

## **BOARD OF BARBERING AND COSMETOLOGY**

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

### **MINUTES OF MEETING**

**Date:** Monday, September 23, 2019

**Time:** 12:00 p.m.

**Place:** King Kalakaua Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> 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:** Richard Yeo, Honolulu MedSpa  
Jacquie Vo  
Shayna Sirling, Dr. Shim Ching/Hanai'ili Wellness  
Joannie Rossiter, Paul Mitchell School Honolulu  
Ahlani Quiogue, Supervising Executive Officer

**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 12:02 p.m. by Chairperson McKay.

**Minutes of the August 26, 2019 Board Meeting:** After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the August 26, 2019 meeting minutes, as circulated.

Applications:

At 12:05 p.m., it was moved by Chairperson McKay, seconded by Ms. Williams, 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 12:21 p.m., it was moved by Chairperson McKay, seconded by Ms. Severson, 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. Williams, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Application for Shop License – Barber Shop

(1) Ka'imi Kuts LLC

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to defer decision making on the barber shop application of Ka'imi Kuts LLC pending clarification of sanitary facilities on the Shop Floor Plan form.

C. Application for Exam & License – Beauty Operator

(1) Patrick R. Saldierna

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the beauty operator application for exam & license of Patrick R. Saldierna.

D. Application for Restoration

(1) Dee Dee H. East (BEO-10542)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the beauty operator restoration application of Dee Dee H. East (BEO-10542).

E. Request to Receive Credit Hours for Previous Course Work

(1) Kayla Antonio (Beauty Operator Applicant)

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to approve the request to grant credit hours for previous course work, provided that Honolulu Community College may accommodate the remaining hours.

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

Executive Officer Kleinhans circulated the IQT (ISO Quality Testing, Inc.) handout of the registration process guide to the Board members to review and discuss. IQT is in charge of the scheduling for the new exam. He stated that this handout cannot be distributed to the public due to proprietary information of IQT's registration process guide. The guide states the publication cannot be distributed without prior permission from IQT.

Executive Officer Kleinhans provided a brief summary to the Board regarding his correspondence with Mr. Colton:

Question #1: Are we able to accommodate the state laws/rules questions to the NIC examination?

Mr. Colton's response: Yes, but they will need an additional month to incorporate the state laws/rules questions into the NIC exam.

Question #2: What is the cost of the examination?

Mr. Colton's response: \$90

Executive Officer Kleinhans stated that the Prometric facility in Kailua provided DCCA (Department of Commerce and Consumer Affairs) with tentative 2020 examination windows. Those exam windows will stay in effect until the electronic appointment-based testing begins.

Executive Officer Kleinhans asked the Board if they would feel comfortable to move forward in implementing the new exam or wait on Mr. Colton's response to the pending questions listed below.

- (1) Is the one month that is needed to insert the state laws/rules questions in addition to the four months required for the schools and shops to prepare their study materials?
- (2) Do applicants schedule for the Prometric NIC exam strictly with IQT (ISO Quality Testing, Inc.)?

After discussion, the Board unanimously agreed to defer this matter to revisit when Executive Officer Kleinhans reports back with Mr. Colton's response to the pending questions.

Scope of  
Practice:

A. Industry Bulletin regarding Invasive Procedures

The Board reviewed a draft Board of Barbering and Cosmetology Industry Bulletin from April 11, 2016.

Executive Officer Kleinhans stated that the bulletin was initially drafted to provide scope of practice guidance requested by many licensees and members of the public. It was initially reviewed by the Board on April 11, 2016; however, it was recommended for the Board to have the DAG at the time, Rod Tam, review the bulletin prior to posting it for the public. Due to unfortunate circumstances, the DAG Tam passed away.

Executive Officer Kleinhans stated that a lot of new procedures have developed since then, such as usage of the hyaluronic pen, fibroblast, dermaplaning, and microneedling, and it would be appropriate for the Board to revisit the bulletin and make any appropriate updates if necessary.

Discussion ensued between the Board and the public guests regarding the aforementioned list. The public guests provided comments and concerns to the Board as follows:

Mr. Yeo commented that hyaluronic pens are not FDA approved and that the Board should consider creating a master's level Esthetician that expands their scope of practice to include these types of procedures, only under the supervision of a licensed physician.

Executive Officer Kleinhans stated the law establishes certain license types and the Board may not have the authority to create an additional license type. To create a new license type would require a legislative change in the statute.

Ms. Severson commented that it would be worth taking that extra step through the legislative process to create an additional license type.

