

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, October 13, 2014

Time: 1:04 p.m.

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

Present: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member
Lynnette F. McKay, Cosmetology Member
Anne Tokunaga, Cosmetology Member
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Excused: Angela Howard, Public Member
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Rodney J. Tam, Deputy Attorney General ("DAG")

Guests: Patricia Cole, Aesthetic Center
Sandra M. Kinoshita, Aesthetic Center
Ahlani Quioque, Executive Officer
Margaret Williams, Hawaii Institute of Hair Design

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 1:04 p.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Minutes of the
September 10,
2014 Board
Meeting:

After discussion, it was moved by Mr. Choi, seconded by Chairperson Marugame, and unanimously carried to approve the minutes of the September 10, 2014 Board meeting, as circulated.

Executive
Session:

At 1:05 p.m., it was moved by Ms. McKay, seconded by Mr. Choi, 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).

EXECUTIVE SESSION

At 1:27 p.m., it was moved by Ms. McKay, seconded by Chairperson Marugame, and unanimously carried for the Board to move out of Executive Session.

The Board reached consensus that the following agenda item be taken out of order to alleviate the wait time of the Hawaii Medical Board's Executive Officer, Ms. Quiogue.

Scope of Practice: A. Discussion with the State Board of Medical Examiners ("BME")
Regarding Services Provided at Medi-Spas / Med/Spas /
Medical Spas

1. Use of Light and Heat ("LHE") Devices

After discussion, the consensus of the Board was to defer decision making on this scope of practice inquiry until the Hawaii Medical Board ("HMB") issues an informal opinion on this matter. Ms. Quiogue stated that she hoped to place this inquiry on the agenda for the next HMB meeting scheduled for later this month.

2. Chemical Peels

After discussion, the consensus of the Board was to defer decision making on this scope of practice inquiry until the HMB issues an informal opinion on this matter. Ms. Quiogue stated that she hoped to place this inquiry on the agenda for the next HMB meeting scheduled for later this month.

3. Spray/Airbrush Tanning

After discussion, the consensus of the Board was to defer decision making on this scope of practice inquiry until the HMB issues an informal opinion on this matter.

Ms. Quiogue stated that she hoped to place this inquiry on the agenda for the next HMB meeting scheduled for later this month.

4. Skin Needling / Micro Needling / "Dermapen"

After discussion, the consensus of the Board was to defer decision making on this scope of practice inquiry until the HMB issues an informal opinion on this matter.

Ms. Quiogue stated that she hoped to place this inquiry on the agenda for the next HMB meeting scheduled for later this month.

Chairperson Marugame and Board members expressed their appreciation to Ms. Quiogue for her participation in the meeting.

Applications:

A. Ratification of Issued Licenses

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

B. Examination and License

(1) TYRELL-EDRA, Tianeva M. (Barber License)

After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to approve the barber application for examination and license of Tianeva M. Tyrell-Edra.

C. Beauty Shop/Barber Shop License

(1) BROWN, Tabatha S. dba Sabre Salon
(New Beauty Shop)

(2) LEAU, Jason P. dba BOSSCUTZ (New Beauty Shop)

- (3) Woodcuts, Inc. dba Great Styles and Cuts
(Beauty Shop Relocation)

The three (3) beauty shop applications were preliminarily reviewed by staff, the Executive Officer, and Chairperson Marugame, the designated Board member to review the new beauty shop/relocation applications for consideration for this Board meeting.

Chairperson Marugame stated that he reviewed the three (3) applications and concluded that they meet all requirements for beauty shop/relocation licenses, and recommends approval. After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to approve the beauty shop/relocation applications listed above.

D. Beauty School License

- (1) SPA LUNA LLC (BSC-37)
- Addition of Beauty Instructor Curriculum

After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to approve the addition of a beauty instructor curriculum to the beauty school license of Spa Luna LLC.

