. All instructors shall wear identification badges at
25 all times while providing training, stating their full name and
26 "Instructor." These badges shall be at least two inches by one
27 inch and shall be color-coded white or gold.

28 D. Enrollment contracts.

29 1. The student or his or her parent or guardian shall
30 receive a fully executed copy of the contract at the time he or
31 she signs the contract.

32 2. The school and a student who has enrolled for training
33 because he or she failed the state examination and reciprocity
34 applicants shall enter into a contract which specifies the
35 precise nature of theory and clinical experience to be covered
36 during the training course.

1 E. Refund policy.

2 1. Each school shall have a definite, written policy
3 relating to the refund of tuition and fees when students
4 terminate training. The policy shall at minimum provide for the
5 following:

6 a. a complete refund of all monies paid if the school
7 rejects the applicant, or if the applicant cancels the
8 enrollment contract, in writing or in person, within three
9 business days of the date upon which the contract was signed by
10 both the student and agent of the school and prior to entering
11 classes. The enrollment contract shall include a provision
12 headed by the title in boldface ten-point type "Notice of
13 Cancellation", which instructs the student as to what steps he
14 or she must take to cancel the contract;

15 b. a refund of all monies paid except a registration
16 or enrollment processing fee up to 15 percent of the contract
17 price if the applicant cancels the enrollment contract more than
18 three business days after conclusion of the contract but prior
19 to entering classes;

20 c. if a student has entered classes the following
21 minimum tuition refunds shall be made:

22 Percentage of Total Program	Maximum Amount of Total
23 Represented by the Hours of	Tuition School Shall
24 Training Completed.	Receive or Retain.
25 0 to 4.9 percent	20 percent
26 5 to 9.9 percent	30 percent
27 10 to 14.9 percent	40 percent
28 15 to 24.9 percent	45 percent
29 25 to 49.9 percent	70 percent
30 Over 50 percent	100 percent

31 2. Fees for the student kit, textbooks, and workbook may
32 be deducted before application of the percentages in refund
33 computations, if these fees are included in the tuition and if
34 these items become the property of the student.

35 F. Student regulations. Student regulations shall be in
36 writing and a copy shall be given to all students. A copy and

1 any changes shall be posted on the bulletin board in the student
2 lounge. The rules may include a reasonable dress code. All
3 rule changes shall be discussed with the student body at least
4 ten days prior to the effective date and each student shall be
5 given a copy of any changes.

6 G. Student records.

7 1. All records relating to students shall be maintained
8 and up-to-date, in a secure and orderly fashion and shall be
9 kept on the school premises. All student records shall be
10 legible and shall be available for inspection by a
11 representative of the office during normal business hours of the
12 school or by mail upon the written request of the office.

13 2. The school shall maintain complete, accurate, and
14 detailed records of all payments from and financial transactions
15 with students, showing the date, amount, and source of income or
16 disbursement.

17 3. The school shall maintain daily and monthly records of
18 student hours, work progress, examination assessments, and daily
19 clinical experience records for each student enrolled.

20 4. All student records shall be maintained by the school
21 for at least five years from the date of the student's
22 termination; or a transcript of the course work of each student
23 may be kept, the transcript to contain the student's name, the
24 date student enrolled, the date of termination of enrollment and
25 the circumstances of termination, the total number of hours
26 completed, and the school owner or manager's notarized signature
27 verifying the contents of the transcript.

28 5. The school shall submit to the office the following
29 reports for each student:

30 a. a student registration form containing the
31 student's full and correct name, course of training for which
32 enrolled, and start date. The status of the student shall be
33 stated as full-time or part-time, day or night classes. This
34 information must be received by the office within ten days of
35 the student's start date and shall be accompanied by the
36 processing fee;

1 b. evidence on a standardized form, from a physician,
2 stating that the student is free from communicable diseases or
3 parasites. This certification shall accompany the student
4 registration;

5 c. certification of completion of preclinical
6 courses. Documentation signed by the school owner or manager
7 shall indicate that the student has successfully completed the
8 required hours of preclinical work. A student shall not be
9 allowed to perform any service or portion thereof in the school
10 clinic on a client until this certification has been sent;

11 d. a progress evaluation report. Upon completion of
12 one-half of the total required hours, the school shall give the
13 student and the office a written progress evaluation assessing
14 the student's progress towards successful fulfillment of the
15 license requirements.