Ms. Vo stated that she is from Texas and there are two licensed schools that specialize in providing proper education on how to utilize lasers properly. She emphasized the importance of proper education for these types of procedures.

Executive Officer Kleinhans responded that the Board's primary responsibility is consumer protection. He added that discussing these matters with a barber or beauty association would certainly help the Board in expanding scope of practice.

Ms. Sirling commented that in her opinion, dermaplaning is safer than most acids, but proper education is key. She provided the Board insight on microneedling versus dermarolling. The various needle lengths can have a very different effect on the skin.

The Board discussed changing verbiage on page 2 of bulletin, "The following services may be considered to be invasive or ~~the practice of medicine~~; not within the scope of practice for this Board's licensees."

After discussion, it was moved by Chairperson McKay, seconded by Ms. Williams, and unanimously carried to revise the bulletin and add hyaluronic pen, microneedling and

fibroblast to the list of services that may be considered to be invasive. The Board agreed to defer dermarolling and dermaplaning for further research and consult with DAG Kato.

Hawaii  
Administrative  
Rules ("HAR"):

A. Barber Committee Recommended Proposed Changes to HAR Chapter 73

The Board reviewed the Barber Committee recommended proposed changes to HAR Chapter 73.

Ms. Severson stated that she has concerns regarding revisions to section 16-73-37(3) shop conditions, the removal of "sinks or wash basins." The Board discussed to amend HAR section 16-73-37(3) to "Every shop shall have adequate sanitary facilities including sink or wash basins with hot and cold running water and access to toilets."

Executive Officer Kleinhans reported new language to 16-73-20(a) "A temporary permit shall be issued upon request to a barber applicant who has completed the required training period, has been approved to take the barber licensing examination, and has not been previously issued a temporary permit.

Executive Officer Kleinhans briefly discussed language changes to HAR 16-73-27(d) "The examination shall be given in the English language and no applicant shall be permitted the use of a reader/interpreter." Should the Board decide to utilize NIC exam in multiple languages, they would need to amend or repeal this section.

Executive Officer Kleinhans stated that the Board may consider the inclusion of a prohibited acts section in its rules.

Executive Officer Kleinhans briefly went over the amendments to the hours of the Barber Apprenticeship Practical Application Training for coloring and permanent waves: Coloring hours went from 25 to 50 and permanent waves hours went from 50 to 25.

B. Beauty Committee Recommended Proposed Changes to HAR Chapter 78

Executive Officer Kleinhans noted that some sections of the rule package cite statutes that have since been repealed. He added that this may be due to the inclusion of cosmetology into the barbering chapter. He reported that he will continue to explore this issue.

Executive Officer Kleinhans reported that the sanitation requirements have been added into HAR sections 16-78-41 and 78-41.5:

"§16-78-41 Shop conditions. A person who operates a beauty shop shall comply with the following conditions:

- (1) The walls, floors, ceilings, furniture, fixtures, and all other parts and surfaces in a shop shall be kept clean at all times;
- (2) Every shop shall be properly and adequately lighted and ventilated;
- (3) Every shop shall be provided with adequate sanitary facilities, including access to toilets, hot and cold running water, sinks or wash basins. Toilets shall be located in suitable and properly ventilated toilet rooms with self-closing doors; and
- (4) A work station shall be maintained in a safe, clean, and sanitary matter."

"§16-78-41.5 Sanitary practices. (a) Any person who is engaged in the practice of cosmetology shall observe the following sanitary practices:

- (1) Razors, shears, scissors, brushes, clippers, tweezers, finger bowls, or combs, or any like article shall not be used on any patron unless the article has been thoroughly cleaned and sanitized since last used. All such instruments shall be thoroughly cleaned and sanitized using a method approved by the State department of health, after having been used on a patron. After sanitization, all such instruments shall be stored in a manner to prevent contamination, or must be sanitized again immediately before use on a subsequent patron, provided that special sponges and makeup applicators used in the practice of esthetics shall be discarded after being used on a patron;
- (2) No beauty operator shall stop the flow of blood by using

