

Minnesota Board of Cosmetology

Biennial Report

July 1, 2016 – June 30, 2018

(Excerpt from the Comprehensive Biennial Report of all
Minnesota Health Related Licensing Boards)

The Board of Cosmetology’s core mission is to constantly strive to serve and care for our licensees, applicants, and the public by being committed to public protection, superior service, excellence, and continuous improvement. While encouraging industry development, the board is most dedicated to public protection and believes that leading with a vision and making sound decisions results in quality outcomes and successful operations.

About this Report

The Minnesota Board of Cosmetology presents this report in response to Minnesota Statute 214.07, as required each even-numbered year. Specific requirements of the report are included within the body of the report as well as linearly and conclusively in the Appendix on page 17. As required to be disclosed by Minnesota Statute 3.197 this report cost approximately \$708.20 to prepare.

Executive Director’s Introduction

Cosmetologists, estheticians, nail technicians, and eyelash technicians provide services to Minnesotans of all ages, locations, and lifestyles. Services are provided in a variety of locations, such as salons, schools, nursing homes, and private residences and are often a way for people to care for themselves, express their individuality, or meet cosmetic needs. The board of Cosmetology is fully committed to its statutory obligation to protect the public’s health and welfare by regulating and ensuring safe practice of cosmetology related services. Each Minnesotan should be protected when receiving a cosmetology service – no matter the reason for the service or where the service is provided.

The Board of Cosmetology regulates cosmetology practice through the following service areas:

- Licensing – Review and approve credentials of cosmetologists, estheticians, nail technicians, eyelash technicians, salon managers, instructors, salons and schools
- Education – Assure cosmetology programs meet minimum competency and prepare graduates to practice cosmetology related services safely and competently
- Complaint Resolution – Investigate complaints and take disciplinary action against licensees, including remedial education to ensure minimum competency is met
- Cosmetology Standards – Evaluate laws and rules related to cosmetology and determine how to reduce barriers; provide opportunities and make adjustments to changes minimum standards and updates in public protection
- Outreach – Host a variety of in-person and electronic forums and provide informational bulletins to engage stakeholders in Board matters

The Board of Cosmetology has had the ability to grow over the past biennium that has included adding staff for all functions of the Board, with the focus being on inspections and compliance. The board also moved offices in November of 2016 and has been able to greatly increase the ability to host town halls, task forces and staff trainings. The remainder of this report will

highlight the great work that has been performed by the Board and staff on behalf of the State of Minnesota.

The Board of Cosmetology and the staff are sincerely committed to public protection, superior service, excellence, and continuous improvement. In addition, the board values being responsive and collaborating with all stakeholders to provide the best possible outcomes to the citizens and licensees in the State of Minnesota.

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Agency Overview

The Minnesota Board of Cosmetology is the state agency dedicated to protecting the health and safety of the citizens and visitors of the State of Minnesota by regulating the practice of cosmetology. The people of the state are served by the licensing of the practice of cosmetology due to risks posed to the public related to infection control and the use of chemicals, implements, apparatuses, and other applicants requiring special skills and education. The board's purview includes several professions – cosmetologists, estheticians, nail technicians, eyelash technicians, hair braiders, and instructors – with a licensee population of over 32,700. In addition, the board has oversight over cosmetology salons, schools, and education providers, including inspections for over 5,200 salons and 33 schools across the state.

Purpose

The board's mission and values are exemplified in its everyday work. From assisting license applicants and promoting proper infection control upon inspections and requiring remedial education for those who need it and reducing unnecessary barriers in rule, the board aims to serve its licensees and the public dutifully.

Board Members

The board itself is comprised of seven members; six members hold various cosmetology-related licenses and one is a public member. They serve four-year, staggered terms and are appointed by the governor. Table 1 shows a roster of board members over the recent biennium.

In the 2016-2018 biennium, the board hosted 10 public, full board meetings. In addition, there were 19 board committee meetings hosted by the Rules Committee and Complaint Committee. In total, board members are estimated to have spent approximately 660 hours on board meeting and committee duties.

Table 1. Board Member Roster

Board Member	Seat	Appointment	Term End	Occupation	Residence
Rhonda Besel	Cosmetologist	June 2015	January 2019	Cosmetologist Instructor and Public School Manager	Austin
Kurt Deile	Public Member	December 2008 June 2011	January 2019	Attorney	Anoka
Jodi Friendshuh	Nail Technician	June 2015	January 2019	Nail Technician	Buffalo
Chelsey Anderson	Esthetician	October 2014 March 2018	January 2022	Esthetician	St. Joseph
Stephen Adams	Cosmetologist	March 2016	January 2020	Cosmetologist and Salon Owner	Minneapolis
Donna Dungy	Private School Instructor	March 2018	January 2022	Cosmetologist Instructor	Inver Grove Heights
Vacant as of 9/1	Public School Instructor				
Former Members					
Nicki Dixson	Private School Instructor	October 2014	January 2018	Cosmetologist Instructor	Minneapolis (Former)
Mary Finnegan	Public School Instructor	July 2009 October 2014	January 2018	Cosmetologist Instructor	Brainerd

Board Staff

The agency is comprised of five divisions, including Licensing, Inspections, Compliance, Policy, and Administrative. Board staff totals 26 employees ranging across nine classifications and four labor contracts. Table 2 below shows a roster of board employees as of June 30, 2018.

Board leadership aims to recruit and retain a diverse employee base. Being appropriately mindful of varying characteristics, qualifications, and attributes, the board aims to accurately represent the people of Minnesota, especially those it licenses and directly serves. Board staff span multiple generations, cultures, races, and backgrounds. Our staff each bring unique and valuable perspectives to the board's work – including through their work history. Not only is the team comprised of licensed cosmetology-related practitioners, but also former building and equipment inspectors, customer service professionals, educators, law enforcement personnel, and paralegals.