16 e. certification of readiness to take the written
17 examination. Documentation signed by school owner or manager,
18 shall indicate that the student has successfully completed
19 1,350, 500, and 315 hours, for cosmetologist, esthetician, and
20 manicurist respectively, of preclinical and clinical training,
21 and is prepared to take the written state licensing
22 examinations. This certification must be received by the office
23 before the student will be scheduled for the written
24 examinations;

25 f. documentation signed by school owner or manager,
26 shall indicate that the student has successfully completed the
27 course of training for which he or she enrolled. Included shall
28 be documentation of the student's completion of the practical
29 exercises, as required by 4 MCAR S 10.133 B.4.a., C.4.a., and
30 D.4.a. and documentation of the student's successful completion
31 of the skills certification review, on a form provided by the
32 office;

33 g. a statement shall be sent by the school to the
34 office if a student withdraws, is suspended, or expelled from
35 his or her course of training. The certification shall be
36 signed by the school owner or manager, shall indicate the last

1 day on which the student was enrolled, the total number of hours
2 the student has successfully completed as of that date, a
3 transcript detailing the nature of those hours, and the reason
4 for the withdrawal, suspension, or revocation. This
5 certification must be received by the office within ten days of
6 the end of enrollment.

7 H. Certification of student hours.

8 1. All student hours shall be recorded, on a daily and a
9 monthly basis.

10 2. The daily record of hours shall list the number of
11 hours earned by each student and the nature of training
12 received, designating all clinical experiences; shall be signed
13 by the instructor who provided or supervised the training; shall
14 be signed by the student; and shall be based on the hours
15 actually recorded on the student's timecard.

16 Each student shall register on the timeclock at the
17 beginning and end of each school day and at the beginning and
18 end of lunch breaks. Timecards which are improperly punched or
19 inadvertently altered, or contain any error may be corrected and
20 that correction initialed by the student, the school manager,
21 and the appropriate instructor.

22 Original timecards shall be deemed to be the property of
23 the school. A student, within ten days of a request, is
24 entitled to receive copies of his or her timecards from the
25 school. The school may not withhold copies of his or her
26 timecards after a proper request has been made.

27 3. Each school shall complete and maintain a monthly
28 report for each student, summarizing the hours completed for
29 that month, and signed by the school owner or manager. A copy
30 of the report shall be given to the student within five days of
31 the end of each month.

32 4. No school or student shall alter the content or the
33 number of hours completed by a student unless because of error
34 and signed by both parties.

35 5. Students shall receive credit only for hours spent in
36 training for licensed cosmetology services.

1 6. No student shall receive credit for more than eight
2 hours of training per calendar day.

3 7. Each student must be given a morning and afternoon
4 break and at least one-half hour for lunch, or one hour for
5 lunch and no breaks.

6 8. It shall be made clear to the students in materials
7 designed to elicit their enrollment and at the time of
8 enrollment, the circumstances under which Saturday and evening
9 training will be held.

10 I. Students to complete training in required time.
11 Individuals registering as students in a school of cosmetology
12 must complete their training, successfully pass the examination,
13 and be licensed within a period of not more than five years.
14 Otherwise, records of student hours and training received will
15 no longer be considered valid for licensure in Minnesota.

16 J. Transfer students. A student shall apply to the office
17 in writing for transfer of hours from one school to another.
18 The office shall forward to the receiving school a certified
19 copy of the previous school's certification of withdrawal,
20 suspension or expulsion, or of the transcript of hours completed
21 as indicated on that certification. No school shall give credit
22 to a student for hours completed in another school without a
23 certification of hours from the office or from a non-Minnesota
24 licensing authority as to the total number of hours.

