

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Monday, August 26, 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
James Paige, Deputy Attorney General ("DAG")
Kedin C. Kleinhans, Executive Officer
Leanne Abe, Secretary

Excused: None.

Guest: Lei Fukumura, Special Deputy Attorney General
Rafal Stachowski, Black Coral Wax
Grace Stachowski, Honolulu Spa and Wellness

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 12:10 p.m. by Chairperson McKay.

Minutes of the
July 15, 2019
Board Meeting: After discussion, it was moved by Ms. Williams, seconded by Ms. Severson, and unanimously carried to approve the July 15, 2019 meeting minutes, as circulated.

At 12:12 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 Shop License of T's Hair & Nail Salon LLC and the Barber's License of Tuoi Thi Pham; BAR 2019-49-L.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the Settlement Agreement relating to the Matter of the Beauty Shop License of T's Hair & Nail Salon LLC and the Barber's License of Tuoi Thi Pham; BAR 2019-49-L.

At 12:15 p.m., the Board reconvened its scheduled meeting and immediately entered Executive Session.

Applications:

At 12:15 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 12:28 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 Mr. Nelson, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Application for Exam & License – Beauty Operator & Beauty Instructor

- (1) Nicholle E. Goddard, Beauty Operator Applicant

After discussion, it was moved by Ms. Williams, seconded by Mr. Nelson, and unanimously carried to approve the beauty operator application for exam & license of Nicholle E. Goddard.

- (2) Russell G. Langley, Beauty Instructor Applicant

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the beauty instructor application for exam & license of Russell G. Langley.

C. Request to Take Examination with Interpreter

- (1) Be Thi Trinh (Beauty Operator Applicant)

The Board reviewed Be Thi Trinh's request to take examination with an interpreter. After discussion, it was moved by Chairperson McKay, seconded by Mr. Nelson, and unanimously carried that the Board is unable to accept the request to take examination with an interpreter based on Hawaii Administrative Rules ("HAR") section 16-78-30 which states:

All examinations shall be conducted in the English language and no applicant shall be permitted the use of an interpreter.

Executive Officer Kleinhans confirmed he will notify Be Thi Trinh in writing of the Board's decision.

D. Application for Restoration

- (1) Harry H. Ikeda (BAR-1114)
(2) Margaret P. McMillen (BEO-19171)
(3) Terra W. Stark (BEO-17852)

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

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

Executive Officer Kleinhans summarized discussion at last month's board meeting. He stated Prometric verified that there is support for continuous computer-based exams at Prometric testing centers at an Oahu location and Hilo location to start. Prometric would be able to administer the examination in four languages: English, Korean, Spanish and Vietnamese. To implement changes to translated examinations, the Board would have to include amendments in a rule package. It was recommended that after the Board give approximately four months to allow Prometric to set up the examinations at the testing sites. The Board deferred the three questions from last month's meeting to have Executive Officer Kleinhans look into what other states implemented regarding the "NIC" examination.

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?

Executive Officer Kleinhans reported that he compiled industry information from twelve different states. California, Arizona, Washington, Alabama, and Arkansas currently accommodate the translated versions of the examination. North Dakota, South Dakota, Delaware, Utah, Kentucky, Ohio, and Maine either do not accommodate the translated versions of the examination or information was not clear and the translated versions of the examination could not be found.

Discussion ensued, and the Board unanimously agreed to defer this matter and to revisit the matter until after the implementation of the NIC examination.

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

Executive Officer Kleinhans reported that that he compiled industry information from twelve different states. North Dakota and South Dakota currently include state laws/rules to the examination. It is a separate computer-based examination that applicants pay separately to take. The remaining ten states (California, Arizona, Washington,

Alabama, Arkansas, Delaware, Utah, Kentucky, Ohio and Maine) do not include state laws/rules to the examination.

Chairperson McKay asked about liability issues for the states that do not include state laws/rules to their examination.

Executive Officer Kleinhans responded that when an applicant fills out the application, they attest that they have read and understand the laws/rules of that state.

Discussion ensued, and it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to include questions on Hawaii state laws/rules to the NIC examination provided Prometric is able to include the questions. Executive Officer Kleinhans will verify with Prometric if they can include Hawaii state laws/rules questions to the NIC examination.

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

Discussion ensued, and the Board unanimously agreed to defer this matter to revisit after Executive Officer Kleinhans reports back with Prometric.

B. RICO Barbering and Cosmetology Advisory Committee and Addendum

The Board reviewed the RICO Barbering and Cosmetology Advisory Committee and Addendum document. After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to accept the RICO Barbering and Cosmetology Advisory Committee list and Addendum.

Hawaii
Administrative
Rules ("HAR"):

- A. Barber Committee Recommended Proposed Changes to HAR Chapter 73
- B. Beauty Committee Recommended Proposed Changes to HAR Chapter 78

The Board reviewed the proposed changes to both the Barber Committee recommended proposed changes to HAR Chapter

73 and Beauty Committee recommended proposed changes to HAR Chapter 78.

Executive Officer Kleinhans stated that because a committee is reporting to the Board, the motion for both the Barber and Beauty Committee recommended proposed changes to the rules will have to be at the next scheduled board meeting.

Chairperson McKay stated that members will need the additional time to review the recommended proposed changes from both committees.

Scope of Practice: A. What licensure is required to provide “fibroblast plasma therapy” services?

Discussion ensued regarding “fibroblast plasma therapy”, and the Board unanimously agreed to defer this agenda item to the next board meeting to research and gather further information.

Open Forum: None.

Next Board Meeting: Monday, September 23, 2019
12:00 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 1:08 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

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Reviewed and accepted by:

/s/ Kedin C. Kleinhans

Kedin C. Kleinhans, Executive Officer

KCK:la

08/30/19

☒ Minutes approved as is.

☐ Minutes approved with changes. See Minutes of _____.