Table 2. Board Staff as of June 30, 2018

Name	Classification	Working Title
Gina Fast	Executive Secretary	Executive Director
Diane DelaBarre	State Program Administrator Supervisor Senior	Senior Operations Manager
Catrina Mairose	State Program Administrator Supervisor Senior	Chief of Staff
Tami Thein	Office & Administrative Specialist	Assistant to the Executive Director
Lene Kiser	State Program Administrator Supervisor	Compliance Division Manager
Carly Ogletree	Investigator	Investigator
Lindsey Sames	Investigator	Investigator
Rin Fowler	Investigator	Investigator
Rachael Bower	Investigator	Investigator
Andrew Reding	State Program Administrator Supervisor	Inspections Division Manager
Tim Hoepfner	State Program Administrator Intermediate	Investigative Inspector
Frank Weiland	Law Compliance Representative 2	Field Inspector
Michael Hentges	Law Compliance Representative 1	Field Inspector
Michael Watts	Law Compliance Representative 1	Field Inspector
Raeoun Jacobson	Law Compliance Representative 1	Field Inspector
Josh Luhmann-Woodbury	Law Compliance Representative 1	Field Inspector
Adam Harmon	Law Compliance Representative 1	Field Inspector
Danielle Curtis	Law Compliance Representative 1	Field Inspector
Jenna Bohl	State Program Administrator Supervisor	Licensing Division Manager
Kim Stitzel	Office & Administrative Specialist Intermediate	Licensing Specialist
Missy Riste	Office & Administrative Specialist Intermediate	Licensing Specialist
Myriah Myers	Office & Administrative Specialist Intermediate	Licensing Specialist
Sharon Johnson	Office & Administrative Specialist Intermediate	Licensing Specialist

Alex Herbert	State Program Administrator Intermediate	School Liaison
Rebecca Gaspard	State Program Administrator Intermediate	Rules Analyst
Cori Omundson	Office & Administrative Specialist	Leadership Team Assistant

Staff trainings for the board’s 26 AFSME, MMA, and MAPE staff have increased by 150% in the recent biennium. This serves to support individual employees’ engagement, encourage team collaboration, and provide improved services to licensees and the public. Examples of staff training include customer service, engagement analysis and motivation, personal and office safety, sexual harassment, and infection control training. Notably, in the board’s employee engagement analysis, 95% of staff were engaged or highly engaged, as compared with 51% of all workers.

Licensing

The Licensing Division is responsible for verifying credentials and ensuring each applicant has met prerequisite training, competence, insurance, and continuing education requirements to practice cosmetology or to operate a cosmetology salon or school. This division is responsible for assisting and servicing all licensees and applicants the board regulates. Additionally, this division reviews, approves, and audits continuing education curriculum and courses for practitioners.

This biennium, the licensing division:

- Reduced application processing time by 79%.
- Successfully implemented an expedited application process in 2016, processing in five business days or less.
- Made three initial applications available to be completed online with in-house verification. Five more are expected to launch in 2018.
- Created three new eyelash technician licenses in 2017 and managed a time-sensitive grandfathering process.
- Created three new advanced practice esthetician licenses, with another grandfathering process launching in the fall of 2018.
- Eliminated the unnecessary restriction of salon licenses being issued by type and distributed 5000 new salon licenses, therefore removing the burdensome requirement for some establishments to hold more than one license.

Number of Licenses

The Licensing Division manages the issuance of 15 types of licenses, two types of permits, and one type of registration, across five main practice areas (cosmetology, esthiology, nail technology, eyelash technology, and hair braiding). Specific education and testing requirements vary by type and each type of license can be obtained in a number of ways – either through

initial education in Minnesota, initial education outside of Minnesota, licensure in another state, or renewal.

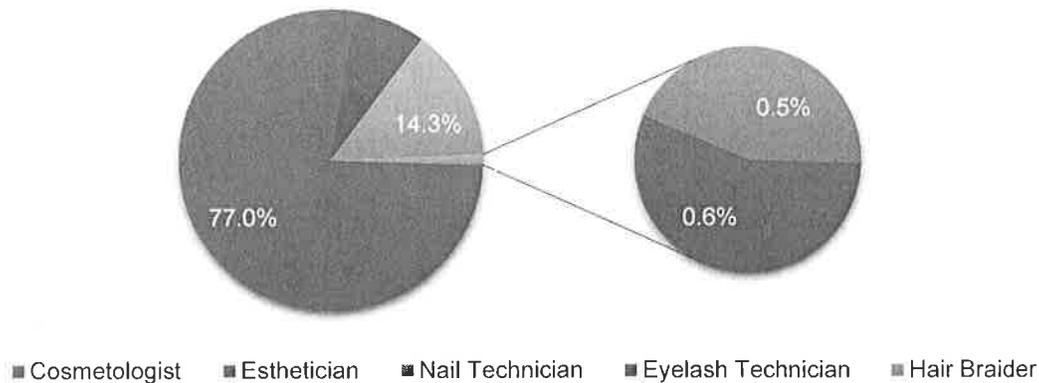
While multi-tasking with walk-in constituents, callers, and emails, dedicated Licensing Specialists issued an average of 55 licenses per business day and 3,540 licenses the second quarter of 2018. The licensee population is currently 38,582, with 5,304 of those licensees being salons and 33,278 being practitioners. Table 3 below shows the total number of licensees as of June 30, 2018.