25 K. Full course of instruction required. No student, unless
26 licensed under provisions of Minnesota Statutes, chapter 155A,
27 shall be enrolled in a school for less than a full course of
28 instruction of not less than 1,550 hours for cosmetologist, 600
29 hours for esthetician, or 350 hours for a manicurist, except for
30 a licensed individual or a previously licensed individual
31 requesting a refresher course, an applicant who has failed the
32 state examination and requests additional training, a transfer
33 student, a student who has enrolled only to learn unlicensed
34 unregulated services, and reciprocity applicants who require
35 additional schooling.

36 L. Display of licenses.

1 1. Current licenses of all school personnel shall be
2 conspicuously posted in the reception area at approximately eye
3 level. A two-inch by two-inch photograph of the licensee alone
4 taken within the past three years shall be attached to each
5 license.

6 2. The current school license shall be conspicuously
7 posted with the personnel's licenses.

8 M. Pre-enrollment disclosures. If the school brochure does
9 not contain the following information, it shall be given to
10 prospective students along with the brochure and other materials
11 designed to elicit their enrollment: minimum requirements for
12 licensing in the fields in which the school offers instruction,
13 tuition and all fees, the enrollment contract, refund policy,
14 and student regulations.

15 4 MCAR S 10.132 Operational requirements for school clinics.

16 All instruction in school clinics and all work performed by
17 students in school clinics shall comply with the operational
18 requirements for a cosmetology salon in 4 MCAR S 10.116 A.1.-12.
19 In addition:

20 A. no new school shall offer clinical services until the
21 minimum preclinical hours required for students has been met;

22 B. no school shall be allowed to operate a student clinic at
23 any location other than the school;

24 C. there shall be conspicuously displayed in the reception
25 area of the school and its clinic a sign stating, "All services
26 performed by students," in type at least 2-1/2 inches in height;

27 D. instructors shall perform no cosmetology services on any
28 client in the school clinic except to the extent necessary to
29 demonstrate or instruct students. The student shall be
30 physically present, observing the instruction or demonstration
31 and shall participate in the learning experience by actual
32 performance of the complete service;

33 E. no student shall perform clinic services until he or she
34 has successfully completed the required hours of preclinical
35 training and the school has sent to the office a certification
36 of that completion;

1 F. all services performed by students shall be supervised by
2 instructors and shall be checked before, during, and after
3 performance;

4 G. all students shall be required to wear an identification
5 badge at all times. The badges shall be at least two inches by
6 one inch; state the student's first and last name; and state
7 that the student is either a "Cosmetologist Trainee,"
8 "Esthetician Trainee," or "Manicurist Trainee." A freshman is a
9 student who has not completed the required hours of preclinical
10 training. A senior is a student who has completed the
11 preclinical training. Freshman badges shall be green and senior
12 badges shall be blue. Different shades of blue may be used to
13 designate various degrees or levels of senior students. Badges
14 shall be furnished by the school as part of tuition costs;

15 H. each student shall wash his or her hands with soap and
16 hot water before providing any service, and each instructor
17 shall similarly wash his or her hands before demonstrating any
18 service or portion thereof on a client;

19 I. instructors shall ensure that students and instructors
20 maintain the clinic work area in the same manner and degree as
21 is required for salon cleanliness under 4 MCAR S 10.116 A.15;

22 J. instructors shall ensure that all students working in the
23 school clinic and all instructors observe the same personal
24 hygiene and safety requirements as those imposed on salon
25 practitioners in 4 MCAR S 10.116 A.16;

26 K. cosmetology services shall not knowingly be performed in
27 a school clinic on any person who has a communicable disease,
28 condition, or parasite;

29 L. it shall be permissible for the school to charge clients
30 for services performed by students to the extent necessary to
31 cover the cost of supplies and materials used, and expenses
32 incurred in and for the operation of the school. These prices
33 shall be conspicuously posted in the clinic reception area.

34 4 MCAR S 10.133 School curricula.

35 A. Requirements. Each cosmetology school shall have a
36 curriculum approved by the office to provide instruction,

1 divided into daily lesson plans. The curriculum shall include
 2 theory and practical application of skills, including the
 3 instruction set forth in B.-E.

