

2105.0115 INSPECTIONS.

Subpart 1. **Protocol.** Each salon and each permit holder under part 2105.0410 is subject to inspection at any time the board deems it necessary to affirm compliance.

A. All licensees, including salons open by appointment only and salons with irregular hours, must allow a board inspector, in the exercise of official duties, to inspect the salon on the inspector's arrival at the salon.

B. A salon owner and designated licensed salon manager (DLSM) must cooperate if asked by board inspectors to arrange inspection appointments.

C. A salon owner and DLSM must have access to all salon space, including leased space within the salon, and must provide access to all salon spaces to a board inspector.

D. All salon staff, including the owner, DLSM, other licensees, and unlicensed support staff, must cooperate with the inspection.

E. Board inspectors must carry board-issued photo identification and produce it upon request.

Subp. 2. Violations and orders to comply.

A. The board must notify salons and permit holders under part 2105.0410 with a written inspection report when any violation is found during a board inspection. The salon licensee and DLSM, or the permit holder under part 2105.0410, must take immediate action to address each violation and, within ten business days, bring the salon and all licensees practicing under the salon license, or the permit holder, into compliance with this chapter, chapter 2140, and Minnesota Statutes, chapter 155A.

B. If an order to comply is issued by the board inspector, the salon and DLSM, or the permit holder under part 2105.0410, must report to the board via mail or e-mail, within ten business days of the order's issuance, using a form provided by the board. The report must:

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

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

Subp. 3. **Posting inspection results.** The board must provide each salon with the inspection results and a detailed inspection report on the inspection findings. Within ten business days of the issuance date on the results and report, the salon must conspicuously

post the inspection results in the entryway or at the reception desk of the salon, and place the detailed inspection report in the reception area so that the public may review the results. The inspection results must remain posted and the detailed inspection report must remain available in the reception area or entryway until replaced by new inspection results and a new detailed inspection report. Permit holders under part 2105.0410 are not subject to the posting requirements in this subdivision.

Subp. 4. Inspection penalties and discipline.

A. Violations of this chapter, chapter 2110, and Minnesota Statutes, chapter 155A, cited on a board inspection, are subject to:

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

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

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

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

(a) each expired practitioner's license;

(b) each expired salon license;

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

(d) esthetician or cosmetology services performed or offered in a nail salon;

(e) cosmetology or nail services performed or offered in an esthetician salon;

(f) reuse of or failure to dispose of single-use items immediately after use;

(g) the presence of prohibited callus shavers, graters, or rasps; and

(h) refusal or failure to cooperate with an inspection.

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

(a) each expired practitioner's license, including the DLSM;

(b) each expired salon license;

- (c) each current license of a practitioner or salon not conspicuously displayed;
- (d) esthetician or cosmetology services performed or offered in a nail salon;
- (e) cosmetology or nail services performed or offered in an esthetician salon;
- (f) reuse of or failure to dispose of single-use items immediately after use;
- (g) the presence of prohibited callus shavers, graters, or rasps; and
- (h) the DLSM's refusal or failure to cooperate with an inspection.

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

- (a) the practitioner's expired license;
- (b) the practitioner's current license not conspicuously displayed, if a current license is held;
- (c) esthetician or cosmetology services performed or offered in a nail salon;
- (d) cosmetology or nail services performed or offered in an esthetician salon;
- (e) reuse of or failure to dispose of single-use items immediately after use;
- (f) the presence of prohibited callus shavers, graters, or rasps; and
- (g) the practitioner's refusal or failure to cooperate with an inspection.

(4) A permit holder under part 2105.0410 is subject to violations cited during a permit inspection for:

- (a) the practitioner's expired license;
 - (b) the practitioner's refusal or failure to cooperate with an inspection;
- and
- (c) reuse of or failure to dispose of single-use items immediately after use.

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

- A. \$3,000 for each salon license;

- B. \$2,000 for the DLSM per salon license; and
- C. \$1,000 for each individual practitioner per license or permit.

Statutory Authority: *MS s 155A.23; 155A.26; 155A.27; 155A.29; 155A.30*

History: *41 SR 305*

Published Electronically: *September 13, 2016*