

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, July 15, 2019

Time: 12:00 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
Leanne Abe, Secretary

Excused: None.

Guest: Rafal Stachowski, Black Coral Wax

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 12:16 p.m. by Chairperson McKay.

Minutes of the June 24, 2019 Board Meeting: After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the June 24, 2019 meeting minutes, as circulated.

Applications: At 12:18 p.m., it was moved by Ms. Williams, 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 12:24 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried for the Board to move out of Executive Session.

A. Ratification of Issued Licenses

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

B. Application for Restoration – Beauty Operator

(1) Erin Arneson (BEO-19742)

(2) Linda Lach (BEO-13789)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the two aforementioned beauty operator restoration applications.

C. Petition to Waive Six-Month Remedial Period Requirement

(1) Cole Parongao (Barber Applicant)

The Board reviewed Mr. Parongao's petition to waive the six-month remedial period requirement for Barber licensure. After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried that the Board is unable to accept the petition to waive six-month remedial period requirement based on Hawaii Revised Statutes ("HRS") section 438-7(e) and Hawaii Administrative Rules ("HAR") section 16-73-18(e) 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 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 weaknesses.

Executive Officer Kleinhans confirmed he will notify Mr. Parongao in writing of the Board's decision.

Executive Officer's Report: A. Licensing Examination of the National-Interstate Council of State Boards of Cosmetology ("NIC")

Executive Officer Kleinhans discussed the conference call on Friday, July 12, 2019 with Prometric Director of Client Success, Ms. Kimberly Farace, and the Managing Director of Prometric Operations, Mr. Sean Colton. He verified with both Ms. Farace and Mr. Colton that there is support for continuous computer-based exams at Prometric testing centers. He also clarified examinations would be scheduled via appointment to come on a specific date instead of testing windows. There will be a new Oahu location, a Hilo location, and there are plans to open another outer-island location. For peak periods, both Prometric and Executive Officer Kleinhans could work with specific universities who have computer labs to administer the examinations with Prometric proctors on-site.

Executive Officer Kleinhans verified that Prometric is able to administer the examination in four languages: English, Korean, Spanish and Vietnamese. Currently, both the barber and cosmetology laws and rules require the examinations to be conducted in the English language. He expressed that if members would like to make the changes to translated examinations, the Board would have to include amendments in a rule package.

Executive Officer Kleinhans brought up a matter that the Board must consider, is if they want to add questions of Hawaii

laws/rules on the examination. If so, that may impact the mobility of out-of-state licensure because the examination would no longer be at the same standards held nationally.

Executive Officer Kleinhans stated that it is recommended that after the Board requests Prometric to make the switch to the NIC examination, the Board should wait at least four months prior to full implementation so that licensed schools and shops can adjust their educational program to NIC references. Currently, NIC references are similar to the existing examinations with Prometric: Milady's Standard textbooks, Pivot Point Salon Fundamentals and NIC Infection Control with is available on their website. Executive Officer Kleinhans reported that Mr. Colton specifically stated that questions on the examinations must span and match between all references.

Executive Officer Kleinhans stated the current matters for the Board to consider are:

- 1) Does the Board want to revise the rules to accommodate translated versions of the NIC examinations?

Chairperson McKay commented if the Board should implement the four languages for examination, others would want additional languages.

Ms. Severson commented that it's a good start to implement the four languages that NIC currently offers: English, Korean, Spanish and Vietnamese.

Chairperson McKay questioned if an applicant is unable to read English, how are they going to read instructions on the product boxes used on consumers.

Executive Officer Kleinhans stated that would weigh a possible consumer protection concern versus accessibility of licensure.

Ms. Williams commented that consumer protection is the primary purpose of licensure.

- 2) Does the Board want to include questions on Hawaii laws/rules to the NIC examination?

Ms. Williams asked if it will stop Hawaii's reciprocity with other states.

Executive Officer Kleinhans stated that it would have an impact on reciprocity.

Mr. Nelson commented that there is a way to push reciprocity through, as other states allow applicants to obtain licensure if everything lines up upon completion (including taking the State section of the examination).

Executive Officer Kleinhans stated he would ask if Prometric would have a specific section just for the Hawaii laws/rules if they've already taken the NIC examination out of state. He commented that either way, they would be applying for approval for an examination whether it be a full NIC exam including the Hawaii laws/rules or just a Hawaii laws/rules examination portion.

Ms. Severson commented that it would be interesting to compare Hawaii state laws to other states and make sure we are in alignment and on the same page.

Executive Officer Kleinhans noted that he will check with all other states regarding their laws/rules.

- 3) When does the Board want to request Prometric to make the switch.

Executive Officer Kleinhans stated the Board will have to let Prometric know to make the transition in September to implement by January 1st 2020, but will need to check the laws/rules with other states.

The Board's consensus was to defer the three questions of agenda item to a future Board meeting.

B. Revisions to Hawaii Administrative Rules Chapters 73 (Barbers) and 78 (Cosmetology)

Executive Officer Kleinhans stated he is currently compiling a rough draft of the Barber committee's recommended rules prior

to the Board review. Since a committee is presenting its finding to the Board, the Board can only act on the committee's findings at a meeting following the meeting the findings were presented.

Scope of Practice: A. What licensure is required to perform procedures using a "Hyaluron Pen"?

Discussion ensued regarding use of a "Hyaluron Pen", which is the use of a device that generates air pressure with Hyaluronic Acid which penetrates the epidermal skin layer. After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried that performing procedures using a "Hyaluron Pen" does not fall under the scope of practice of its licensees.

Correspondence: A. If an applicant has completed homeschooling, but does not have a GED, would that satisfy the educational requirement?

Discussion ensued on the question of "If an applicant has completed homeschooling, but does not have a GED, would that satisfy the educational requirement?"

Executive Officer Kleinhans referenced Hawaii Revised Statutes ("HRS") section 439-12(b) which states:

A cosmetologist applicant shall be at least sixteen years old and have an education equivalent to the completion of high school...

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried that a high school diploma or a GED is required to satisfy the educational requirement. This would not preclude the applicant from being able to attend beauty school classes or submitting any application for apprenticeship or licensure.

Open Forum: None.

Next Board Meeting: Monday, August 26, 2019
12:00 p.m.
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Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 12:54 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:la

07/15/19

[X] Minutes approved as is.

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