

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: March 30, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
(use link below)
<https://dcca-hawaii-gov.zoom.us/j99534232691>

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
Kerrie Shahan, Executive Officer
James Skizewski, Executive Officer
Jenny Yam, Executive Officer
Erin Emerson, Secretary
Leanne Abe, Secretary
Christine Dela Cruz, Office Assistant

Excused: None.

Guest(s): Raynette Hall
Risé Doi
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 12:15 p.m. by Chairperson McKay.

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

Introduction
of Staff:

Executive Officer Kleinhans introduced Executive Officer Yam to the Board. Executive Officer Yam will be replacing Executive Officer Kleinhans going forward. Due to many industry intricacies and the anticipated changes to the licensing laws and rules, he will attend several subsequent meetings and work closely with Executive Officer Yam during the transition. Executive Officer Yam briefly introduced herself to the Board.

Minutes of the
February 23,
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.

After discussion, it was moved by Chairperson McKay, seconded by Vice-Chairperson Williams, and unanimously carried to accept the minutes of the February 23, 2021 meeting as circulated.

Licensing:

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 Vice-Chairperson Williams, and unanimously carried to ratify the list of issued licenses attached (see, attached list).

B. Application for Exam & License

- (i) Barber – John James Rodrigues III
- (ii) Beauty Operator – Liguya C. Newbury
- (iii) Beauty Operator – Tera Martin

After discussion, it was moved by Chairperson McKay, seconded by Mr. Murata, and unanimously carried to approve the barber and beauty operator application for exam and license of John James Rodrigues III, Liguya C. Newbury, and Tera Martin.

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

(i) Results of the State NIC Barber and Beauty Operator
Examinations Administered February 2021

February 2021	passed	passing %	failed
Cosmetology	13	62%	8
Hairdresser	2	67%	1
Nail Technician	10	70%	3
Esthetician	32	70%	14
Instructor	1	100%	0
Barber	2	50%	2

B. Prometric Correspondence and Updates

(i) Neighbor Island Test Centers

Prometric reported that they are in the final stages of opening up more test centers. Centers in the Counties of Maui and Hawaii will be the first to open; however, they are unable to provide a definitive date.

Executive Officer Kleinhans asked Prometric regarding an approximate date for a test center in Kauai County. He indicated that until the locations of Prometric test centers are back to status quo (i.e., prior to the COVID-19 pandemic), the expiration dates of temporary permits and Barber examination eligibility will continue to be amended pursuant to HRS §438-7(e), §438-10(a), and §439-16.

(ii) Adding State Laws and Rules to the State NIC
Examinations

Executive Officer Kleinhans reported Prometric and the NIC are able to add questions on State licensing laws and rules to the NIC examination.

Prometric and NIC indicated the following:

- The portion on the State licensing laws and rules is provided on a separate examination;
- The Board may draft and provide the questions, but Prometric may also develop the questions; however, at an additional cost;
- Out of the forty-five boards that administer the NIC examination, there are four states that require examinations on their applicable State licensing laws and rules.

Executive Officer Kleinhans stated that requiring a portion of the examination to have State licensing laws and rules may require a legislative change, and for the Board to move into the minority of states that have exam questions on their laws and rules would entail adequate justification.

Ms. Severson inquired which states require State licensing laws and rules on their examination. Executive Officer Kleinhans will ask Prometric for the list of states and explore their laws and rules to report to the Board.

Vice-Chairperson Williams inquired if any of the states that require State licensing laws and rules on their examination have integrated the NIC and the laws and rules examinations into one examination. Executive Officer Kleinhans responded that Prometric requires the states to administer separate examinations, but he will ask Prometric to clarify if the two examinations are: (1) scheduled on one date; and (2) require one testing fee.

Mr. Murata inquired of the justification from the majority of the states that require only the NIC

examination. Executive Officer Kleinhans responded that their justification primarily involves license mobility between states.

Chairperson McKay indicated the examinations prior to the transition in March 2020 had questions on Hawaii Revised Statutes Chapters 438 and 439, and Hawaii Administrative Rules Chapters 16-73 and 16-78. Executive Officer Kleinhans reported the reasons to remove the State licensing laws and rules were discussed at the October 28, 2019 meeting, primarily the Board voted to transition to the NIC examination sooner and improve license mobility.

C. Permitted Interaction Group Established to Propose Administration Bill

Executive Officer Kleinhans reported the Permitted Interaction Group met on March 29, 2021 to discuss an initial draft and several changes. He stated that the intent of the bill and changes are to align the Barber and Beauty Operator licensing laws and their conflicting statutes. Further discussion is needed, but the Permitted Interaction Group plans to report their proposed draft to the Board at its April 27, 2021 meeting.