Executive
Officer's Report:

A. Update on State Authorization of Licensed Beauty Schools by the U.S. Department of Education

Executive Officer Kai reported that the Board received a response on September 24, 2014 from the U.S. Department of Education ("USDE") subsequent to the Board's latest letter dated July 17, 2014. The Board's latest letter had provided clarification on licensing and complaint processes and proposed draft rule amendments that the Board believes would enable cosmetology schools to comply with the State authorization regulations. The USDE's response letter confirmed agreement, and asked that the Board let the USDE know as the Board proceeds with the passage of the new language in its administrative rules so that it is aware when it has been finalized.

Executive Officer Kai commented that this meant that the Board's amendments to HAR chapter 16-78 must be completed and filed and subsequently approved by the USDE before the Board is in compliance with the requirements; the deadline for compliance is July 1, 2015. Ms. Kai further commented that although the Investigative Committee on Amendments to the Hawaii Administrative Rules Chapter 16-78 (Cosmetology) is working on comprehensive amendments, the following proposed amendments would need to be completed immediately:

HAR 16-78-2 Definitions.

"Beauty school", unless the context clearly indicates otherwise, means a postsecondary school engaged in teaching cosmetology.

* * *

"Postsecondary" means the education equivalent to the completion of high school or grade 12.

HAR 16-78-59 Enrollment.

* * *

(b) [Students] A beauty school shall enroll only students who are [be] at least sixteen years of age and who have an education equivalent to the completion of high school or grade 12.

After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to approve the aforementioned proposed rule amendments.

B. Board/Commission Member Orientation

Executive Officer Kai announced that new Board members are invited to an orientation by the Department of Commerce and Consumer Affairs to impart information relating to the duties and responsibilities of board members. Topics scheduled to be discussed include: Ethics in Government; the Sunshine Law; Contested Case Hearings; Administrative Procedure; and Handling Complaints. The orientation is to be held on Friday, December 5, 2014 from 8:30 a.m. to 12:30 p.m., at the State Capitol Auditorium. The deadline date to RSVP is November 14, 2014. Ms. McKay stated that

she would attend. Ms. Tokunaga stated that she would be unable to attend.

C. 2015 Board Meeting Schedule

After discussion, the consensus of the Board was to schedule the 2015 Board meetings on the second Monday of every month at 1:00 p.m., and should the second Monday fall on a holiday, the meeting will be re-scheduled to the third Monday.

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 and noted that Ms. Tokunaga will be replacing Mr. Choi as a member of the Investigative Committee on Amendments to HAR Chapter 16-78 (Cosmetology).

Open Forum:

As discussed during previous meetings of the Board, it was reaffirmed that a change in statute would be needed to increase the number of cosmetology licensing tests administered in one year; this change cannot be implemented with amendments to the Board's administrative rules, as it is contrary to what is stated in the Board's licensing law.

Next Board
Meeting:

Wednesday, November 19, 2014
9:00 a.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 2:10 p.m.

Taken and recorded by:

/s/ Lori Nishimura

Lori Nishimura, Secretary

Reviewed and approved by:

/s/ Lauren M. Kai

Lauren M. Kai, Executive Officer

LMK:ln

10/27/14

Minutes approved as is.

Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20175	BRENNA R <RAMSAY<
BEO	20176	PUAOLENA L <HAUANIO-GIBSON<
BEO	20177	JENNIFER A <KARR<
BEO	20178	THERESA M <OCHOA<
BEO	20179	KALENA R <CUMMINGS<
BEO	20180	MALIA S <SATO<
BEO	20181	ELENA <GOUSSEV<
BEO	20182	SARAH J <GOSTYNSKI<
BEO	20183	MALIA A <MARKS<

LTYPE	LIC NUM	BP NAME PART 1
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BAR	3533	HUONG NGOC <TRAN<
BAR	3534	PHUONG L <FUJITA<
BAR	3535	TINA <VO<
BAR	3536	GIA T <JARIN<