

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, April 7, 2014

Time: 1:05 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
Angela Howard, Public Member
Lynnette F. McKay, Cosmetology Member
Chad Nelson, Public Member
Christobal Quintana, Barber Member
Rodney J. Tam, Deputy Attorney General ("DAG")
Laureen M. Kai, Executive Officer
Lori Nishimura, Secretary

Guests: Rosanne Kinley, The National-Interstate Council of State Boards
of Cosmetology Inc.
Elizabeth A. Padron, applicant
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
1:05 p.m. by Chairperson Marugame.

Additions/
Revisions to
Agenda: None.

Minutes of the
February 10,
2014 Board
Meeting: After discussion, it was moved by Mr. Nelson, seconded by
Ms. Howard, and unanimously carried to approve the minutes of
the February 10, 2014 Board meeting.

Executive
Session:

At 1:06 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 2:14 p.m., it was moved by Ms. Howard, seconded by Ms. McKay, and unanimously carried for the Board to move out of Executive Session.

Applications:

The consensus of the Board was to take the following agenda item out of order, in order to accommodate the schedule of applicant Elizabeth Padron.

C. Examination and License

- (4) PADRON, Elizabeth A. (Beauty Operator - Esthetician)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the beauty operator application for examination and license of Elizabeth A. Padron.

A. Ratification of Issued Licenses

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

B. Beauty School License

- (1) PAFMO HAWAII INC
dba MOE ACADEMY OF AESTHETICS & MASSAGE

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the beauty school application of PAFMO HAWAII INC dba MOE ACADEMY OF AESTHETICS & MASSAGE, to utilize two separate floor spaces for the beauty school.

C. Examination and License

(1) ALLEGRETTII-GILLESPIE, Sita K. (Nail Technician)

Discussion ensued on the nail technician application for examination and license for Ms. Allegrettii-Gillespie, who has been approved for examination and license, but is pursuing licensure under Act 185. It was noted that Ms. Allegrettii-Gillespie did not provide a syllabus or catalog of the content areas that she had been tested on in the licensing examinations in the state or states in which she holds current nail technician or manicurist license(s). This information had been requested in both a February 6, 2014 email and February 25, 2014 Notice of Deficiency.

The Board also discussed the Hawaii licensing examination in comparison to the national license examination or any other state licensing examination, focusing on the issue of whether any licensing examination could be deemed equivalent to the Hawaii exam, due to the inclusion of test items relating to the Hawaii laws and rules of the Board, of the Professional and Vocational Licensing Division, and of the Department of Health.

DAG Tam commented that based on the fact the Hawaii's license examination includes items regarding the Board's laws and rules, any other state's examination would not be equivalent.

In a motion by Mr. Nelson, seconded by Mr. Quintana, and unanimously carried, the Board determined that Ms. Allegretti-Gillespie's nail technician application did not meet the following requirement under Act 185 (HRS section 436B-14.7(a):

"(a) If a military spouse holds a current license in another state, district, or territory of the United States with licensure requirements that the licensing authority determines are equivalent to or exceed those established by the licensing authority of this State, that military spouse shall receive a license pursuant to applicable statutes or requirements by the licensing authority of this

State regarding licensure by endorsement or licensure by reciprocity;" (Emphasis added).

The motion noted that, without the necessary information relating to the licensing examination(s) taken in the states in which Ms. Allegretti-Gillespie is licensed, the Board is unable to determine whether these examinations are equivalent to or exceed the examination requirements of this State.

The motion further noted that, as Ms. Allegretti-Gillespie had been previously notified, she has been approved to sit for the Hawaii nail technician licensing examination based on her training and licensed experience, and has been issued a temporary permit to work under the supervision of a licensee for the period of time of three (3) administrations of the examination (approximately one (1) year).

(2) BELLI, Liana K. (Esthetician)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the beauty operator application for examination and license of Liana K. Belli.

(3) CROWLEY, Dawn (Hair Dresser)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the beauty operator application for examination and license of Dawn Crowley.

(5) TAYLOR, Jennifer L. (Esthetician)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the beauty operator application for examination and license of Jennifer L. Taylor.

(6) WEARY, Mary J. (Hair Dresser Apprentice Registration)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the hair dresser apprentice registration of Mary J. Weary.

