

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: February 23, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom/j92861926244>

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
Rise Doi, Executive Officer
Kerrie Shahan, Executive Officer
James Skizewski, Executive Officer
Leanne Abe, Secretary
Stephanie Karger, Office Assistant
Christine Dela Cruz, Office Assistant

Excused: None.

Guest(s): Dianarose Tungpalan
Arielle M.
Yuko Ho

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 12:27 p.m. by Chairperson McKay.

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

Minutes of the
January 26,
2021 Board
Meeting:

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

Vice-Chairperson Williams requested for an amendment on:

Page 4, third to the last paragraph:

“Vice-Chairperson Williams expressed her understanding of examination waiver and/or reciprocity for military or military spouse, but asking for further clarification of the examination waiver process. **Vice-Chairperson Williams vehemently opposed to allowing examination waivers in Hawaii without reciprocity and the Board will discuss adding Hawaii State laws and rules to the examination.**”

After discussion, it was moved by Chairperson McKay, seconded by Vice-Chairperson Williams, and unanimously carried to approve the minutes of the January 26, 2021 meeting, with the aforementioned revision (with new material underscored in bold).

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 Chairperson McKay, seconded by Ms. Severson, 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. National-Interstate Council of State Boards of Cosmetology (“NIC) Examination

- 1) Results of the State NIC Barber and Beauty Operator Examinations Administered January 2021

January 2021	passed	passing %	failed
Cosmetology	10	63%	6
Hairdresser	2	67%	1
Nail Technician	9	64%	5
Esthetician	21	68%	10
Instructor	1	100%	0
Barber	2	33%	4

B. Prometric Update on Neighbor Island Test Centers

Executive Officer Kleinhans reported his discussion with Prometric on February 9, 2021. Prometric anticipates the opening of a Maui test center very soon and another site in Hilo, Big Island shortly after. Prometric stated that opening of the test centers are their highest priority and hope these sites and the others will open quickly.

Chairperson McKay stated that the Maui test center reopened on Monday, February 22, 2021.

Legislative
Session:

A. Bills Relating to Board Meetings, Members, Interactive
Conference Technology

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

(i) House Bill No. 157 // Senate Bill No. 456

Relating to Public Agency Meetings and Records

These bills seek to authorize any board that is subject to public agency meetings law to hold a closed meeting to consider statements and information obtained from witnesses or victims during the course of any investigation into the hire, evaluation, dismissal, or discipline of an officer or employee or of charges brought against the officer or

employee, where consideration of matters affecting a witness's or victim's privacy will be involved.

(ii) House Bill No. 166 // Senate Bill No. 439

Relating to Sunshine Law Boards

These bills seek to clarify laws regarding public meetings held by interactive conference technology by, among other things, requiring board members to be visible and audible to other members and the public, authorizing a board to require attendees to provide their names and contact information for contact tracing during certain states of emergency, and repealing the requirement that a meeting held by interactive conference technology be terminated when audio communication cannot be maintained with all locations where the meeting by interactive conference technology is being held.

(iii) House Bill No. 168 // Senate Bill No. 393

Relating to Public Agency Meetings and Records

These bills seek to allow state boards to hold meetings closed to the public to consider statements and information obtained from witnesses or victims during an investigation into the hiring, evaluation, dismissal, or discipline of an officer or employee, or of charges brought against the officer or employee.

(iv) House Bill No. 190 // Senate Bill No. 442

Relating to Sunshine Law Boards

These bills seek to clarify laws regarding public meetings held by interactive conference technology by, among other things, requiring board members to be visible and audible to other members and the public, authorizing a board to require attendees to provide their names and contact information for contact tracing during certain states of emergency, and repealing the requirement that a meeting held by interactive conference technology be terminated when audio communication cannot be maintained with all locations

where the meeting by interactive conference technology is being held.

(v) House Bill No. 503 // Senate Bill No. 661

Relating to Board Meetings

These bills seek to allow boards to use interactive conference technology to remotely conduct public meetings under the Sunshine Law in conjunction with in-person meetings, even when no emergency has been declared by government authorities. Authorizes boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology. Establishes requirements for the conduct of remote meetings. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail. Amends existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within an hour and the board had not provided reasonable notice of how the meeting would be continued. Allows for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology. Allows for contact tracing and social distancing during states of emergency caused by contagious diseases.

