

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: Tuesday, January 26, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j/94103994405>

Present: Lynnette F. McKay, Cosmetology Member, Chairperson
Margaret Williams, Barber Member, Vice-Chairperson
Amanda Severson, Cosmetology Member
Leslie Murata, Public Member
Kelly Suzuka, Deputy Attorney General (“DAG”)
Kedin C. Kleinhans, Executive Officer
Lee Ann Teshima, Executive Officer
Leanne Abe, Secretary
Jenny Yam, Secretary

Excused: None.

Guest(s): Joy Shimabuku
Yuko Ho
Jessica
Anonymous

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).

A brief video was played to explain procedures for this virtual meeting and how members of the public can participate and interact with the Board during the meeting.

Call to Order: There being a quorum present, the meeting was called to order at 12:09 p.m. by Chairperson McKay.

Chairperson McKay proceeded with roll call. All Board members were present.

Minutes of the
December 22,
2020 Board
Meeting:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to approve the minutes of the December 22, 2020 meeting as circulated.

Applications:

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. Ratification of Issued Licenses

It was moved by Mr. Murata, seconded by Vice-Chairperson Williams, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

Executive Officer's
Report:

Executive Officer Kleinhans asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. Board Bulletin

- 1) Third Announcement Regarding Expiration Dates of Issued Temporary Permits and a Barber Applicant's Eligibility for Examination

Executive Officer Kleinhans reiterated from the previous meeting that the licensing law Hawaii Revised Statutes ("HRS") Chapter 438 and HRS Chapter 439 requires the terms of temporary permit and the Barber examination eligibility to be based on the number of scheduled examinations offered. When these examinations are canceled or postponed, the temporary permit expiration dates and the Barber examination eligibility terms shall be amended to the next scheduled date. Accordingly, the third bulletin dated January 12, 2021 may be placed next to the Barber or Beauty Operator's expired temporary permit to indicate the correct expiration date.

B. National-Interstate Council of State Boards of Cosmetology ("NIC) Examination

- 1) Results of the State NIC Barber and Beauty Operator Examinations Administered December 2020

December 2020	passed	passing %	failed
Cosmetology	19	54%	16
Hairdresser	2	40%	3
Nail Technician	12	66%	6
Esthetician	41	73%	15
Instructor	0	0%	1
Barber	10	55%	8

Vice-Chairperson Williams inquired if interpreters are allowed with these new computer-based examinations.

Executive Officer Kleinhans responded that the existing Hawaii Administrative Rules (“HAR”) Chapter 73 section 16-73-29 and HAR Chapter 78 section 16-78-30 still applies:

“§16-73-29 Reader/interpreter. An applicant shall be permitted to have a reader/interpreter for the written examination parts. The cost of a reader/interpreter shall be borne by the applicant. The applicant requesting a reader/interpreter shall be a person not having the ability to read and comprehend the English language because of education, first language difficulty, or a medical handicap. The reader/interpreter shall not be associated with the barber or cosmetology profession.”

“§16-78-30 Language. All examinations shall be conducted in the English language and no applicant shall be permitted the use of an interpreter.”

Vice-Chairperson Williams inquired if word for word dictionaries are allowed for barber or beauty operator examinations.

Executive Officer Kleinhans responded that dictionaries are not allowed, but he will review Board history regarding the matter.

Ms. Jessica raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Jessica introduced herself and asked if the Hawaii State laws and rules questions were included in the NIC examination.

Executive Officer Kleinhans responded that the Hawaii State laws and rules are not included in the NIC examination at this time.

Old Business:

A. Requirements for Licensure via Examination Waiver and/or Reciprocity

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item.

Ms. Shimabuku raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Shimabuku introduced herself and requested that reciprocity be put on hold. She briefly mentioned “fly-by-night” individuals who come to Hawaii for vacation, work a couple months, then leave. She expressed there is a disadvantage for the current and graduating students to compete with “fly-by-night” individuals.

Vice-Chairperson Williams expressed her understanding of examination waiver and/or reciprocity for military or military spouse, but asked for further clarification of the examination waiver process.

Executive Officer Kleinhans responded that the current process involves an examination waiver and not reciprocity. Reciprocity would allow an individual licensed in another state to work in Hawaii using his/her out-of-State license. As the Board transitioned to the NIC examination in March 2020, an applicant that has already taken and passed the NIC examination would not be required to take the NIC examination again since he/she would satisfy the qualifications required in chapters 438 and 439, HRS.

Executive Officer Kleinhans added that if there are concerns with the examination waiver process, the Board may consider requiring a separate examination based on the Hawaii State laws and rules in addition to the NIC examination.

Discussion ensued, and the Board will further discuss this matter at a later meeting.

B. Legislative Delegation for the 2021 Legislative Session

Executive Officer Kleinhans stated that the Board may consider delegating authority to a Board member(s) to provide general subject matter information and/or testimony to the Legislature for the upcoming legislative session.

Ms. Shimabuku raised her hand and was recognized by Chairperson McKay to present oral testimony.

Ms. Shimabuku asked if there are any current bills relating to the barber and beauty industry.

Executive Officer Kleinhans responded that he was not aware of any current bills relating to the barber and beauty industry.

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to designate Ms. Severson and Vice-Chairperson Williams to provide general subject matter information and/or testimony to the Legislature for the 2021 Legislative Session.

C. Tentative Administration Bill for the 2022 Legislative Session

Chairperson McKay asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Executive Officer Kleinhans stated that there are several methods that the Board may consider when drafting an Administration Bill:

- 1) Create a Permitted Interaction Group comprised of members less than quorum to discuss possible language and they will create a draft to report back to the Board.
- 2) Instruct Executive Officer Kleinhans to work with DAG Suzuka to create a draft to report back to the Board based on discussions.

3) Steadily construct a draft throughout future meetings.

Executive Officer Kleinhans reassured all methods involve considerable public input, and the approximate deadline for a draft Administration Bill to submit to DCCA is August 2021. He recommended creating a Permitted Interaction Group; however, the Board is only able to vote on the Permitted Interaction Group's recommendation at a meeting following their recommendation.

After discussion, the Permitted Interaction Group will be added as an agenda item at the next meeting.

Public Comment: None.

Next Board Meeting: Tuesday, February 23, 2021
12:00 p.m.
Virtual Videoconference Meeting
Zoom Webinar

Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:12 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

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02/15/21

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- ☐ Minutes approved as is.
- ☒ Minutes approved with changes. See minutes of February 23, 2021 meeting.