

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, December 15, 2014

Time: 1:00 p.m.

Place: PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street, Room 330
Honolulu, Hawaii 96813

Present: Lance M. Marugame, Barber Member, Chairperson
Alexander Choi, Public Member
Angela Howard, Public Member, Chairperson pro tem
Lynnette F. McKay, Cosmetology 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: Chad Nelson, Public Member

Guests: Joy Shimabuku
Margaret Williams, Principal, 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 1:00 p.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Minutes of the
November 25,
2014 Board
Meeting: The Executive Officer informed the Board that the minutes of the November 25, 2014 meeting were not finalized. The minutes will be available within thirty days after the November 25, 2014 meeting date, as required pursuant to HRS section 92-9, and will be on the January 12, 2015 meeting agenda for the Board's review and approval.

Executive
Session:

At 1:03 p.m., it was moved by Ms. Howard, seconded by Mr. Quintana, 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 1:22 p.m., it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

Chairperson Marugame acknowledged the arrival of Ms. McKay during the Executive Session.

Applications:

A. Ratification of Issued Licenses

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

B. Beauty Shop/Barber Shop License

- (1) A. HAUGEN LLC (New Beauty Shop)
- (2) AI INNOVATIONS LLC dba TIARA FACIAL SKINCARE (New Beauty Shop)
- (3) ALOHA WHITE HANA SALON AND SPA INC. dba K NAILS SALON (New Beauty Shop)
- (4) BARONESA LLC dba OLAVINE SPA (New Beauty Shop)
- (5) GLOSS N GLAM LLC (New Beauty Shop)
- (6) HASSELLE, Bonita B (New Beauty Shop)
- (7) HIGH MAINTENANCE L.L.C. (New Beauty Shop)
- (8) JUVENAL & CO. INC. (Beauty Shop Relocation)
- (9) LEI'S BARBER SHOP INC. dba LEI'S BARBER SHOP (New Barber Shop)
- (10) PARADISSIMO TROPICAL SPA LLC (Beauty Shop Relocation)
- (11) RESOLUTIONS SPA, INC. (New Beauty Shop)
- (12) SHAINA NAKAHARA LLC (New Beauty Shop)
- (13) WEST COAST CUTZ, LLC (New Barber Shop)

The thirteen (13) barber and beauty shop applications were preliminarily reviewed by staff, the Executive Officer, Ms. McKay, and Ms. Tokunaga, designated Board members to review the barber and beauty shop applications for consideration for this Board meeting.

Ms. McKay stated that she and Ms. Tokunaga reviewed the thirteen (13) applications and concluded that they meet all requirements for barber shop/beauty shop/relocation licenses, and recommends approval. After discussion, it was moved by Ms. McKay, seconded by Mr. Quintana, and unanimously carried to approve the barber and beauty shop applications listed above.

C. Restoration of License

(1) BURCENA, Evangeline M. (BEO-11004)

After discussion, it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried to approve the restoration of beauty operator license of Evangeline M. Burcena.

DAG Tam arrived at 1:27 p.m. to the meeting.

Executive Session:

At 1:27 p.m., it was moved by Ms. Howard, seconded by Ms. McKay, 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 1:50 p.m., it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried for the Board to move out of Executive Session.

C. Restoration of License

(2) MATTIVI, Milagros (BEO-13943)

Discussion ensued on Ms. Mattivi's restoration of beauty operator license; the Board determined that the information she submitted failed to satisfactorily explain the underlying facts and conditions that caused her license to lapse and did not verify that her cosmetology knowledge and skills had been kept updated during the period her license was lapsed or forfeited.

It was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried to deny the restoration of beauty operator license of Milagros Mattivi based on the following reasons:

HRS section 439-15(d):

"Failure or refusal to renew the license by December 31 of each odd-numbered year shall constitute a forfeiture of the license. The license shall be restored upon payment of all delinquent fees and a penalty fee if application is made within three years after lapse; provided that the board may consider restoration beyond this point as prescribed by rules of the board."

HAR section 16-78-5.5(b)(4):

"Should the restoration request be made after three years from the date of forfeiture, a written explanation along with supporting documentation shall be necessary and shall be subject to approval."

