

BOARD OF BARBERING AND COSMETOLOGY

Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: Wednesday, September 10, 2014

Time: 9:05 a.m.

Place: King Kalakaua Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Present: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Anne Tokunaga, Cosmetology Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Excused: Lynnette F. McKay, Cosmetology Member
Angela Howard, Public Member

Guests: Barbara Kokubun, BK's Barber Shop

Agenda: The agenda for this meeting was filed with the Office of the Lieutenant Governor, as required by Hawaii Revised Statutes ("HRS") section 92-7(b).

Call to Order: There being a quorum present, the meeting was called to order at 9:05 a.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Welcome and
Introduction of
New Member:
Anne Tokunaga: Chairperson Marugame introduced and welcomed new member, Anne Tokunaga to the Board. Pursuant to HRS section 438-3, Ms. Tokunaga represents the beauty operator profession. Ms. Tokunaga gave a brief summary of her work experience and background. Board members and staff introduced themselves and welcomed Ms. Tokunaga to the Board.

Minutes of the
August 20, 2014
Board Meeting:

After discussion, it was moved by Mr. Quintana, seconded by Mr. Nelson, and unanimously carried to approve the minutes of the August 20, 2014 Board meeting, as circulated.

Executive
Session:

At 9:10 a.m., it was moved by Mr. Nelson, seconded by Chairperson Marugame, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 9:21 a.m., it was moved by Chairperson Marugame, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

Chairperson Marugame acknowledged the arrival of Mr. Choi during the Executive Session.

Applications:

A. Ratification of Issued Licenses

It was moved by Chairperson Marugame, seconded by Mr. Choi, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Examination and License

(1) ADAMS, Nicole (Esthetician License)

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the beauty operator application for examination and license of Nicole Adams.

C. Beauty Shop/Barber Shop License

(1) Beauty Express Salons, Inc. (New Beauty Shop)

(2) Beauty Spa Maui LLC (New Beauty Shop)

(3) Before & After Salon, LLC (New Beauty Shop)

(4) CASTILLO-SOUZA, Gina, V. (New Beauty Shop)

- (5) DAMMANN, Charlotte (New Beauty Shop)
- (6) Dashing Diva LLC (New Beauty Shop)
- (7) ESPOIR USA CORPORATION dba ESPOIR
(New Beauty Shop)
- (8) KANEKO, Yoshiko (New Beauty Shop)
- (9) KURASAKI, Aki (New Beauty Shop)
- (10) LA JOLIE HAIR & NAIL SPA LLC (New Beauty Shop)
- (11) LE, Hatley dba MYTAN HAIR CUT & STYLES
(New Barber Shop)
- (12) LEE, Amy Y. (New Beauty Shop)
- (13) LU, Miyuki U. (New Beauty Shop)
- (14) Maui Zen Inc. dba Maui Zen Day Spa
(New Beauty Shop)
- (15) Missy N LLC dba Tips & Toes Nail Salon
(New Beauty Shop)
- (16) NGUYEN, Minh (New Beauty Shop)
- (17) 101 Salon & Spa LLC (New Beauty Shop)
- (18) SPORTS CUT LLC (New Beauty Shop)
- (19) Supercuts Corporate Shops, Inc. dba Supercuts
(New Beauty Shop – Kea’au location)
- (20) Supercuts Corporate Shop, Inc. dba Supercuts
(New Barber Shop – Maui Lani Shopping Center location)
- (21) TAMAKI, Asami Claudia (New Beauty Shop)
- (22) The Beauty Room LLC (New Beauty Shop)
- (23) THE BLACK CAT SALON AND SPA KAIMUKI LLC

(New Beauty Shop)

(24) TRAN, Do dba HAPPY NAILS & SPA (New Beauty Shop)

The twenty-four (24) barber shop and beauty shop applications were preliminarily reviewed by staff, the Executive Officer, and Ms. McKay, the designated Board member to review the new barber shop and beauty shop applications for consideration for this Board meeting.