D. Beauty Shop/Barber Shop License

- (1) ANELAX LLC (New Beauty Shop)
- (2) ARGAYOSO, EVETTE MICHELLE (New Beauty Shop)
- (3) BABAYA, VALERIE A dba LOKAHI HAIR & NAIL SALON
(Beauty Shop Relocation)
- (4) BEAUTY CARE STUDIO LLC (New Beauty Shop)
- (5) HAWAII ACUPUNCTURE SERVICE LLC dba KU
ACUPUNCTURE & DAY SPA (New Beauty Shop)
- (6) HOME PLANNER HAWAII INC dba HEALING SPACE
HOKULANI (New Beauty Shop)
- (7) HOOPAI, SIRENA A K (Barber Shop Relocation)
- (8) KAPOLEI MEHANA SALON LLC (New Beauty Shop)
- (9) MANKATO HAIRWORKS LLC (New Beauty Shop)
- (10) NIKI BRYAN SPAS INTERNATIONAL LLC dba MARILYN
MONROE SPAS (New Beauty Shop)
- (11) OWAN, CARRIE ANN dba PRETTY N POLISHED
(New Beauty Shop)
- (12) SUPERCUTS CORPORATE SHOPS INC
(New Beauty Shop - Kaneohe)
- (13) SUPERCUTS CORPORATE SHOPS INC
(New Beauty Shop - Kapahulu)
- (14) SUPERCUTS CORPORATE SHOPS INC
(New Beauty Shop - Mililani)
- (15) TRANQUILITY BEAUTY AND WELLNESS LLC
(New Beauty Shop)
- (16) VANESSA LI STYLE LLC (New Beauty Shop)

The sixteen (16) applications were preliminarily reviewed by staff, the Executive Officer, and Chairperson Marugame, the

designated Board member to review the new and relocation beauty shop and barber shop applications for consideration for this Board meeting. Chairperson Marugame stated that the applications meet the new requirements for beauty shop and barber shop licenses, and recommended approval.

After discussion, it was moved by Ms. McKay, seconded by Mr. Choi, and unanimously carried to approve barber/beauty shop applications #1 to #16, as listed above.

E. Restoration of Licenses

(1) AYALA, Ebony L. (BEO-13786)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Ebony L. Ayala.

(2) FRANCIS, Chantony B. (BEO-16587)

After discussion, it was moved by Ms. Howard, seconded by Mr. Nelson, and unanimously carried to approve the restoration of the beauty operator's license of Chantony B. Francis.

Examinations:

A. Presentation by Rosanne Kinley, National-Interstate Council of State Boards of Cosmetology, Inc. ("NIC")

Ms. Rosanne Kinley was welcomed by the Board. Ms. Kinley gave a brief overview of the NIC, stating that it is a nonprofit corporation composed of members of the boards of cosmetology or their counterparts in each district, state, or territory of the United States. NIC is wholly owned by its membership and is managed by a board that is elected by the membership each year. NIC is the only organization that is solely focused on the examination needs of cosmetology and barber licensing boards. Its nonprofit status allows it to provide its written and practical examination to the states for a nominal fee. The income NIC derives from its testing program is reinvested in the development and improvement of the examinations.

Ms. Kinley stated that all states, territories, and districts of the U.S. are members of the NIC. Currently 38 states have

adopted the NIC cosmetology test and 29 states have adopted the NIC barber test. She noted that because the NIC examinations are used in so many states throughout the country, the ability of the participating states to make decisions regarding licensure by endorsement is greatly enhanced.

Ms. Kinley stated that the NIC tests are based upon current national job analysis studies with studies conducted every five (5) years utilizing recognized survey-based methodologies, which include thousands of licensed practitioners from all over the country. The findings are further validated using nationally representative panels of Subject Matter Experts. The NIC also offers the ability to administer its theory examinations to candidates via computer-based testing ("CBT") services. The CBT option is readily implemented because it is already in place and a state would simply execute an agreement with NIC and one of its preferred providers of CBT examination services. Ms. Kinley noted that the CBT process offers the highest level of security in examination administration. She also mentioned that the NIC's preferred providers are: (1) Professional Credential Services, Inc. ("PCS"); (2) PSI; (3) Iso-Quality Testing, Inc.; and (4) DL Roope Administrations Inc.

Ms. Kinley stated that several new forms of the written examination are systematically implemented on an annual basis to protect the integrity and security of the examination program and to conform to testing industry standards. Each new version includes "pre-test" questions and is unique from the prior version. In addition, the CBT administrators scramble each and every form presented ensuring that no two candidates ever receive the same test form.

Ms. Kinley provided the Board with samples of the NIC Candidate Information Bulletins for the following written examinations: (1) National Cosmetology; (2) National Hair Design; (3) National Esthetics; (4) National Nail Technology (Manicuring); (5) National Barber 1 (No Chemical); and (6) National Barber; showing the percentage breakdown of each examination category and the references used in the development of the test questions. She commented that the other licensing examinations offered for administration by NIC are: (1) Esthetics Advanced Practice; (2) Instructor; (3) Electrology; (4) Wax Technology; (5) Natural Hair Styling; (6)

Micropigmentation; (7) Micropigmentation Advanced Practice; (8) Tattooing; (9) Body Piercing; and (10)_Manager.