Table 3. Total Number of Licensees as of June 30, 2018

Type of License, Permit, or Registration	Number
Cosmetologist Operator	11,006
Esthetician Operator	1,901
Nail Technician Operator	3,104
Eyelash Technician Operator	127
Total Operator	16,138
Cosmetologist Salon Manager	13,890
Esthetician Salon Manager	575
Nail Technician Salon Manager	1,507
Eyelash Technician Salon Manager	67
Total Salon Manager	16,039
Cosmetologist Instructor	315
Esthetician Instructor	23
Nail Technician Instructor	1
Eyelash Technician Instructor	
Total Instructor	339
School	32
Salon	5,304
Total Establishments	5,336
Cosmetology School Manager	82
Homebound Service Permit	458
Special Event Permit	37
Hair Braiding Registration	153
Total Permits and Registrations	730
Total of All Types	38,582

In line with historical trends, cosmetologists make up the majority of licensees at 77%, with nail technicians at 14.3% and estheticians at 7.7% of the licensee population. Within the biennium, Minnesota has seen increases in the number of hair braiders (91%), estheticians (14%) and nail technicians (1%) and a decrease in cosmetologists (-4%). Eyelash technicians, the board's newest category of licenses, are becoming licensed as anticipated in the 2016 legislative session, with 194 practitioners licensed in fiscal year 2018.

Licensees by Practice Area
As of June 30, 2018



Continuing Education

Between 2017 and 2018, board staff have reviewed and approved 155 unique continuing education courses related to cosmetology, business practices, health and safety, infection control, and other topics. These courses are offered to practitioners online and in-person throughout Minnesota. The 109 providers of these courses are professional associations, schools, salons, and businesses of all sizes. Through thorough assistance by our staff, and approval of their courses, their continuing education improves the safety and quality of cosmetology services in Minnesota.

The Licensing Division is also responsible for auditing continuing education course completion as required for license renewal. From January 2017 to June 2018, staff audited 5% of all practitioner license renewals requiring continuing education and found that 11.9% of audits resulted in fraudulent or incomplete continuing education course completion. Upon discovery of a fraudulent or faulty submission, practitioners were generally required to fulfill their continuing education requirements and pay a penalty.

Examinations

While the board itself does not directly administer exams, it works closely on the development and administration of written examinations required for licensure. PSI Services, LLC, the board’s contracted testing vendor manages the examination process – from evaluating psychometrically valid and subject matter expert reviewed exam items, to operating exam locations throughout the nation and reporting passing scores to the board for license applicants.

All licensure exams are offered in English, Vietnamese, and Spanish. Beginning September 1, 2018, an enhanced feature will be introduced for all foreign language exams that provides an option for the exam candidate to view the English-language version of each question during their foreign language exam. The board anticipates this having a positive impact on schools and exam candidates.

Exam candidates are able to test several days per week, at varying times, at the following locations in Minnesota: Edina, Duluth, Lake Elmo, Mankato, Moorhead, Rochester, St. Cloud, Thief River Falls, and Woodbury. The board recognizes that applicants may seek Minnesota licensure from states all across the nation. Reasons for this include an applicant soon moving to Minnesota, or an applicant that has recently relocated. In fact, 5.9% of all practitioners licensed in the recent biennium list residences outside of Minnesota. To accommodate upcoming residents or practitioners of Minnesota from other states, the board offers all written exams in all 50 states.

Examination Disclosures

Minnesota Statute 214.07 requires the disclosure of the number of persons examined by the board in the recent biennium with the persons subdivided into age categories, sex, and states of residency. The board does not collect or receive data on all persons examined by the testing vendor and is unable to provide age categories, sex, and states of residency of those individuals and unable to provide the number of persons not licensed after taking examinations. The board only collects specific demographic data that is necessary for licensure (address, date of birth, education, etc.), and only collects this data on license applicants and licensees. Per Minnesota's Data Practice Act, the board must not collect data that is unnecessary to the licensing process (Minn. Stat. 13.05).

Statute also requires disclosure of the number of persons licensed or registered by the board after taking required examinations, with the persons subdivided by age categories, sex, and states of residence. This information is provided below, as available, for the time period of July 1, 2016 to June 30, 2018.

Age Categories – List 1, below, counts the number of licenses issued in the biennium by age category. This data shows all initial licenses issued, which can only be acquired after passing at least one exam. Note that individuals may have been issued more than one license and each license is accounted for in this list.

Age	Cosmetologist Practitioners	Esthetician Practitioners	Nail Technician Practitioners	Eyelash Technician Practitioners	Instructors	School Managers
18 - 20	247	93	18	7	0	0
21 - 25	932	225	106	22	8	0
26 - 30	483	149	99	47	17	1
31 - 35	286	714	90	37	17	2
36 - 40	161	65	52	27	13	2
41 - 45	88	45	46	22	8	4

46 - 50	63	24	20	14	7	1
51 - 55	27	27	13	8	6	1
56 - 60	20	8	7	7	0	1
61 - 65	6	7	3	1	1	0
66+	5	3	0	1	0	0
Total	2318	1360	454	193	77	12

Sex/Gender Categories – In accordance with Minnesota Statute 13.05, the board does not collect data that is not necessary for the licensure process. As such, the board does not collect sex or gender and there is no data available for the number of persons licensed or registered subdivided by sex or gender.

State of Residence – List 2, to the right, counts the number of persons initially licensed in the biennium after taking required

exams, subdivided by state of residency. A person cannot be licensed without passing the required examinations; this list represents all individuals who have been licensed in the biennium, and thus, passed exams.

Individuals Not Taking Examinations Who Were Licensed – Minn. Stat. 214.07 requires disclosure of the number of persons not taking required examinations who were licensed or registered; the board has not licensed any individual this biennium who has not taken required exams.