Executive Officer Kleinhans stated that upon reporting to the Board, the draft will be posted on the DCCA Professional and Vocational Licensing website for public review and discussion at the Board's May 25, 2021 and June 29, 2021 meetings. He added that the Board vote on the proposed administration bill should ideally occur at the June 29, 2021 meeting to: (1) provide the public ample time to provide input; and (2) meet the internal deadline to submit an administration bill.

D. Legislative Session and Bills Relating to Board Meetings, Members, Interactive Conference Technology

Executive Officer Kleinhans reported that the following bills are dead for this 2021 legislative session:

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

Relating to Public Agency Meetings and Records

- (ii) House Bill No. 166 // Senate Bill No. 439
Relating to Sunshine Law Boards
- (iii) House Bill No. 168 // Senate Bill No. 393
Relating to Public Agency Meetings and Records
- (iv) House Bill No. 190 // Senate Bill No. 442
Relating to Sunshine Law Boards
- (v) House Bill No. 503 // Senate Bill No. 661
Relating to Board Meetings
- (vi) House Bill No. 677
Relating to The Sunshine Law
- (viii) Senate Bill No. 9
Relating to Board Members
- (ix) Senate Bill No. 592
Relating to The Uniform Information Practices Act

Executive Officer Kleinhans reported the following bills or its companion bill are currently alive for this 2021 legislative session:

- (vii) House Bill No. 880 // Senate Bill No. 1034
Relating to Sunshine Law Boards

House Bill No. 880 is dead for this 2021 legislative session, but its companion Senate Bill No. 1034 will be heard by its final committee today. This bill authorizes and facilitates board meetings to use interactive conference technology.

- (x) Senate Bill No. 610
Relating to Boards and Commissions

This bill is currently referred to its second to last committee. This bill delineates the State Ethics Code by prohibiting public members from being engaged in the occupation that their board regulates or having a

material or financial conflict of interest in the regulated occupation.

Ms. Severson commented that Senate Bill No. 610 may inadvertently make filling public member positions more difficult. Executive Officer Kleinhans responded that public members serve the important voice of the general public which also mitigates anticompetitive effects of board actions. He reported of a case in 2015 where the North Carolina State Board of Dental Examiners primarily comprised of licensees sent cease-and-desist letters to teeth whiteners without state oversight. The Federal Trade Commission found that the Board violated federal antitrust laws, and the decision was affirmed by the United States Supreme Court.

E. United States Department of Defense Receives Approval for Grants to Develop Interstate Compacts for Licensure Portability

Executive Officer Kleinhans reported that on March 15, 2021, the United States Department of Defense announced a series of grants to develop a compact with the intent to help military spouses with license portability. There were five professions selected: teaching, social work, cosmetology, massage therapy, and dentistry/dental hygiene. Other professions that enacted compacts prior to this grant process include medicine, nursing, physical therapy, psychology, emergency medical services, audiology/speech-language pathology, licensed professional counseling, and occupational therapy.

Executive Officer Kleinhans noted the purpose of the compact may be due to the differences of State licensing laws and rules between United States. Upon receipt of further information, this matter will be placed as a future agenda item for Board discussion.

Hawaii
Administrative
Rules ("HAR")
Chapters 73

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

and 78:

A. Revision or Repeal of HAR Provisions Regarding Medical Clearance

(i) Barber Rules, Subchapter 8 – HAR §16-73-56

“If the department of health declares an emergency or epidemic concerning one or more contagious or infectious disease or diseases, all licensed barbers, barber applicants, and apprentices shall provide a medical clearance certificate from a physician attesting that the licensee or applicant is free from that particular contagious or infectious disease or diseases as the case may be.”

(ii) Cosmetology Rules, Subchapter 10 – HAR §16-78-76

“Upon the department of health declaring an emergency or epidemic concerning one or more contagious or infectious disease or diseases, all licensed beauty operators, licensed instructors, beauty operator applicants, instructor applicants, instructor-trainees, students, and apprentices shall provide a medical clearance certificate from a physician attesting that the licensee or applicant is free from that particular contagious or infectious disease or diseases, as the case may be.”

Executive Officer Kleinhans reported the above Hawaii Administrative Rules were suspended by Governor Ige’s Eighth Supplementary Proclamation Related to the COVID-19 Emergency. The rules are currently suspended due to the consequent administrative impacts on the medical profession, industry licensees, and Board staff.

Executive Officer Kleinhans recommended the Board consider repealing the rules to eliminate the requirement for all licensed barbers, beauty operators, beauty instructors, apprentices, instructor-trainees, students, and applicants for examination and licensure to obtain and provide a medical clearance certificate from a physician attesting that the individual is free from disease prior to the expiration of Governor Ige’s Emergency Proclamations related to the COVID-19 Emergency.

It was moved by Chairperson McKay to repeal HAR §16-73-56 and §16-78-76.