- alum or other material unless the same is used in liquid form or as a powder and applied with a clean towel;
- (3) The use of any astringent in lump or styptic pencil form, lump alum, powder puff, neck duster, or skin planning implements, including, but not limited to credo blades, or facial extraction implements, including, but not limited to lancets shall be prohibited in any shop. Possession of the same is prima facie evidence that same is being used at the shop in the practice of cosmetology;
- (4) A beauty operator shall not remove or attempt to remove any wart, mole, pimple, or ingrown hair. Cleaning of ears is prohibited;
- (5) A beauty operator shall not perform or attempt to perform any treatment that is within the scope of practice of persons trained in medical science;
- (6) A beauty operator engaged in the practice of cosmetology shall wash his or her hands thoroughly with soap and hot water immediately before and after attending to any client;
- (7) In the practice of cosmetology, a licensee is required to utilize disposable lip brushes, make-up wands, facial and make-up sponges, sponge-tipped eyeshadow applicators, and other articles, as determined by the board;
- (8) Towels or other fabrics that come in contact with the skin or hair of a person shall be used on more than one client without being laundered in an acceptable manner. After use on a client, such towel or fabric shall be placed in a hamper with a cover or other suitable receptacle, from which it shall not be removed except for laundering or final disposal. Laundry shall be washed clean and subjected to sanitizing process before being used on another client. The sanitizing process shall subject such laundry to a temperature of at least 180 degrees Fahrenheit for a minimum of twenty minutes or sanitized by other methods approved by the State department of health before again being used on a client;
- (9) Prior to servicing any client, the headrest of any chair shall be covered with a clean towel or sanitized by a method approved the State department of health. If any towel or implement is to be wet, such towel or



- implement shall be wet in running water and shall not be dipped in any water container;
- (10) All towels and other fabrics used in any shop shall be kept in a closed cabinet at all times when not in use;
  - (11) All creams, tonics, cosmetics, and other applications used on a client shall be kept in clean closed containers.
  - (12) A clean towel or protective paper neck strip shall be placed around the neck of each client served so that at no time will the hair cuttings, cloth, or cape come in contact with the neck or skin of the client; and
  - (13) Only products and equipment that are approved for the practice of cosmetology shall be used on clients. All beauty operators shall comply with product label procedures and ensure that proper training has been completed before offering new techniques and services.
- (b) Failure to comply with the sanitary practices listened in section (a) may be construed to be professional misconduct, gross negligence, or manifest incapacity, and subject to disciplinary action."

Executive Officer Kleinhans reported that he was curious on the addition of HAR 16-78-60, titled Cooperate education program or "CEP" and will explore what safeguards a CEP provision will provide.

Executive Officer Kleinhans briefly went over the amendments to the Beauty Training Curriculum. He stated that the class of "Cosmetician" which initially required 1,100 hours, is presently "Esthetician" requiring 1,200 hours. The rule package also removed and allocated the hours from the "Unassigned" section of the curriculum:

Nail Technician: Unassigned:100 → 0  
Manicuring/Pedicuring: 300 → 400

Esthetician: Manicuring and Pedicuring: 300 → 0  
Unassigned: 150 → 0  
Theory: 200 → 300  
Shop Management: 100 → 150  
Facial and Makeup: 350 → 750

Hairdresser: Unassigned: 350 → 0  
Haircutting: 300 → 400  
Hairdressing and Shampooing: 700 → 650  
Haircoloring and Bleaching: 300 → 400  
Hair Straightening: 200 → 400

Cosmetologist: Unassigned: 500 → 0  
Haircutting: 300 → 400  
Haircoloring and Bleaching: 300 → 400  
Hair Straightening: 100 → 300  
Facial and Makeup: 350 → 400  
Manicuring and Pedicuring: 300 → 350

Chairperson McKay recommended to give members of the Board and public ample time to review the proposed rule package.

Open Forum: Public guest, Joannie Rossiter, Owner and Director of Paul Mitchell School Honolulu reported of her proposal to change the Cosmetology program from an 1,800 hour program to a 1,600 hour program, which would also change the Hairdresser program from a 1,250 hour program to a 1,175 hour program. She proposed recategorizing the hours from perming to cutting and coloring. Ms. Rossiter will email Executive Officer Kleinhans more information and further details.

Next Board Meeting: Monday, October 28, 2019  
12:00 p.m.  
Queen Liliuokalani Conference Room  
King Kalakaua Building  
335 Merchant Street, 1<sup>st</sup> Floor  
Honolulu, Hawaii 96813

Announcements: None.

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:50 p.m.

Taken and recorded by:

/s/ Leanne Abe

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Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Kedin C. Kleinhans

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Kedin C. Kleinhans, Executive Officer

KCK:la

10/21/19

☐ Minutes approved as is.

☒ Minutes approved with changes. See minutes of the October 28, 2019, meeting.