Individuals Denied Licensing or Registration – Minn. Stat. 214.07 also requires the number of persons who were denied licensing or registration with the reason for denial, subdivided by age categories, sex, and states of residency. The board has not denied a license or registration within the biennium; the board makes every effort to assist applicants to meet licensing requirements.

List 2. Persons Licensed in the Biennium, by State of Residence

State	Count	State	Count
AL	1	ND	35
AZ	4	NJ	1
CA	5	NM	3
CO	4	OH	2
FL	1	PA	1
GA	2	SC	1
IA	15	SD	15
IL	6	TN	1
IN	1	TX	4
LA	1	VA	2
MN	3743	WA	4
MO	1	WI	122
MT	1	WY	1

Inspections

The Inspections Division is responsible to inspect licensed salons and schools to ensure establishments are demonstrating proper infection control as well as minimum practice standards. The board takes an education-first approach to inspections, utilizing them as teaching moments for salons, schools, practitioners, and instructors. Inspectors meet face-to-

face with the board's licensees to identify any deficiencies in health and safety practices, answer questions, and educate on laws and rules. Further, they act as a resource for educational materials, providing up to seven types upon inspection.

This biennium, the Inspections Division:

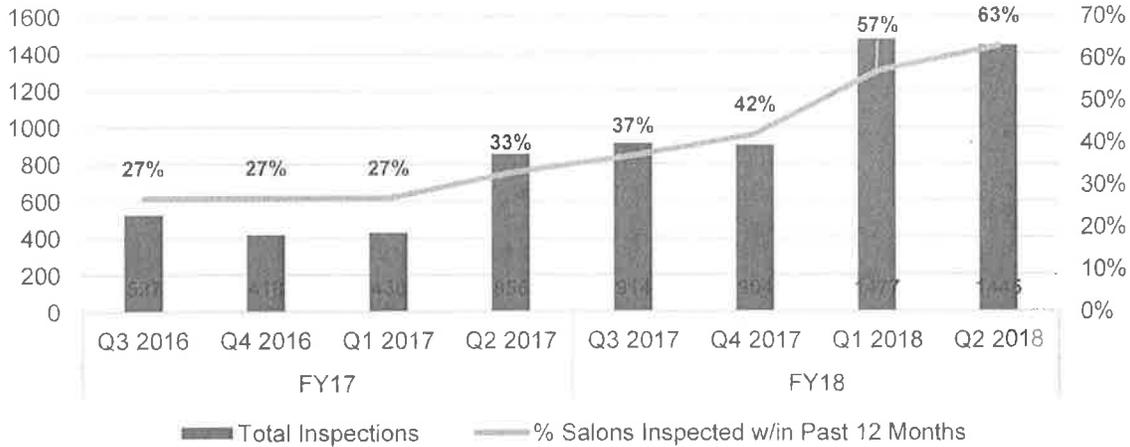
- Grew from three Field Inspectors to seven Field Inspectors and one Investigative Inspector.
- Increased the number of inspections performed within the past year by 133% (2016 Q3 to 2018 Q2).
- Increased the number of inspections completed per quarter by 174% (2016 Q3 to 2018 Q2).
- Implemented utilization of a language line to assist foreign-language speakers upon inspection and reduce language barriers.
- Implemented administrative penalties found on inspection for 11 various violations, with fines ranging from \$100 to \$500 per fine.

Number of Inspections

The division is responsible for inspecting the state's over 5,300 licensed salons and 33 licensed schools, as well as unlicensed establishments that are not in compliance with state law. The division is comprised of eight inspectors, each performing up to eight inspections per day, resulting in the team performing approximately 1,400 inspections each quarter (2018 Q2 – Q3).

The board aims to visit each licensed salon at least every 24 months. At the close of fiscal year 2018, 63% of salons had been inspected within the past 12 months. Resulting from an increase in staffing levels, the Inspections Division is well on its way to meet this goal in the next biennium. Graph 2 below shows the increase in inspections throughout the recent biennium.

Graph 2. Inspections by Quarter
FY17-FY18



Technological Advancements

In April 2018, the division implemented new inspections software that transitioned inspections from being administered on-site through paper checklists to a mobile application. This greatly reduced administrative time in manually transferring data to the board’s database, thus increasing time spent inspecting. Now, inspectors are able to instantly upload photos, notes, and violations relating to the inspection and the data is automatically retained. Further, inspection reports can be immediately emailed to the recipient, as can Orders to Comply be emailed and completed online by the salon. In the coming months, the board also plans to release an online inspection report look-up for the public and practitioners, as well as the ability to pay penalties online. The division anticipates this change will result in an increase of at least 373 salon inspections per year.

Compliance

The Compliance Division is responsible for investigating public-filed complaints on salons, schools, and practitioners, and for generating complaints when violations of Minnesota statutes and rules are found upon inspection or license application review. The division achieves resolution of complaint cases that include significant rule or law violations through remedial education and civil penalties, and by educating licensees throughout the complaint process.