Ms. Williams inquired on the reading level of the tests, which Ms. Kinley stated was 10th grade reading skills level.

Ms. Kinley was thanked for her presentation.

DAG Tam left the meeting at 3:04 p.m.

B. Cosmetology Examinations Administered in January 2014

Executive Officer Kai provided the following results of the cosmetology examinations administered in January 2014:

Total Exams Administered	39	
Exams Passed 1 st Time	11	(28% pass rate)
Total Exams Passed	15	(38% pass rate)
Total Exams Failed	24	(62% failure rate)

5 candidates used interpreters; 4 passed 1st time

Correspondence: A. Request from Gloria Awakuni (BAR 1564) to Apply for New Barber License Rather Than Restore Forfeited Barber License

Executive Officer Kai stated that the Board received a request from Gloria Awakuni, whose barber license expired on December 31, 1991. Rather than restore her license, Ms. Awakuni requested to apply for a new barber license which will require her to take and pass the current barber licensing examination, because the cost for the restoration of Ms. Awakuni's license is substantially higher than if she applied as a new barber applicant.

After discussion, it was moved by Mr. Nelson, seconded by Ms. Howard, and unanimously carried to accept a new barber application for examination and license as requested by Ms. Awakuni, rather than restore her forfeited barber license.

B. Request from Toni Liljengren (I-110922) Relating to Beauty Training in a Licensed Beauty Shop

Executive Officer Kai stated Ms. Liljengren withdrew her request.

C. Response from Dr. Sophia McArdle, U.S. Department of Education, Relating to State Authorization of Licensed Beauty Schools

Executive Officer Kai reported that the Board sent a letter dated August 14, 2013 to the U.S. Department of Education ("US DOE") relating to the State authorization of licensed beauty schools, and subsequently received an email dated February 5, 2014 from Dr. McArdle of the US DOE, Office of Postsecondary Education Policy, Planning, and Innovation, stating that based on the Board's letter, "it does not appear that Hawaii's statute and regulations differentiate between the approvals provided to secondary and postsecondary institutions". Furthermore, Dr. McArdle believes that it is unclear that the public would be able to distinguish between cosmetology institutions offering secondary vs. beyond secondary education. In addition, it is not clear exactly what comprises the complaint process and how a student would access the process. The conclusion of the US DOE is that they "do not agree that Hawaii's approval process under the Board of Barbering and Cosmetology of the State Department of Commerce and Consumer Affairs is compliant with the State authorization regulations".

Executive Officer Kai reported that she had provided Dr. McArdle's emailed response to DAG Tam immediately after receipt, and after further discussion, she stated that she will work together with DAG Tam to submit a response to the US DOE.

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

Executive Officer Kai reported that the Board continues to receive inquiries about whether LHE services and the use of such equipment are within the scope of practice of a cosmetologist or esthetician. She reiterated that the Board's current position is that LHE devices to provide such services are prohibited. Chairperson Marugame commented that LHE devices are not governed, and that manufacturers sell their products to consumers at their discretion. Ms. Kinley added that services in an esthetician's practice cannot penetrate below the epidermal level.

Further discussion ensued on whether a beauty operator using these devices under the direction and supervision of a medical

doctor would be covered under the physician's insurance and whether such liability insurance may be limited to only the medical doctor.

B. Chemical Peels

Ms. Howard reported that there are two (2) major companies who are involved in the products and services relating to chemical peels, Jan Marini and Dermalogica, and that the typical glycolic peel is considered to be a superficial product that improves the quality, texture and color of the skin. These superficial peels do not go beneath the epidermal layer of the skin, and are provided by licensed estheticians; however, there are chemical peels that are performed by physicians and other health professionals that go deeper beneath the dermis. After discussion, it was the consensus of the Board to continue discussion of this matter before a determination is made.

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 nearly complete, but that proposed revisions to the cosmetology administrative rules may impact its work; therefore, the committee is awaiting the completion of the cosmetology rule revisions.

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.

Next Board Meeting: Wednesday, May 14, 2014
9:00 p.m.
King Kalakaua 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 3:25 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