(vi) House Bill No. 677

Relating to the Sunshine Law

This bill seeks to allow boards to use interactive conference technology to remotely conduct public meetings under the sunshine law and outlines the requirements for such meetings. Allows boards to require information for purposes of contact tracing in times of emergency due to a contagious disease. Allows for the holding of in-person meetings at multiple sites connected by interactive conference technology. Requires that notices include the board's electronic and postal contact information.

(vii) House Bill No. 880 // Senate Bill No. 1034

Relating to Sunshine Law Boards

These bills seek to expand board and public participation by giving boards the option, in conjunction with in-person meetings, to use interactive conference technology to remotely conduct public meetings under the Sunshine Law, even when no emergency has been declared by government authorities. Authorizes boards to exclude the public from nonpublic locations, such as homes, where board members are physically present when remote board meetings are held by interactive conference technology, with members of the public given the option to participate either remotely or at an in-person public location. Establishes requirements for the conduct of remote meetings. Requires remote meetings held by interactive conference technology to recess for a maximum prescribed period when audiovisual communication cannot be maintained by the board (not due to a member of the public's inability to maintain such communication) and allows the meeting to be reconvened even if only audio communication can be reestablished. Establishes a new notice requirement to provide the board's contact information for the submission of written testimony by electronic or postal mail, which also applies to remote meeting agendas. Amends existing option to hold in-person meetings at multiple public meeting sites connected by interactive conference technology to require termination of meeting only if audio communication is lost and cannot be reestablished within an hour and the board had not provided reasonable notice of how the meeting would be continued. Allows for additional courtesy sites open to the public for both remote and in-person meetings held by interactive conference technology. Allows for contact tracing and social distancing in a pandemic.

(viii) Senate Bill No. 9

Relating to Board Members

This bill seeks to authorize, until June 30, 2022, boards to exclude the public from the meeting locations where board

members are physically present if the board meetings are held by interactive conference technology during a state of emergency due to a contagious illness. Permits two or more members of a board to attend state of the city, state of the county, state of the State, or state of the judiciary addresses with certain restrictions. Requires meetings held by interactive conference technology to recess, rather than terminate, when audio communication cannot be maintained and may reconvene only when audio communication is reestablished.

(ix) Senate Bill No. 592

Relating to The Uniform Information Practices Act

This bill seeks to allow any number of members of a board to attend an informational meeting or presentation on matters relating to official board business and conduct private meetings with legislators without meeting public meeting requirements.

(x) Senate Bill No. 610

Relating to Boards and Commissions

This bill seeks to prohibit a public member of any board or commission under DCCA's purview from being engaged in the occupation that the board or commission regulates or having other direct legal or financial interests in the regulated occupation. Specifies that public members represent the public interest.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Murata, and unanimously carried for the Board to track the various bills relating to Board meetings, members, and interactive conference technology.

New Business: A. Permitted Interaction Group

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 reported that the Board expressed concerns with the current licensing laws and rules. For example, differences between Hawaii Revised Statutes Chapters 438 and 439; frequency of examinations; reader/interpreters; Barber remedial training; and invasive procedures. A Permitted Interaction Group (less than quorum) is one option the Board may consider for members to discuss with the industry and public to propose changes to the licensing laws.

Executive Officer Kleinhans reiterated that the Board is only able to vote on the Permitted Interaction Group's recommendation at a meeting following their recommendation. The approximate deadline for a draft Administration Bill to submit to DCCA is August 2021. He suggested the Permitted Interaction Group should submit the proposed administration bill to the Board prior to May 19, 2021 which is the agenda deadline for the Board's May 25, 2021 meeting.

After discussion, it was moved by Chairperson McKay, seconded by Mr. Murata, and unanimously carried to create a Permitted Interaction Group to work with industry stakeholders and the public to draft an Administration Bill to amend Hawaii Revised Statutes Chapters 438 and 439. The Permitted Interaction Group will be facilitated by Executive Officer Kleinhans and comprised of Chairperson McKay, Vice-Chairperson Williams, and Ms. Severson.

Public Comment: None.

Next Board Meeting: Tuesday, March 30, 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 1:21 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

03/15/21

- ☒ Minutes approved as is.
- ☐ Minutes approved with changes