

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

- Date: Monday, January 28, 2019
- Time: 12:18 p.m.
- Place: Queen Liliuokalani Conference Room
King Kalakaua Building
335 Merchant Street, 1st Floor
Honolulu, Hawaii 96813
- Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Chad Nelson, Public Member
Amanda Severson, Cosmetology Member
Margaret Williams, Barber Member
Valerie Kato, Deputy Attorney General (“DAG”)
Kedin C. Kleinhans, Executive Officer
Lori Nishimura, Secretary
- Excused: Alexander Choi, Public Member
- Guest: Lei Fukumura, Special Deputy Attorney General
Kristin Wood, Esthetician
Rollins Wood, Salon Owner
Chelsey Yadao, Esthetician
- 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 12:18 p.m. by Chairperson McKay.
- Minutes of the November 19, 2018 Board Meeting: After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the November 19, 2018 meeting minutes, as circulated.

Minutes of the
December 17,
2018 Board
Meeting:

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the December 17, 2018 meeting minutes, as circulated.

Executive
Officer's
Report:

A. Licensing Examination of the National-Interstate Council of State Boards of Cosmetology ("NIC")

Executive Officer Kleinhans stated he has made contact with Ms. Melanie Thompson of NIC to discuss testing vendors that they use to administer the exam. Ms. Thompson notified him that NIC exams may be administered by PCS, Prometric, and PSI. Ms. Thomson also informed him that the State would choose the exam administrator, thereby affecting the test sites and frequency of electronic theory tests.

Executive Officer Kleinhans stated the Board may need to propose an Administrative bill to require the NIC exam, an electronic exam, practical exam, and monthly exams. He also stated that he will check on procurement matters as the Board currently uses exam administrator - Prometric. Board members expressed their desire for electronic daily theory testing.

B. Hawaii Administrative Rules ("HAR") Rulemaking Flowchart; Status of Revisions to HAR Chapters 73 & 78

Board members were provided with a copy of the HAR Rulemaking Flowchart, which consists of eighteen (18) steps. Executive Officer Kleinhans commented he is hopeful to present the two sets of proposed HAR chapters at an upcoming meeting.

Chairperson McKay informed guests to the meeting that the Board will recess to discuss and deliberate on adjudicatory matters pursuant to HRS chapter 91 and immediately enter into Executive Session.

At 12:26 p.m., the Board recessed the meeting to discuss and deliberate on the following adjudicatory matter pursuant to HRS chapter 91.

Chapter 91, HRS
Adjudicatory
Matters:

A. In the Matter of the Beauty Operator License of KAELYN F. CODDINGTON; BAR 2016-2-L

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Operator License of KAELYN F. CODDINGTON; BAR 2016-2-L.

At 12:28 p.m., the Board reconvened its scheduled meeting and immediately entered Executive Session.

Applications:

At 12:28 p.m., it was moved by Chairperson McKay, seconded by Ms. Severson, 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 12:41 p.m., it was moved by Ms. Williams, seconded by Mr. Nelson, and unanimously carried for the Board to move out of Executive Session.

A. Ratification of Issued Licenses

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

B. Application for Exam & License – Beauty Operator

(1) Taylor Drayton

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the beauty operator application for exam & license of Taylor Drayton.

(2) Dana-Nicole X. Lindsey

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the

beauty operator application for exam & license of Dana-Nicole X. Lindsey.

(3) Elizabeth W. Naple

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the beauty operator application for exam & license of Elizabeth W. Naple.

C. Request for Examination & Temporary Permit Extension - Barber

(1) Raymond Leo-Irvine Jr.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Nelson, and unanimously carried to deny the extension requests for examination & temporary permit for barber applicant Raymond Leo-Irvine Jr. based on HRS section 438-7(e) and HAR section 16-73-20(a) which respectively state:

Any barber applicant who has not obtained licensure after four consecutive examinations offered by the board shall be required to apply and train as an apprentice barber for six months before qualifying for another series of examinations.

A temporary permit shall be issued upon request to barber applicants that have been approved for examination. The temporary permit authorizes the permittee to work and train while waiting for examination. The temporary permit covers a period of four examinations as consecutively scheduled by the board from the date of qualifying for the first examination.

And to deny the extension request for temporary permit for barber applicant Raymond Leo-Irvine Jr. based on HAR sections 16-73-18(e) and 16-73-28 which respectively state:

A barber applicant who has not obtained licensure after four consecutive examinations offered by the board shall

be required to apply as a barber apprentice and train for six months before qualifying for another series of examinations. The barber applicant shall provide verification of the six month barber training. The six months of barber training shall be concentrated in the areas of the applicant's weakness.

The applicant not achieving a passing score on any part shall be required to retake and pass each part failed to be licensed as a barber, provided that the applicant must pass the failed parts by the fourth examination as consecutively scheduled by the board from the date of qualifying for the first examination. Should the applicant fail to achieve a passing grade by the fourth examination as consecutively scheduled by the board, the applicant shall be required to apply as an apprentice for six months before qualifying for another series of examinations.