4 B. Cosmetologist training.

5 1. Cosmetologist training consists of a course of
 6 training of at least 1,550 hours. This course shall consist of
 7 the full manicurist course content, the full esthetician course
 8 content, and the balance in hairdressing, including the
 9 approximate breakdown of hours specified in 4.a. and the
 10 clinical exercises in provision of cosmetology services
 11 specified in 4.a.

12 2. The first 240 hours shall be preclinical instruction
 13 in the sciences of anatomy, dermatology, trichology, manicuring,
 14 and chemistry as related to cosmetology; electricity and light;
 15 sanitation; safety procedures related to the practice of
 16 cosmetology; and Minnesota Statutes and rules which pertain to
 17 the regulation of the practice of cosmetology; and elementary
 18 service skills.

19 3. There shall be instruction in applied science and
 20 skills in shampooing, scalp and hair conditioning, hair design
 21 and shaping, chemical hair control, hair coloring, hair styling,
 22 facials, and makeup, and manicuring and nail care of
 23 approximately 1130 hours and instruction in related theory and
 24 sciences of approximately 420 hours.

25 4. There shall be planned clinical instruction and
 26 experience in the applied sciences.

27 a. Each student shall be required to complete the
 28 following minimum number of clinical exercises in each-category:
 29 column II. Clinical exercises may be performed upon customers
 30 in the school clinic, fellow students, models, or manikins in
 31 the classroom.

	<u>Column I</u>	<u>Column II</u>
	<u>Hours</u>	<u>Service Exercises</u>
34 (1) shampooing	<u>50</u>	300
35 (2) scalp and hair		
36 conditioning	<u>80</u>	150

1	(3) hair design shaping	<u>150</u>	75
2	(4) chemical hair control	<u>200</u>	60
3	(including 6 chemical		
4	relaxing exercises)		
5	(5) hair coloring	<u>100</u>	50
6	(6) hair styling	<u>200</u>	300
7	(7) facials and makeup	<u>200</u>	60
8	(8) manicures	<u>150</u>	50
9	(including 10 applications		
10	of artificial nails, of		
11	which 3 are sculptured		
12	on the nail)		
13			
14	<u>skill hours</u>	<u>1130</u>	
15	<u>related theory and lecture</u>	<u>420</u>	
16	<u>total</u>	<u>1550</u>	

17
 18 b. Documentation of the student's completion of the
 19 required quotas in each category shall be sent to the office
 20 with the documentation of successful completion of the entire
 21 course of training.

22 5. There shall be instruction in business practices and
 23 in the Minnesota laws regulating those practices and labor
 24 relations.

25 C. Esthetician training.

26 1. Esthetician training consists of a course of training
 27 of at least 600 hours.

28 2. The first 120 hours shall be preclinical instruction
 29 in the sciences of anatomy, dermatology, and chemistry as
 30 related to skin care; electricity and light; sanitation; safety
 31 procedures related to the practice of skin care; and Minnesota
 32 Statutes and rules which pertain to the regulation of the
 33 practice of skin care; and elementary service skills.

34 3. There shall be instruction in applied science and
 35 skills in the cleaning, conditioning, shaping, reinforcing,
 36 coloring, and enchancing of the skin quality through the use of

1 facials and makeup.

2 4. There shall be planned clinical instruction and
3 experience of approximately 200 hours in the applied sciences.

4 a. Each student shall be required to complete at least
5 60 facials or makeup applications.

6 b. Documentation of the student's completion of the
7 required facials or makeup applications shall be sent to the
8 office with the documentation of successful completion of the
9 entire course of training.

10 5. The requirements of B.5. shall be complied with.

11 D. Manicurist training.

12 1. Manicurist training consists of a course of training
13 of at least 350 hours.

14 2. The first 50 hours shall be preclinical instruction in
15 the sciences of anatomy, dermatology, and chemistry as related
16 to manicuring; electricity and lights; sanitation; safety
17 procedures related to the practice of manicuring; and Minnesota
18 Statutes and rules which pertain to the practice of manicuring;
19 and elementary service skills.