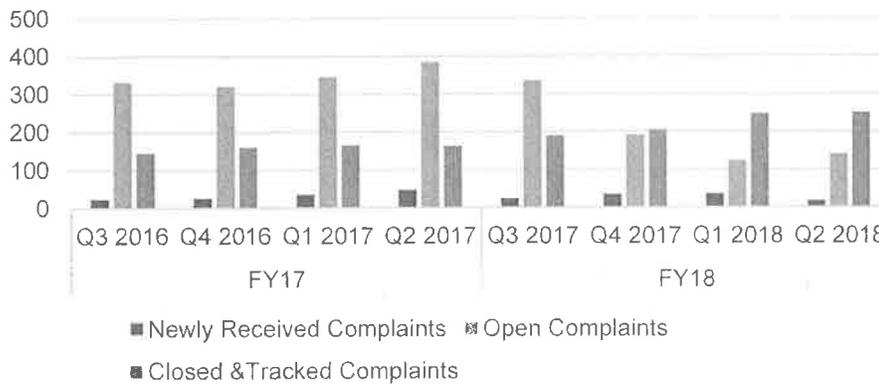
Compliance staff create action plans with licensees when less serious concerns exist, but the licensee needs additional oversight. Further, they audit continuing education providers and will soon conduct salon professional liability insurance audits. This division also manages licensure holds, revocations, and suspensions due to delinquent taxes or child support, as required by the Minnesota Department of Revenue or other Minnesota statute.

Complaint Volume

In the recent biennium, the division received a total of 243 new complaints and is in constant rotation of opening new cases, monitoring current cases, closing cases, and tracking closed cases that have outstanding penalty payments. Graph 3 shows the number of complaints received, open, and tracked throughout the recent biennium. The numbers of open complaints and closed or tracked complaints each show a sample of the volume at a set moment in time at the close of each quarter to represent regular volume of work.

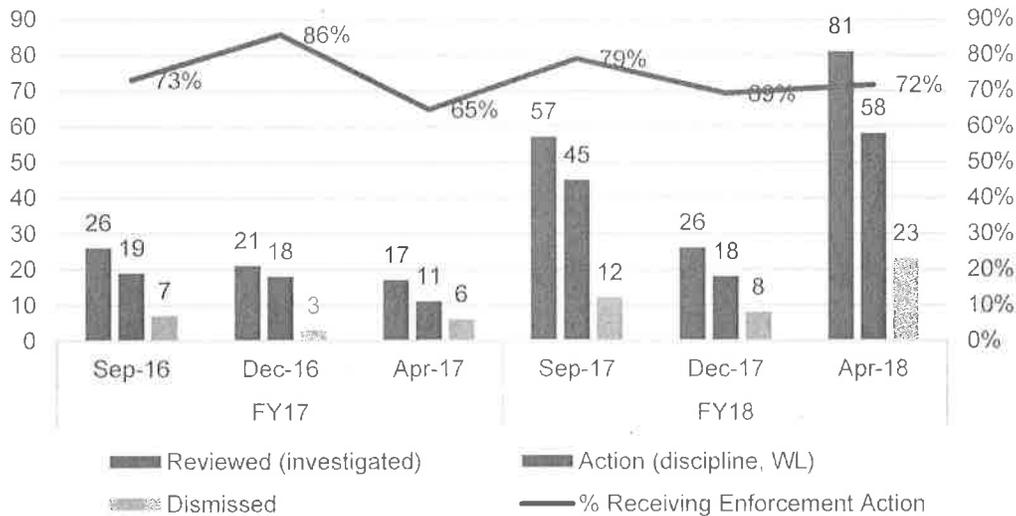
A keen eye may notice a significant reduction in open complaints between quarters 3 and 4 of 2017. This is the result of increased staffing levels in the Compliance Division, which increased from one Investigator to three Investigators. This increase, and the assistance of a newly hired Office and Administrative Specialist, the division was able to close outstanding cases and create a trajectory to investigate and close complaint cases more rapidly.

**Graph 3. Complaints Received, Open, and Tracked
FY17-FY18**



The Compliance Division is responsible to present open cases to the board’s Complaint Committee for final resolution, as Minnesota statute does not allow delegation of this duty. For the biennium, the Complaint Committee reviewed an average of 38 cases per quarter, with approximately 74% of those receiving enforcement action in the form of a warning letter or formal discipline (cease and desist order, settlement agreement, civil penalty, remedial education, etc.). Graph 4 shows the volume of cases (complaints) presented to the Complaint Committee in the recent biennium.

Graph 4. Cases Presented to Complaint Committee



Apart from the volume of cases presented in the chart above, the Complaint Committee reviewed an accumulated volume of 204 complaints in December of 2017. These complaints were received when caseload exceeded staffing levels in the 2014 - 2016 biennium.

Required Action Disclosures

Minnesota Statute 214.07 requires disclosure of the number of persons previously licensed or registered by the board whose licenses or registrations were revoked, suspended, or otherwise altered. This table only includes board action on license statuses; it does not include voluntary renewal, retirement status, or expiration of licenses.

Table 4. Board Action on License Statuses

Licenses	Reason
<i>Revocation</i>	61 Delinquent taxes; revoked as required by Minn. Stat. 270C.72
<i>Suspension</i>	40 Delinquent child support; suspended as required by Minn. Stat. 518A.66
<i>Hold</i>	32 Insufficient payment; placed on hold as required by Minn. Stat. 155A
<i>Forwarded</i>	7 Outside of the board's jurisdiction and forwarded to other agencies

Policy

The Policy Division is responsible for analyzing and renovating statutes, rules, and policies with the goal of simplifying processes and reducing unnecessary barriers while maintaining public

protection and industry standards. This division also manages all school-related topics and outreach, including mass notices, town halls, relationships with stakeholders, and other events.

This division manages all rule dockets, including five rulemaking processes in the past four years that resulted in over 600 rule changes. Part of these processes included hosting large outreach events that bring stakeholder input on regulatory topics needing to be addressed, including 19 events within the biennium.

To garner engagement with the licensee population and the public, the board has also increased social media efforts in recent years. Through visually appealing, easy to read, and interesting infographics and flyers, licensees across the state are provided with essential information. In the recent biennium, staff have engaged with thousands of social media users through over 70 Facebook posts.