D. Application for Restoration – Beauty Instructor

(1) Rhonda J. M. Stone (I-12333)

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the beauty instructor restoration application of Rhonda J. M. Stone.

Examinations:

A. Results of the State Barbering Licensing Examinations in December 2018

Executive Officer Kleinhans provided the following results:

Total Exams Passed	19	(38% pass rate)
Total Exams Failed	31	(62% fail rate)

B. Results of the State Cosmetology Licensing Examinations in October 2018, November 2018, and December 2018

Executive Officer Kleinhans provided the following results:

OCTOBER 2018	passed	passing %	failed
Cosmetology	33	35%	61

Hairdresser	13	44%	16
Nail Technician	28	34%	53
Esthetician	to be reported at the next meeting		

NOVEMBER 2018	passed	passing %	failed
Cosmetology	2	15%	11
Hairdresser	2	66%	1
Nail Technician	3	50%	3
Esthetician	9	41%	13

DECEMBER 2018	passed	passing %	failed
Cosmetology	0	0%	4
Hairdresser	0	0%	3
Nail Technician	1	50%	1
Esthetician	6	40%	9

Investigative Committee's Report:

A. Possible Revisions to HAR §§16-73 - Barbers

The Barber Committee reported the following, to suggest for the following amendments to the "Minimum Operations – Training" Curriculum:

- 25 colorings = 50 colorings
- 50 permanent waves = 25 permanent waves

Legislation:

A. Senate Bill No. 7 – Relating to Cosmetology

This measure requires the Board to offer, upon request, the cosmetology examination to applicants in Chinese, French, Hawaiian, Japanese, Korean, and Vietnamese.

Executive Officer Kleinhans stated similar measures in the past were discussed by the Board who expressed concerns with cost

and that licensees should be able to read and write in the English language.

Mr. Nelson commented that the NIC exam has every language available. He also commented that the bill should be changed to read the exam is available in multiple foreign languages or other languages other than English, instead of listing only those six (6) languages. Ms. Williams commented more languages should be offered such as Spanish, and that the cost of translation should be borne by the applicant.

After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to state the Board appreciates the intent of Senate Bill ("S.B.") 7 but is concerned with the number of available languages, accessibility, and working with products in the English language.

B. Senate Bill No. 202 - Relating to Professional and Vocational Regulatory Programs

This measure establishes repeal dates for all professional and vocational regulatory programs under the Professional and Vocational Licensing Division and requires the State Auditor to perform an evaluation of each program prior to repeal.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Williams, and unanimously carried to oppose S.B. 202 due to the impact of consumer protection, public health and safety, and exhaustion of State resources.

C. Senate Bill No. 1045 - Relating to Intimate Partner Violence

This measure requires barber, beauty operator, and instructor licensees under the Board to complete a one-time, one-hour training program on intimate partner violence awareness and education.

Executive Officer Kleinhans informed the Board that during the 2017 Legislative session, the Board supported the intent of a similar bill with the following concerns:

- Whether the proposal would actually be beneficial to address the problem of intimate partner violence;

- Questioned why only barbers, beauty operators, and instructors were included in the proposal – what about other personal service providers;
- Proposal would elevate the level of responsibility of the licensee beyond the scope of practice that a barber or beauty operator or instructor should be expected to perform;
- Retaliation and additional violence are real possibilities should the perpetrator of the violence become aware of the licensee’s involvement in the situation; and
- Cost of the program.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to support the intent of S.B. 1045; however, the Board has identified the same number of concerns as previously mentioned and as well as additional concerns such as the availability of training program in other languages. Ms. Williams reiterated if the bill passes, it is going beyond licensee’s scope of practice. Board members suggested instead of requiring barber, beauty operator, and instructor licensees to complete the training program, to post the training program online and/or to have informational brochures on intimate violence readily available at barber and beauty shops.

Open Forum:

Meeting guest Chelsey Yadao inquired if there was any data with the low passing percentage rate of the barber and cosmetology state exams. Executive Officer Kleinhans stated no data was available that may indicate if the “problem” may be the test.

Mr. Nelson commented administering the NIC exam may help as the content of the NIC test is relevant, as their exam questions are regularly updated.

Chairperson McKay requested to add agenda topics, lasers and micro-needling, to the Board’s next meeting.

Next Board Meeting:

Monday, February 25, 2019
12:00 p.m.
Queen Liliuokalani Conference Room
King Kalakaua Building
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Honolulu, Hawaii 96813

Board of Barbering and Cosmetology
Minutes of the January 28, 2019 Meeting
Page 9

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:27 p.m.

Taken and recorded by:

/s/Lori Nishimura

Lori Nishimura, Secretary

Reviewed and accepted by:

/s/Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:ln

02/11/19

[x] Minutes approved as is.

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