20 3. There shall be instruction on applied science and
21 skills in the cleaning, conditioning, shaping, reinforcing,
22 coloring, and enhancing of nails and in the application and
23 repair of artificial nails.

24 4. There shall be planned clinical instruction and
25 experience of approximately 150 hours in applied sciences and
26 skills.

27 a. Each student shall be required to complete at least
28 50 manicures, including at least ten applications of artificial
29 nails, of which three are sculptured applications on the nail.

30 b. The documentation of the student's completion of
31 the required manicures shall be sent to the office with
32 documentation of successful completion of the course of training.

33 5. The requirements of B.5. shall be complied with.

34 E. Refresher course. A licensed cosmetology school, salon,
35 or a professional association may plan and offer a refresher
36 course taught by licensed instructors of at least 40 hours in

1 length for cosmetologists, estheticians, and/or manicurists.
 2 The course shall focus on knowledge, skills, and product types
 3 related to chemical services and shall balance lectures,
 4 demonstrations, and clinical experiences. It shall be held in a
 5 licensed salon or school. Sponsors of a proposed course shall
 6 apply for office approval at least 45 days prior to the course
 7 date. The application shall be on a form provided by the
 8 office. The course sponsor shall pay the processing fee. The
 9 course sponsor shall provide the office with the name and
 10 license number of all individuals who successfully pass a final
 11 course examination.

12 F. Credit towards another license. A licensed esthetician
 13 or manicurist who received his or her training within the last
 14 five years may receive the following credit for that training
 15 toward another license:

- 16 1. esthetician training = 550 hours credit toward
 17 cosmetologist license;
- 18 2. manicurist training = 300 hours credit toward a
 19 cosmetologist license;
- 20 3. manicurist training = 200 hours credit toward an
 21 esthetician license;
- 22 4. esthetician training does not produce any credit
 23 toward a manicurist license.

24 G. A licensed esthetician or a licensed manicurist who
 25 returns to school for an additional license shall not perform
 26 any clinical services in the area for which he or she is already
 27 licensed.

28 4 MCAR S 10.134 Requirements for maintaining a school license.

29 A. Display of documents. Each school license and all
 30 personnel licenses shall be conspicuously displayed in the
 31 school or school clinic reception area. ~~A copy of the school's~~
 32 ~~most recent inspection report shall be conspicuously posted at~~
 33 ~~approximately eye level in the clinic reception area.~~

34 B. Notification of changes in license information. Each
 35 school shall notify the office within 30 days of the effective
 36 date, unless otherwise indicated below, and in writing, of all

1 alterations, additions, and deletions in the information
2 contained in its original license application, and supply
3 current information, including but not limited to:

4 1. changes in managerial or instructional staff including
5 additions and terminations, or changes in employment status
6 (full-time, part-time, or number of hours worked). The school
7 shall notify the office of all such changes within three days of
8 the effective date of the change;

9 2. changes in any written material and advertising used
10 to solicit prospective students;

11 3. changes in the education services or course of
12 training offered, the curriculum, text materials, or clinical
13 experience plan;

14 4. remodeling or significant alteration of the physical
15 plant in which the school is housed;

16 5. the most current balance sheet, income statement, or
17 evidence of financial worth shall be submitted to the office on
18 January 1 of each year.

19 C. Retention of ad copies. The school shall maintain copies
20 of all advertisements for clinic services for three years. They
21 shall be provided to the office at its request.

22 4 MCAR S 10.135 School license renewal.

23 All of the following requirements shall be met in order to
24 renew a license:

25 A. the licensee shall be responsible for requesting renewal
26 of his or her school license, in writing, before that license
27 expires. This may be accomplished on the license renewal notice
28 form provided by the office. However, if this renewal notice is
29 not received, it is still the licensee's responsibility to
30 properly renew the school license;

31 B. the licensee shall provide evidence of continued
32 professional liability insurance coverage in the required amount;

33 C. the licensee shall provide evidence of continued
34 compliance with Minnesota Statutes, section 176.182;

35 D. all unsatisfactory inspections report items shall be
36 corrected before a license will be renewed;

1 E. the licensee shall provide a current and complete roster
2 of manager and instructional staff, including license number and
3 expiration date, employment status, and days and hours scheduled
4 to work;

5 F. the licensee shall have filed with the director of the
6 office a surety bond as required by 4 MCAR S 10.126 D.;

7 G. the licensee shall pay the required license fee, before
8 the expiration of the current license; and

9 H. the postmark date on the transmittal envelope of the
10 renewal request and fee shall be determinative in ascertaining
11 whether receipt was prior to the current license expiration date.