Rulemaking

Table 5 below outlines the rules proposed or adopted during the recent biennium, with links to the Revisor’s webpage for each. All current rules may be found at the Revisor’s website (www.revisor.mn.gov) as Minnesota Rules [Chapter 2105](#) and [Chapter 2110](#).

Docket Name	Rule Topic	Revisor Number	Action
Major Rules Overhaul	Licensure and practice for cosmetologists, estheticians, nail technicians and salon and school operations.	R-04258	Adopted
Mobile Salon Rules	Licensing, physical requirements, inspections, and compliance of mobile salons.	R-04343	Adopted
Eyelash Extension Rules	Licensure, curriculum, practice, and salon licensing requirements for the provision of eyelash extension services.	R-04479	Adopted
Advanced Practice Esthetics Rules	Licensure, curriculum, and practice requirements for the advanced practice esthetician license, cosmetologists, and estheticians.	R-04342	Adopted

Table 5. List of rules proposed and adopted.

Major Rules Overhaul – In September of 2016, the board completed a multi-year rules overhaul related to individual practitioners and salon licenses, resulting in more than 500 rule changes to rule chapters that had not been appropriately updated in 30 years. Highlights of the major rules overhaul include:

- Repealed of overly restrictive or obsolete rules
- Removal of barriers to licensees returning to work after a lapse in practice
- Replacement of work experience requirement for renewal with continuing education credits
- Clarified requirements for license application, transfer, and renewal
- Reorganized and simplified rules for better licensee and administrative use
- Approved use of electronic records, textbooks, and other related technological advancements
- Inclusion of new salon business formats, such as suite-style salons
- Pathway for new licensees to become independent contractors without a salon manager license
- Implemented infection control standards across all license fields
- Amended rules that were inconsistent with federal and state requirements (ADA compliance, OSHA, fire code, labor law, etc.)

Mobile Salon Rules – After legislation enacted a new mobile salon license, the board developed rules for mobile salon licensing and operation in 2017. These rules included operating standards for mobile salons safety standards related to potable water, gas-fired combustion engines, propane tanks, and wastewater disposal.

Eyelash Extension Rules – Eyelash extension rules were created in response to the legislative initiative to create a new limited license for eyelash technicians. In an effort to reach unlicensed persons providing eyelash extension services, the board implemented a significant outreach campaign which included research to find potential eyelash extension service providers and their salons, regular email notices and reminders, a webinar, and social media posts that reached upwards of 15,000 people. These rules were adopted in late 2017 and include:

- Curriculum, testing, and licensing requirements for eyelash technicians
- Option to become licensed as an operator or salon manager
- Single salon licensing to eliminate the need for multiple salon licenses for one establishment
- Infection control standards specific to the practice of eyelash technicians
- Grandfathering requirements

Advanced Practice Esthetic Rules – The board completed rule development for advanced practice esthetics, a new licensure field, in the fall of 2018. The board established an advisory committee with representatives from esthetics, medical, and dermatological communities. The

focus of this group was to clarify the line between advanced practice esthetics and cosmetic medical practice, the scope of practice for the basic esthetician license and the scope of practice for the new advanced practice esthetician license.

This rule docket includes:

- Curriculum, testing, and licensing requirements
- Operating standards for sterilization of tools and equipment
- Grandfathering options for currently licensed practitioners
- Scope of practice

Schools

The Policy Division includes the role of School Liaison, who offers support to all cosmetology schools and course providers. The liaison reviews curricula for the 1550-hour cosmetology, 600-hour esthiology, 350-hour nail technology, and 38-hour eyelash technology training programs. Simultaneously, this position is responsible for reviewing and auditing student time records, enrollment contracts, test content and pass rates, and various other items.

Working closely with school owners, instructors, managers, and staff, the school liaison aims to identify and rectify educational issues under the board's jurisdiction. This includes noncompliance of schools as well as updating of written and practical examinations. The board works dutifully to maintain accurate, efficient, and reasonable exams for students and licensees.

Administrative Division

The administrative division is responsible for all technology initiatives supporting each division, budget and spending plans, purchasing, general office management, and comprehensive personnel services. The division requires compliance with state policies and procedures and ensures funds paid by licensees are used in a manner appropriate for the statutory mission of the board.

The board utilizes an operational structure that empowers divisional managers with significant latitude to make decisions, implement the statutory mission, and provide stakeholders with the regulatory services they expect. The transformation of this regulatory board into an appropriately funded and staffed organization has greatly benefitted Minnesota's cosmetology practitioners and businesses. The scope of services provided by the board has increased to match the growth, innovation, and demand of Minnesota's thriving beauty industry.

Technology Management

In 2018, the administrative division has managed 45 technology projects from defining scope, specification validation, testing, and launching. The annual technology investments to enhance databases and create efficiencies through workflows is over \$200,000. The administrative division collaborates with a workflow system vendor, a database vendor, and MN.IT to assess the needs of all divisions and increase efficiencies.

Projects of note include:

- Creating two new license categories in the licensing database, which include six distinct license structures with many more license application requirements and software rules
- Designing an interactive process for time-off requests, which is a workflow system automatically forwarding tasks to supervisors and employees, as well as automatically notifying all staff of the day's leaves, increasing audit efficiency, and enhancing reports and analysis
- The mobile inspection application and resulting outcomes of interactive inspection checklists, convenient licensee notifications, and the coming public inspection report online database
- Upcoming automated process for the labor and time intensive continuing education course review and audits
- Upcoming workflow processes for enhanced efficiency related to complaint cases, resolution, monitoring, and reporting

Appendix: Required Disclosures

Minnesota Statute 214.07 requires the Minnesota Board of Cosmetology to prepare a report containing the information listed below. These disclosures are outlined below.