Executive Officer Kai stated that Ms. McKay reviewed the twenty-four (24) applications and concluded that they meet all requirements for barber shop and beauty shop licenses, and that Ms. McKay recommended approval. After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the barber shop and beauty shop applications listed above.

E. Restoration of Licenses

(1) OCIEPKA, Karie A. (BEO-15842)

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Karie A. Ociepka.

(2) WOJTKOW, Aneta M. (BEO-12289)

After discussion, it was moved by Mr. Nelson, seconded by Mr. Choi, and unanimously carried to approve the restoration of the beauty operator's license of Aneta M. Wojtkow.

Executive
Officer's Report:

A. Request to Prometric for Changes to Examination Processing and Administration

Executive Officer Kai reported that subsequent to the Board's last meeting at which she had been instructed to contact Prometric to inquire about: (1) The possibility of reducing its processing time from seven (7) weeks to four (4) weeks, and (2) The feasibility of adding a fourth test administration in the year for the beauty operator licensing exams, she had contacted the local office of Prometric.

Executive Officer Kai informed the Board that a response is pending from Prometric relating to her inquiry concerning the possibility of reducing its processing time from seven (7) weeks to four (4) weeks.

Executive Officer Kai also informed the Board that Prometric agrees to increase the number of exams from three (3) to four (4) per year; however, Ms. Kai noted that this change will affect the temporary permit provisions in HRS section 439-16 and HAR section 16-78-21, which allow an applicant to be issued a temporary permit to work under the supervision of a licensed beauty operator for a period covering three (3) administrations of the examination, or approximately one (1) year. With the addition of a fourth exam administration, the term of a temporary permit will be valid for less than a year (approximately nine (9) months).

Discussion ensued on the unintended consequence of any changes to the statute and rule to provide for a fourth administration of the beauty operator licensing examination. The Executive Officer stated that should the Board continue to allow a temporary permit to be valid for approximately one (1) year (as it is currently), the statute and rule sections noted above will need to be amended to base the term of a temporary permit on an actual period of time (a year) rather than a specific number of exam administrations. Doing so will preclude the necessity of amending these statute and rule sections whenever the number of exam administrations is changed. Chairperson Marugame commented that beauty schools may have a significant interest in this matter, as their students may have a longer period to wait to sit for the examination, depending on when they complete their training program. He suggested that the Board may want to involve Board member Lynnette McKay (who is excused from this meeting) and Margaret Williams, principal of the Hawaii Institute of Hair Design.

Discussion ensued on the procedures involved in introducing legislation to amend the Board's statutes. Executive Officer Kai stated that the deadline for any legislative proposal to be considered for inclusion in the administrative bill package of the Department of Commerce and Consumer Affairs ("DCCA") was imminent so any proposed statute change would need to be submitted to the Legislature as an "outside bill" that would be introduced by a legislator by request. She suggested that

any of the professional organizations or private citizens may wish to request the submittal of such a proposal for the next legislative session. She also commented that whoever would be introducing legislation should consider amending the statutes for both barbers and beauty operators, as the barber statutes also provide for a temporary permit based on the number of examination administrations, rather than a period of time.

Scope of Practice: A. Use of Light and Heat ("LHE") Devices

The consensus of the Board was to defer decision making on these scope of practice inquiries until the Board meets with the Hawaii Medical Board ("HMB") Executive Officer and more research can be done and information obtained.

B. Chemical Peels

The consensus of the Board was to defer decision making on these scope of practice inquiries until the Board meets with the HMB Executive Officer and more research can be done and information obtained.

C. Spray/Airbrush Tanning

Executive Officer Kai reported that the Board received an inquiry on whether spray/airbrush tanning is within the scope of practice of a beauty operator (esthetician or cosmetologist) or barber. Ms. Kai stated her preliminary research found the State of Oregon to be the only state that regulates airbrush tanning, requiring licensure for the providers of this service since 2006. She noted that the commonly used chemical dihydroxyacetone ("DHA") is in the tanning solutions, and while the DHA has been approved by the U.S. Food & Drug Administration for tanning since 1977, DHA is restricted to external application only; the risks are unknown at this time should it be ingested, inhaled, exposed to the eye area, or to any mucous membranes.