12 4 MCAR S 10.136 Delinquent school license.

13 Failure to renew a school license prior to its expiration
14 date shall result in a delinquent license. The applicant shall
15 comply with the following:

16 A. if less than 30 days have elapsed since the expiration
17 date of the license, the applicant shall submit a written
18 application for renewal of license, the license fee, and the
19 required late penalty;

20 B. if more than 30 days have elapsed since the expiration of
21 the license, the licensee shall reapply for a school license as
22 if no license had been previously issued. The school's
23 operation without a valid license shall be a violation of the
24 law and no student training provided during that period will be
25 recognized by the office.

26 4 MCAR S 10.137 Advanced training and demonstrations.

27 It is permissible to offer instruction in cosmetology in a
28 place other than a licensed school of cosmetology in the
29 following situations:

30 A. an advanced training class or demonstration, if no clinic
31 services are offered to the public incidental to the training or
32 demonstration;

33 B. community education classes, as defined by Minnesota
34 Statutes, chapter 155A.

35 4 MCAR S 10.138 Certificate of identification.

1 A. Issuance. Upon written request to the office, a licensee
2 may be issued a certificate of identification authorizing his or
3 her lawful practice in a place other than a licensed salon. To
4 obtain the certificate, the individual shall:

5 1. hold a current Minnesota cosmetologist, manicurist, or
6 esthetician license;

7 2. provide documentation to the office of at least 2700
8 hours of lawful practice in Minnesota;

9 3. provide documentation of current employment in a
10 Minnesota licensed cosmetology or manicuring salon; and

11 4. attest that the services shall be provided only in a
12 licensed health care facility, or in the residence of a
13 home-bound individual.

14 B. Retention. The certificate shall remain with the salon
15 manager at all times except when work is actually being
16 performed outside the shop. It is the manager's responsibility
17 to ensure that use conforms to the restrictions of A.4.

18 C. Observance of health and safety procedures. The licensee
19 shall observe all sanitary and safety procedures as far as
20 reasonably possible.

21 4 MCAR S 10.139 Fee adjustments.

22 A. Refunds. Refunds shall be given in the following
23 situations: overpayment; death or permanent disability before
24 license effective date; or an individual's ineligibility for
25 licensure. Ineligible instructor and manager applicants shall
26 be refunded the license fee only. Ineligible cosmetologist,
27 manicurist, or esthetician applicants shall be refunded the
28 license fee minus the processing fee.

29 B. Other licenses. A licensee who applies for licensing in
30 a second category shall pay the full license fee for the second
31 category of license.

32 4 MCAR S 10.140 Fee schedule.

33 A. Three-year license fees.

34 1. Cosmetologist, manicurist, esthetician \$ 30

35 2. Instructor, manager 45

1	3. Salon, booth	50
2	4. School	750
3	B. Penalties.	
4	1. Late penalty	
5	a. School license renewal	100
6	b. Salon and booth license renewal	50
7	c. Individual license renewal	10
8	2. Reinstatement	30
9	3. Insufficient funds checks	10
10	4. Reinspection fee	Variable
11	5. Manager with lapsed practitioner	25
12	C. Administrative fees.	
13	1. Duplicate license (includes	
14	individual name or address change)	10
15	2. Certificate of identification	20
16	3. Examination fees	
17	a. Written exam (cosmetologist,	
18	manicurist, esthetician)	8
19	b. Written exam (manager or instructor)	12
20	c. Practical exam	18
21	4. Processing fee (covers student	
22	enrollment, course evaluation,	
23	verification of hours/training	
24	experience, restoration of lapsed	
25	license, salon name change)	15
26	5. School name change	100
27	6. School original application	150

28 4 MCAR S 10.141 Duplicate license.