Scope of Practice: A. Response from the State Board of Medical Examiners ("BME") Relating to Services Provided at Medi-Spas, Medspas, or Medical Spas

Executive Officer Kai reported that a response from the BME was received regarding the Board's inquiry about services provided at medi-spas, medspas, or medical spas. Specifically, the BME was asked whether the following practices are considered the practice of medicine: (1) use of light and heat energy devices; (2) chemical peels; (3) microdermabrasion; (4) Dermapen/microneedling; and (5) spray/airbrush tanning.

The BME responded on December 1, 2014 and stated that "unless authority is granted by a statute or administrative rule

beyond 453, Hawaii Revised Statutes, and Chapter 16-85, Hawaii Administrative Rules (the laws that govern the practice of medicine in Hawaii), the use of light and heat energy devices; chemical peels; microdermabrasion; and Dermapen/microneedling constitute the practice of medicine". The BME also informally opined that spray/airbrush tanning does not constitute the practice of medicine. The BME further informally opined that the "delegation of these procedures may only be made to those professions which are regulated by the State of Hawaii."

Board members were encouraged to express their opinions on the issue.

Ms. Howard stated that she believes the use of light and heat energy devices; chemical peels; and microdermabrasion may fall within the practice of cosmetology and the jurisdiction of this Board. Ms. McKay and Mr. Quintana agreed.

Mr. Choi stated that he believes the use of light and heat energy devices; chemical peels; microdermabrasion; and dermapen/microneedling may fall within the practice of cosmetology and the jurisdiction of this Board.

Ms. Tokunaga stated that as long as these procedures do not penetrate below the epidermis, she believes the use of light and heat energy devices; chemical peels; and microdermabrasion may fall within the practice of cosmetology and the jurisdiction of this Board.

Ms. McKay expressed her concern with puncturing of the skin; specifically dermapen/microneedling.

After further discussion, it was moved by Ms. Howard, seconded by Mr. Choi, and unanimously carried that the following services, equipment, and devices are permitted in the practice cosmetology and barbering to the extent that they are "esthetician grade" (rather than "medical grade"): (1) the use of light and heat energy devices; (2) chemical peels; and (3) microdermabrasion.

After discussion, it was moved by Ms. Howard, seconded by Mr. Quintana, and unanimously carried to defer decision making on the inclusion of Dermapen/microneedling until further information is provided.

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. HAR Chapter 16-78 (Cosmetology)

(1) Report from the Investigative Committee

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

(2) Report from the Executive Officer

Executive Officer Kai provided an update on proposed rule amendments the Board had approved at its last meeting; she reiterated that the Legislative Reference Bureau provided their comments and that a response from the Regulated Industries Complaints Office and a review/comment from the Attorney General's office are still pending.

Open Forum: None.

Next Board Meeting: Monday, January 12, 2015
1:00 p.m.
PVL Examination Room
King Kalakaua Building, 3rd Floor
335 Merchant Street, Room 330
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 2:17 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

01/13/15

- Minutes approved as is.
 Minutes approved with changes. See Minutes of _____.