A. A general statement of board activities.

The Minnesota Board of Cosmetology is a statewide agency dedicated to protecting the health and safety of the citizens and visitors of the State of Minnesota by regulating the practice of cosmetology. The people of the state are served by the licensing of the practice of cosmetology due to risks posed to the public related to infection control and the use of chemicals, implements, apparatuses, and other applicants requiring special skills and education. The board’s purview includes several professions – cosmetologists, estheticians, nail technicians, eyelash technicians, hair braiders, and instructors – with a licensee population of over 32,700. In addition, the board has oversight over cosmetology-related salons and schools, including inspections for over 5,200 salons and 33 schools across the state.

B. The number of meetings and approximate total number of hours spent by all board members in meetings and on other board activities.

In the recent biennium, board members spent approximately 660 hours on board meetings and related activities. There were a total of 10 board meetings, 11 rules committee meetings, and 8 complaint committee meetings.

C. The receipts and disbursements of board funds.

Fiscal Year	Total Receipts	Total Expenses
2016	\$2,589,665.44	\$1,322,190.56
2017	\$2,579,077.37	\$3,589,423.04
2018	\$2,679,786.53	\$2,234,355.81

D. The names of board members and their addresses, occupations, and dates of appointment and reappointment to the board.

Board Member	Seat	Appointment Dates	Occupation	Residence
Rhonda Besel	Cosmetologist	June 2015	Cosmetologist Instructor and Public School Manager	Austin

Kurt Deile	Public Member	December 2008 June 2011	Attorney	Anoka
Jodi Friendshuh	Nail Technician	June 2015	Nail Technician	Buffalo
Chelsey Anderson	Esthetician	October 2014 March 2018	Esthetician	St. Joseph
Stephen Adams	Cosmetologist	March 2016	Cosmetologist and Salon Owner	Minneapolis
Donna Dungy	Private School Instructor	March 2018	Cosmetologist Instructor	Inver Grove Heights
Past Board Members:				
Nicki Dixson	Private School Instructor	October 2014	Cosmetologist Instructor	Minneapolis
Mary Finnegan	Public School Instructor	July 2009 October 2014	Cosmetologist Instructor	Brainerd

E. The names and job classification of board employees.

As of June 30, 2018.

Name	Classification	Working Title
Gina Fast	Executive Secretary	Executive Director
Diane DelaBarre	State Program Administrator Supervisor Senior	Senior Operations Manager
Catrina Mairose	State Program Administrator Supervisor Senior	Chief of Staff
Tami Thein	Office & Administrative Specialist	Assistant to the Executive Director
Lene Kiser	State Program Administrator Supervisor	Compliance Division Manager
Carly Ogletree	Investigator	Investigator
Lindsey Sames	Investigator	Investigator
Rin Fowler	Investigator	Investigator
Rachael Bower	Investigator	Investigator
Andrew Reding	State Program Administrator Supervisor	Inspections Division Manager

Tim Hoepfner	State Program Administrator Intermediate	Investigative Inspector
Frank Weiland	Law Compliance Rep 2	Field Inspector
Michael Hentges	Law Compliance Rep 1	Field Inspector
Michael Watts	Law Compliance Rep 1	Field Inspector
Raeoun Jacobson	Law Compliance Rep 1	Field Inspector
Josh Luhmann-Woodbury	Law Compliance Rep 1	Field Inspector
Adam Harmon	Law Compliance Rep 1	Field Inspector
Danielle Curtis	Law Compliance Rep 1	Field Inspector
Jenna Bohl	State Program Administrator Supervisor	Licensing Division Manager
Kim Stitzel	Office & Administrative Specialist Intermediate	Licensing Specialist
Missy Riste	Office & Administrative Specialist Intermediate	Licensing Specialist
Myriah Myers	Office & Administrative Specialist Intermediate	Licensing Specialist
Sharon Johnson	Office & Administrative Specialist Intermediate	Licensing Specialist
Alex Herbert	State Program Administrator Intermediate	School Liaison
Rebecca Gaspard	State Program Administrator Intermediate	Rules Analyst
Cori Omundson	Office & Administrative Specialist	Leadership Team Assistant

F. A brief summary of board rules proposed or adopted during the reporting period with appropriate citations to the State Register and published rules.

All current rules may be found at the Revisor's website (www.revisor.mn.gov/rules/) as Minnesota Rules Chapter 2105 and Chapter 2110.

Docket Name	Rule Topic	Revisor Number	Action
Major Rules Overhaul	Licensure and practice for cosmetologists, estheticians, nail technicians and salon and school	<u>R-04258</u>	Adopted

	operations.		
Mobile Salon Rules	Licensing, physical requirements, inspections, and compliance of mobile salons.	<u>R-04343</u>	Adopted
Advanced Practice Esthetics Rules	Licensure, curriculum, and practice requirements for the advanced practice esthetician license, cosmetologists, and estheticians.	<u>R-04342</u>	Approved and pending adoption
Eyelash Extension Rules	Licensure, curriculum, practice, and salon licensing requirements for the provision of eyelash extension services.	<u>R-04479</u>	Adopted

G. The number of persons having each type of license and registration issued by the board.

As of June 30, 2018.