29 A duplicate license will be issued only upon the loss or
30 destruction of the initial license. The licensee shall submit
31 to the office an affidavit indicating why a duplicate license is
32 required, and submit the required fee.

33 4 MCAR S 10.142 Intoxicants and controlled substances.

34 No licensee or student shall perform cosmetology services
35 while consuming or under the influence of an intoxicant or

1 controlled substance, ~~or serve them to a client during business~~
2 hours.

3 4 MCAR S 10.143 Compliance by present licensees and students.

4 A. General requirements. All individual licenses in effect
5 on the effective date of these rules shall continue to be valid
6 under the following circumstances.

7 1. cosmetologist, manicurist, and esthetician and manager
8 licenses shall be valid until their expiration date. Licenses
9 which expire before July 1, 1984 shall be renewed upon
10 compliance with the requirements of 4 MCAR S 10.105 A. and C.-FE.
11 Licenses which expire on or after July 1, 1984 shall be renewed
12 upon compliance with the requirements of 4 MCAR S 10.105 A.,
13 B.1., and C.-FE;

14 2.

15 a. Senior instructor licenses shall be renewed as
16 instructor licenses. Licenses which expire before January 1,
17 1988 shall be renewed upon compliance with the requirements of 4
18 MCAR S 10.105 A. and C.-FE. Licenses which expire on or after
19 January 1, 1988 shall be renewed upon compliance with 4 MCAR S
20 10.105 A., B.2., and C.-FE.

21 b. In addition to the requirements of 2.a., all
22 individuals holding licenses as senior instructor or instructor
23 shall comply with the requirements of 4 MCAR S 10.102 D.2. on or
24 before December 31, 1984. Failure to do so shall result in
25 revocation of license;

26 3. Junior instructors licensed on the promulgation date
27 shall comply with the instructor license requirements of 4 MCAR
28 S 10.102 A., D.1., D.3., and D.5. on or before December 31,
29 1983. Upon completion of these requirements they shall be
30 issued an instructor license which shall remain valid in
31 accordance with the provisions of 2.a.-b.;

32 4.

33 ~~a.--Current-salon-manager-licenses-shall-remain-valid~~
34 ~~until-expiration.--Licenses-expiring-before-July-1, 1984-shall~~
35 ~~be-renewed-upon-compliance-with-the-requirements-of-4-MCAR-S~~
36 ~~10.105-A.-and-C.-F.--Licenses-expiring-on-or-after-July-1, 1984~~

1 ~~shall be renewed upon compliance with the requirements of 4-MCAR~~
 2 ~~S-10.105-A.7-B.3.7-and-C.7-F.~~

3 b. In addition to the provisions of ~~4-a.~~ A.1.,
 4 licenses of managers of schools shall be conditioned upon the
 5 licensee's successful passage of a written examination covering
 6 Minnesota laws and rules related to cosmetology schools before
 7 December 31, 1983;

8 5. Salons and booths licensed on April 1, 1983 shall be
 9 exempt from the following provisions:

10 a. Rule 4 MCAR S 10.113 A.-B.; D.2. until replacement;
 11 ~~F.3.7-provided-that-the-toilet-facilities-are-used-for-no-other~~
 12 ~~purposes,7-the-door-is-kept-closed,7-the-room-is-clean-and~~
 13 ~~sanitary,7-and-it-contains-a-commode,7-lavatory,7-soap-dispenser,7~~
 14 ~~single-service-sanitary-towels,7-and-a-waste-basket,7 G. until~~
 15 July 1, 1984.