LTYPE	LIC NUM	BP NAME PART 1
BEO	20189	MICHELLE M <INGWALSON<
BEO	20190	CHITOSE N <CLARK<
BEO	20191	ARIEL M <TACANG<
BEO	20192	KEVIN K <COLOBONG<
BEO	20193	RHONDA L <SHAMAS<
BEO	20194	IDA MAE <LIPSCOMB<
BEO	20195	JASON S <KAGA<
BEO	20196	SARAH J <FOGEL<
BEO	20197	RACHEL A <VOYLES<
BEO	20198	CONCEPCION G <BLANCA<
BEO	20199	DONNA J <BARLASS<
BEO	20200	NING NING <WANG<
BEO	20201	NAOMI R <ALEMAN<
BEO	20202	LAUREN N <AGUSTIN<
BEO	20203	LORRAINE S <ARAKI<
BEO	20204	MIKAELA R <BATES<
BEO	20205	LIANA K <BELLI<
BEO	20206	GIDGET C <CARAVALHO<
BEO	20207	TIFFANY E <CARREIRO<
BEO	20208	CONG VAN <BUI<
BEO	20209	EVE H <CHOI<
BEO	20210	NATALIA C <DOS SANTOS<
BEO	20211	ANJULIA R <EBANKS-RIVERA<
BEO	20212	MARISA M <FONSECA<
BEO	20213	TAMI M <GOYA<
BEO	20214	SOPHEA <LIM<
BEO	20215	HUONG XUAN <LY<
BEO	20216	KANAI 'A P <OLDS<
BEO	20217	MELANI C <ROSARIO<
BEO	20218	SATOMI K <YU<
BEO	20219	ELIZABETH A <PADRON<
BEO	20220	ALANA N <AGUSTIN<
BEO	20221	AYNJUL J <BENIGNO<
BEO	20222	RACHAEL A <BUGARIN<
BEO	20223	WHITNEY D <CATES<
BEO	20224	CHERIE L <CERESERO<
BEO	20225	JANE C <CHOE<
BEO	20226	JEUNG HYUN <CHOI<
BEO	20227	AZUSA <ERI<
BEO	20228	GARY J <EBBEN<
BEO	20229	KIANA L A L <FAMILAR<
BEO	20230	HILLARY H H <HEE<
BEO	20231	DENNIS C <HONG<
BEO	20232	RIE S <HOUGHTBY<
BEO	20233	AMY S <KANAKURI<
BEO	20234	SHANTELL M <KURIHARA<
BEO	20235	DEMIANNE H <LAYOS<
BEO	20236	JODI A <LEE<
BEO	20237	KRYSTI <LEE<
BEO	20238	LINDA S <LEMONS<
BEO	20239	THUY N <LIANG<
BEO	20240	SKYE K A <MAYNARD<
BEO	20241	LAUREN K <MAEDA<
BEO	20242	SOPHANY <MAO-SUDERMAN<
BEO	20243	ERIKA L <MATSUI<
BEO	20244	SUSAN D <MORROW<
BEO	20245	NHI T Y <NGUYEN<

LTYPE	LIC NUM	BP NAME PART 1
BEO	20246	PETER P <NGUYEN<
BEO	20247	DAYNA E <VILLANOVA<
BEO	20248	STEVEN VAN <NGUYEN<
BEO	20249	MIDORI S <BAOAS<
BEO	20250	KATIE H <KIM<
BEO	20251	TONNEISHA T <SCOTT<
BEO	20254	MILLICENT J <WRIGHT<
BEO	20255	LACEY K K <DEMELLO<
BEO	20256	ADRIENNE A <PENA<
BEO	20257	KATELYNN E <TAYLOR<
BEO	20258	MARNEE H M <VLACHOS<
BEO	20259	HYUN KYUNG <YOO<
BEO	20260	MOON HEE <YU<
BEO	20261	JENNY HIEN <NGUYEN<
BEO	20262	TIFFANY H <KRAMLING<
BEO	20263	KEKOA D <CAMAT<
BEO	20264	CANDY L <WALKER<
BEO	20265	ANH QUOC <LUU<
BEO	20266	NHAN DUC <PHUNG<
BEO	20267	MELISSA <TURLA<
BEO	20268	RACHEL E <OLIVAREZ<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3537	DANE F K M <BENZ<
BAR	3538	THU DIEM THI <NGUYEN<
BAR	3539	JOHN R <MANGRUBANG<
BAR	3540	PHUONG THI <TRAN<
BAR	3541	YEN VU <TANG<
BAR	3542	KADEK <SUYASMINI<
BAR	3543	EUNHEE MOK <IM<
BAR	3544	STRAUTHER L <HOSEA<
BAR	3545	HELENA THU-HANG <BUI<
BAR	3546	MONIQUE A <SUDA<
BAR	3547	DOUGLAS <HANH<
BAR	3548	TIA-MARIE <MANABAT<
BAR	3549	KELLY K L <VIQUELIA<
BAR	3550	MAI THI XUAN <NGO<

LTYPE	LIC NUM	BP NAME PART 1
I	12410	MI SEONG <KIM<
I	12411	MARI A <TANCIG<