License Types	2018
Cosmetologist Operator	11,006
Esthetician Operator	1,901
Nail Technician Operator	3,104
Eyelash Technician Operator	127
Total Operator	16,138
Cosmetologist Salon Manager	13,890
Esthetician Salon Manager	575
Nail Technician Salon Manager	1,507
Eyelash Technician Salon Manager	67
Total Salon Manager	16,039
Total Salon	5,304
Cosmetologist Instructor	315

Esthetician Instructor	23
Nail Technician Instructor	1
Eyelash Technician Instructor	
Total Instructor	339
Cosmetology School Manager	82
Cosmetology School	32
Homebound Service Permit	458
Special Event Permit	37
Hair Braiding Registration	153
Total Permits and Registrations	648
Total of All Types	38,582

H. The locations and dates of the administrations of examinations by the board.

The board itself does not directly administer exams. All required written examinations are administered through the board’s contracted testing vendor, PSI Services. Examinations are offered several days per week at the following locations in Minnesota*:

- Edina
- Duluth
- Lake Elmo
- Mankato
- Moorhead
- Rochester
- St. Cloud
- Thief River Falls
- Woodbury

*Additional exam locations are available outside of Minnesota.

I. The number of persons examined by the board with the persons subdivided into groups showing age categories, sex, and states of residency.

It is not necessary for the board itself to collect or retain data on all people taking required exams, it is only necessary for the board to retain data on individuals who pass exams and apply for licensure.

In accordance with Minnesota Statute 13.05, subd. 3, the board's "collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government."

J. The number of persons licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency.

List 1, below, counts the number of licenses issued in the biennium by age category. This data shows all initial licenses issued, which can only be acquired after passing at least one exam. Note that individuals may have been issued more than one license and each license is accounted for in this list.

List 1. Licenses Issued, by Age Categories

Age	Cosmetologist Practitioners	Esthetician Practitioners	Nail Technician Practitioners	Eyelash Technician Practitioners	Instructors	School Managers
18 - 20	247	93	18	7	0	0
21 - 25	932	225	106	22	8	0
26 - 30	483	149	99	47	17	1
31 - 35	286	714	90	37	17	2
36 - 40	161	65	52	27	13	2
41 - 45	88	45	46	22	8	4
46 - 50	63	24	20	14	7	1
51 - 55	27	27	13	8	6	1
56 - 60	20	8	7	7	0	1
61 - 65	6	7	3	1	1	0
66+	5	3	0	1	0	0
Total	2318	1360	454	193	77	12

List 2, below, counts the number of persons licensed in the biennium after taking required exams, subdivided by state of residency. A person cannot be licensed without passing the required examinations; this list represents all individuals who have been licensed in the biennium, and thus, passed exams.

List 2. Persons Licensed in the Biennium, by State

State	Count	State	Count	State	Count	State	Count
AL	1	IN	1	OH	2	WI	122
AZ	4	LA	1	PA	1	WY	1
CA	5	MN	3743	SC	1	Total	3980
CO	4	MO	1	SD	15		
FL	1	MT	1	TN	1		
GA	2	ND	35	TX	4		
IA	15	NJ	1	VA	2		
IL	6	NM	3	WA	4		

The board does not collect, retain, or request data on applicant or licensee sex or gender, as it is not necessary for the licensing process. In accordance with Minnesota Statute 13.05, subd. 3, the board’s “collection and storage of all data on individuals and the use and dissemination of private and confidential data on individuals shall be limited to that necessary for the administration and management of programs specifically authorized by the legislature or local governing body or mandated by the federal government.”

K. The number of persons not licensed or registered by the board after taking the examinations referred to in clause (h) with the persons subdivided by age categories, sex, and states of residency.

As noted in Part I, the board does not collect data on individuals taking examinations. As such, it does not have data on the number of persons not licensed after taking examinations.

L. The number of persons not taking the examinations referred to in clause (h) who were licensed or registered by the board or who were denied licensing or registration with the reasons for the licensing or registration or denial thereof and with the persons subdivided by age categories, sex, and states of residency.

The board has not licensed any individuals who have not taken the required exams. Further, the board has not denied licensing any applicants; the board makes every attempt to assist applicants in successfully becoming licensed.

M. The number of persons previously licensed or registered by the board whose licenses or registrations were revoked, suspended, or otherwise altered in status with brief statements of the reasons for the revocation, suspension or alteration.

In the recent biennium:

- 61 licenses were revoked due to delinquent taxes, as required by Minn. Stat. 270C.72.
- 40 licenses were suspended due to delinquent child support payments, as required by Minn. Stat. 518A.66.
- 32 licenses were placed on hold due to insufficient payment (i.e. uncollected checks).

N. The number of written and oral complaints and other communications received by the executive director or executive secretary of the board, a board member, or any other person performing services for the board (1) which allege or imply a violation of a statute or rule which the board is empowered to enforce and (2) which are forwarded to other agencies as required by section 214.10.

The board received 243 complaints in the recent biennium which allege or imply a violation of statute or rule which the board is empowered to enforce. Of these, 7 were forwarded to other agencies. None of these complaints were under the jurisdiction of both the board and another agency.

O. A summary, by specific category, of the substance of the complaints and communications referred to in clause (n) and, for each specific category, the responses or dispositions thereof pursuant to section 214.10 or 214.11.

Category of Complaint	Number	Disposition
Licensing	134	Civil penalty and/or Cease and Desist Order and/or warning letter for substantiated violations. Dismissal for unsubstantiated complaints.
Infection Control	81	Civil penalty and infection control course and/or consumer alert notice, or warning letter for substantiated violations. Dismissal for unsubstantiated complaints.
Licensing/Infection Control	78	Civil penalty and/or infection control course and/or consumer alert notices for substantiated violations. May also issue a Cease and Desist Order for unlicensed individuals/salons. Dismissal

		for unsubstantiated complaints.
Technical/Other	24	Civil penalty or warning letter or public letter of reprimand for substantiated violations. Dismissal for unsubstantiated and/or non-jurisdictional complaints.

P. Any other objective information which the board members believe will be useful in reviewing board activities.