16 b. Rule 4 MCAR S 10.114 B.;

17 c. Rule 4 MCAR S 10.117 A. continuous footage
 18 provision only; E.2. permanent solid partition requirement only;
 19 ~~E.3.7; E.65. provided-that-the-toilet-facilities-meet-the~~
 20 ~~requirements-of-A.5.a.-of-this-section.;~~

21 ~~d.--Rule-4-MCAR-S-10.118-B.7~~ F.2. square footage
 22 requirement and lease provision requirements until expiration of
 23 current lease;

24 6. Schools licensed on April 1, 1983 shall be exempt from
 25 the following provisions:

26 a. Rule 4 MCAR S 10.128 A.4.-5.; ~~D.--provided-that~~
 27 ~~there-are-separate-toilet-facilities-for-men-and-women-and-that~~
 28 ~~they-meet-the-requirements-of-A.5.a.-of-this-rule,7 E. school~~
 29 schools shall have the same time extensions for compliance with
 30 4 MCAR S 10.113 D.2. and G. as provided for salons in A.5.a. of
 31 this rule.

32 b. Rule 4 MCAR S 10.129 I. exemption from requirements
 33 of 4 MCAR S 10.114 B.; J. until December 31, 1983.

34 c. Rule 4 MCAR S 10.130 A.1., A.3., and C. shall apply
 35 to students enrolling on or after April 1, 1983.

36 d. Rule 4 MCAR S 10.131 B.-F.; G.5.f. with regard to

1 practical exercises; H.8.; and K., shall be effective July 1,
2 1983.

3 e. Rule 4 MCAR S 10.133 shall be effective July 1,
4 1983.

5 B. Interpreter for certain students. Foreign language
6 students whose enrollment registration is on file in the office
7 on the effective date of these rules may use an interpreter at
8 the examinations, provided that they have first demonstrated to
9 the director that they have a sufficient grasp of the English
10 language to read, comprehend, and follow chemical product labels
11 and instructions.

12 C. Students enrolled on effective date. Cosmetology and
13 manicure students whose enrollment registration is on file in
14 the office on the effective date of these rules and who graduate
15 after July 1, 1983 shall be exempt from the requirement of 4
16 MCAR S 10.102 A.2. and shall be required to complete 1500 hours
17 for a cosmetologist license and 250 hours for a manicurist
18 license. The minimum number of clinical exercises they will be
19 required to complete will be adjusted in relation to their date
20 of graduation, but shall not be less than 75 percent of the
21 requirements stated in 4 MCAR S 10.133 B.4.a. or D.4.a.

22 D. Variances. The director may grant to schools a variance
23 from physical requirements not otherwise exempted by this rule
24 upon receipt of documentation demonstrating an existing physical
25 limitation or economic hardship in excess of reasonably
26 anticipated costs of meeting the requirement. All requests for
27 variance shall be submitted prior to May 15, 1983.

28 4 MCAR S 10.144 Separability of rules.

29 If any provision of these rules or the application thereof
30 to any party or circumstances is held invalid, the remainder of
31 the rules and the application of these provisions to other
32 parties or circumstances shall not be affected thereby.

33
34 Repealer. 4 MCAR SS 10.001, 10.002, 10.003, 10.004, 10.005,
35 10.006, 10.007, 10.008, 10.020, 10.021, 10.022, 10.023, 10.024,
36 10.025, 10.026, 10.027, 10.028, 10.029, 10.030, 10.040, 10.041,

1 10.042, 10.060, 10.061, 10.062, 10.063, 10.065, 10.081, 10.082,
2 10.083, 10.084, 10.085, 10.086, 10.087, 10.088, 10.089, and
3 10.90 are repealed.

4 Effective dates. ~~Rules 4-MCAR-SS-10.106; 10.107; 10.110;~~
5 ~~10.111; 10.112; 10.113; 10.114; 10.115; 10.116; 10.117; 10.118;~~
6 ~~10.119; 10.120; 10.121; 10.125; 10.126; 10.127; 10.128; 10.129;~~
7 ~~10.130; 10.131; 10.132; 10.134; 10.135; 10.136; 10.137; 10.138;~~
8 ~~and 10.142, are effective April 1, 1983.~~

9 Rules 4 MCAR SS 10.102; 10.103; 10.104; 10.105; 10.108
10 A.-C.; 10.109; 10.122; 10.123; ~~10.124;~~ and 10.133, are effective
11 July 1, 1983.