05/05 /14

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

LTYPE	LIC NUM	BP NAME PART 1
BEO	19958	EMI <FUKUDA<
BEO	19959	AKI <KURASAKI<
BEO	19960	HOLLY N <HUDEN<
BEO	19961	THE HUU <TRAN<
BEO	19962	TONI M <SAVEA<
BEO	19963	KAELIN M <CRONIN<
BEO	19964	NAOMI <IKEDA<
BEO	19965	ROXANNE P <KUA<
BEO	19966	SYDNEY N <YAMASE<
BEO	19967	JANA L <GUIRA<
BEO	19968	LUBIS J <FULLER<
BEO	19969	MARY FERN <HOOLAN<
BEO	19970	HAIKU Y <NAPARAN-KAIURA<
BEO	19971	LAUANDA S <KOBATAKE<
BEO	19972	GIANG THI CHAU <HOANG<
BEO	19973	DERECK C <LY<
BEO	19974	MASAMI T <TODD<
BEO	19975	HUE N <CAO<
BEO	19976	CHRISTINE E <WIGGINS<
BEO	19977	MARY PATRICIA H <NAVAS<
BEO	19978	NICOLE R <HERNANDEZ<
BEO	19979	CHERI A <CLARK<
BEO	19980	BRIGET A <RUTTEN<
BEO	19981	ISIS L <MENDONCA<
BEO	19982	TASHANA K O <VALMOJA<
BEO	19983	STEPHANIE <POLLOCK<
BEO	19984	MELINDA <BLACK<
BEO	19985	ANAIS N K <MARTIN<
BEO	19986	PINLING <CAO<
BEO	19987	SONNIE I <SMITH<
BEO	19988	TUAN QUOC <TRAN<
BEO	19989	JENNY <DINH<
BEO	19990	XIANG <GAO<
BEO	19991	ANNETTE L <MAXWELL<
BEO	19992	TRISTEN W <NOEL<
BEO	19993	MIO S <UGAI<
BEO	19994	MOLLIE M <GARCIA<
BEO	19995	ELIZABETH M <SELIG<
BEO	19996	CHRISTIN E <GRASSMICK<
BEO	19997	MAKU Q <TORRES<
BEO	19998	MANAMI U <BARNES<
BEO	19999	THANH TO <HUYNH<
BEO	20000	TIANNA C L A <LOPEZ<
BEO	20001	SARAH JUAN H <KIM<
BEO	20002	ASHLEY L <BOSTER<
BEO	20003	NORELL N <FETY<
BEO	20004	SUSAN J L <KAWAA<
BEO	20005	DORAH <MORALES<
BEO	20006	BRITNEY H <MAGSTADT<
BEO	20007	PEI JU <HSU<
BEO	20008	ERIN L <COSTA<
BEO	20009	AYAKO <KIKUCHI<
BEO	20010	CYNTHIA A <WILLS<
BEO	20011	NGAN THUY THI <NGO<
BEO	20012	BRITTNEY LYNNE M <WILKINS<
BEO	20013	LINH THI NGOC <PHAM<
BEO	20014	KEELY A <BRESNAHAN<

LTYPE	LIC NUM	BP NAME PART 1
BEO	20015	DUNG VAN <NGUYEN<
BEO	20016	JENNA M H <SMITHE<
BEO	20017	JANICE D C <BRACEROS<
BEO	20018	DAYNIKA A <AGAPAY<
BEO	20019	SHYLA I E <KAWELO<
BEO	20020	DERICE R <PADILLA<
BEO	20021	KAWEHI M L <DEL MAR<

LTYPE	LIC NUM	BP NAME PART 1
BEO	19933	BILLY V <NGUYEN<
BEO	19934	THOA HONG THI <LE<
BEO	19935	NOELANI K <KEPA<
BEO	19936	RIHANNA JOY <VALENTINO<
BEO	19937	JONATHAN M S <JUMAWAN<
BEO	19938	CHASITY M K <SIRI<
BEO	19939	MARICELA I <JOHNSON<
BEO	19940	MISTY L <BAGUES<
BEO	19941	JENAVEE N D <KAMAKAHI<
BEO	19942	CINDY H <LY<
BEO	19943	DUY HOANG <NGUYEN<
BEO	19944	KHANH P <LY<
BEO	19945	HA THI <NGUYEN<
BEO	19946	YUMI <LEE<
BEO	19947	AYANO <GUSHIKEN<
BEO	19948	LAURIE L <LIZARRAGA<
BEO	19949	LEHUA K <DEVINCENT<
BEO	19950	AIKA U <STEGMANN<
BEO	19951	ROSA N <ALVARADO<
BEO	19952	MASASHI <SAKAI<
BEO	19953	DUNG THI MONG <NGUYEN<
BEO	19954	JODY M <JORDAN<
BEO	19955	DONNA WEN <CHEN<
BEO	19956	THI <DAO<
BEO	19957	MICHELLE <BAUTISTA<

LTYPE	LIC NUM	BP NAME PART 1
BAR	3496	CHLOIE N <ABEYTA<
BAR	3497	BRENNAN K H <ROQUE<
BAR	3498	TANNER T <KIMURA<

LTYPE	LIC NUM	BP NAME	PART 1
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I	12403	TIFFANY N	<LE<
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LTYPE	LIC NUM	BP NAME PART 1
I	12401	ROBY P <LUM<
I	12402	LESLIE K <MIHARA<