Mr. Choi commented that he personally has tried spray tanning and that he had no adverse reaction nor does he know of anyone who may have had an adverse reaction from it. He commented that it is common practice in body building competitions.

Discussion ensued on the definition of an "esthetician" under HRS section 439-1 as any person who with hands or nonmedically prescribed mechanical or electrical apparatus or devices engage in beautifying the body for compensation. DAG Tam commented that the statute is "not cut and dry", that it would be up to the Board to determine if this activity fell within this definition or not. Mr. Nelson commented that he believes it is an enhancement of self-image.

DAG Tam asked if this activity is included in the beauty training curriculum and whether one would be tested on this subject. He commented that this practice/determination may be similar to the scope of practice of "hair braiding" reiterating that while this Board had determined that it falls within the scope of practice of cosmetologists, hairdressers, and barbers, under Hawaii Revised Statutes chapters 438 and 439, and should be regulated to protect the public from harm, because of the limited number of training and apprenticeships hours, and examination questions, in each subject area that pertains specifically to hair braiding, the Board determined that a cosmetologist's or hairdresser's, or barber's license cannot be required for individuals engaging in hair braiding activity until a proper regulatory solution is developed.

Upon further discussion, DAG Tam suggested that the Executive Officer may want to obtain more information from the inquirer and thus, the consensus of the Board was to defer this matter.

Hawaii
Administrative
Rules ("HAR"):

A. Report from the Investigative Committee on Amendments to HAR Chapter 16-73 (Barbering)

No report. Executive Officer Kai inquired as to the status of the rule revisions. The committee reported that its work is ongoing.

B. Report from the Investigative Committee on Amendments to HAR Chapter 16-78 (Cosmetology)

No report. Executive Officer Kai inquired as to the status of the rule revisions. The committee reported that its work is ongoing.

Open Forum:

None.

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Next Board Meeting: Monday, October 13, 2014
1:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 10:06 a.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Laureen M. Kai

Laureen M. Kai, Executive Officer

LMK:ln

09/22/14

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20150	DUY THAT <TON<
BEO	20151	KATHY <VUONG<
BEO	20152	JANE A <FILIPPI<
BEO	20153	HILLARY A <NAVARRETTE<
BEO	20154	TRANG THUY <TRAN<
BEO	20155	MARIYA I <VARGAS<
BEO	20156	AMBER L <WOODS<
BEO	20157	RANDI A <ONO<
BEO	20158	HIDEKO T <STREMMEL<
BEO	20159	STEPHANIE <JAEGER<
BEO	20160	ALEXIS L <OKU<
BEO	20161	LORETA B <ARNALDO<
BEO	20162	AMANDA M <RAMIREZ<
BEO	20163	BLUESKY <MCNULTY<
BEO	20164	VIVY <BUI<
BEO	20165	SAMANTHA A <MASUDA<
BEO	20166	MAYU S <AHINA<
BEO	20167	JENNA <MACK<
BEO	20168	JUNKO <MORI<
BEO	20169	JENNIFER L <SISAVANG<
BEO	20170	JULIANNE N <BERRY<
BEO	20171	LEEANN L <MATTEONI<
BEO	20172	MICHELLE <JONES<
BEO	20173	JULIE R <MUKAWA<
BEO	20174	CASEY M <MOYNIHAN-MOSS<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3525	BRANDIE N <LAUREANO<
BAR	3526	HAN THAO <NGUYEN<
BAR	3527	NGOC MAI NGUYEN <LE<
BAR	3528	KHANH TUAN <PHAM<
BAR	3529	MICOLE M K <NACTOR<
BAR	3530	HA <NGUYEN<
BAR	3531	SHAWN M <KIND<
BAR	3532	BINH VAN <TRINH<

LTYPE	LIC NUM	BP NAME	PART 1
I	12408	SUZETTE R	<MANGAOANG<