Vice-Chairperson Williams expressed concern regarding repealing the medical clearance certificate requirement as the certificate provides proof the licensee or applicant is free from disease.

Ms. Severson supported the repeal and indicated all the available vaccines for COVID-19 are less than 100% effective. She mentioned that there have been cases of people that were fully vaccinated and still contracted COVID-19. She added there is no law that mandates individuals to obtain vaccination.

Executive Officer Kleinhans reported of a CDC publication where two Missouri hairdressers were infected with COVID-19 and served over 100 clients; however, the hairdressers followed proper sanitation protocol and wore facemasks, and none of their clients caught COVID-19.

Executive Officer Yam inquired if HRS §438-8.5 and §439-12.5 provide the Board authority to request or require medical clearance tests. DAG Suzuka confirmed affirmatively and indicated the statutes also provide the Board discretion.

Mr. Murata stated that money is tight during these times, and if sanitation rules are followed and are effective, then we should not preclude licensees from being able to work.

Mr. Murata seconded the motion. Vice-Chairperson Williams concurred, and the motion was unanimously carried to repeal HAR §16-73-56 and §16-78-76.

Public Comment: None.

Next Board Meeting: Tuesday, April 27, 2021
12:00 p.m.
Virtual Videoconference Meeting
Zoom Webinar

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Adjournment: There being no further business to discuss at this time, the meeting was adjourned at 1:25 p.m.

Taken and recorded by:

/s/ Leanne Abe

Leanne Abe, Secretary

Reviewed and accepted by:

/s/ Jenny Yam

Jenny Yam, Executive Officer

JY:la

04/22/21

[X] Minutes approved as is.
[] Minutes approved with changes

**BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – March 30, 2021**

BARBER

BAR	3950	LESTER JEROME V HIPOL
BAR	3951	CUU THI THUAN NGUYEN

BEAUTY OPERATOR

BEO	23051	MCKENZIE J <SMITH<
BEO	23052	SHANNON MARIE <GARDENIER<
BEO	23053	ABIGAIL LYNN <ST CLAIR<
BEO	23054	KAMALANI PIILANI <HELENIHI<
BEO	23055	BRIAN <KELLY<
BEO	23056	LAURA LYNN <RIVERA-SEPULVEDA<
BEO	23057	CARY G A <LABAUN<
BEO	23058	LISA <HO<
BEO	23059	TSEGEREDA ROSE <HOFFMANN<
BEO	23060	JULIE ANN <BALLESTEROS<
BEO	23061	HOLLY CHRISTINE <BLANKS<
BEO	23062	HUONG THI <NGUYEN<
BEO	23063	KATRINA L P M <HAKKEI<
BEO	23064	RACHEL <PHAN<
BEO	23065	JESSICA CHANTE <BALON<
BEO	23066	JESSICA LYNN WINDHAM
BEO	23067	JAIME E SUAREZ
BEO	23068	RENAE R MURRAY
BEO	23069	CHLOE BETH LAMBERT
BEO	23070	DIANN OCKWELL
BEO	23071	ALYSSA D GARCIA
BEO	23072	THI MY LINH DO
BEO	23073	NATHANIEL A COSTA
BEO	23074	TRAM TRUONG
BEO	23075	MARIAH L K FERMAHIN-LIME
BEO	23076	CHARNELLE K TERAWAKI
BEO	23077	MY LINH MAI HO
BEO	23078	MONICA YUNG NGUYEN
BEO	23079	UILANI C CHONG
BEO	23080	KRISTINA VIRGEN MENDOZA
BEO	23081	HUE THI PHAN
BEO	23082	CHRISTI ALYSSA GAYOMA

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BEO	23083	MICHELLE HANAKO HARRIS
BEO	23084	GENA-MARIAH CABRINHA
BEO	23085	MARTHA MARIA VALDEZ
BEO	23086	JULIA RAE Q BARBASA
BEO	23087	MICHELLE CYNTHIA E L MARR
BEO	23088	CHIRKA-TSYSKA B B RAMOS
BEO	23089	SHAWNA M KAIURA
BEO	23090	THI KIEU PHAN
BEO	23091	AYAKO KATABE
BEO	23092	LAN THIEN CHAU
BEO	23093	HOLLY K SHOOP
BEO	23094	ASHLEY E ACKLIN
BEO	23095	YOUNGHEE MARTIN
BEO	23096	MARIA C AGUON
BEO	23097	SANDRA LI PANCO
BEO	23098	BAYALAGMAA DAVAA
BEO	23099	AMAL HADARI
BEO	23100	TIERA K K KNIGHT
BEO	23101	CHELSEY EKC ASHER
BEO	23102	TIARI A CABALO-KEAHI
BEO	23103	CHARNELLE R ARCILLA
BEO	23104	KATHERINE M REZANTES
BEO	23105	HOLLY P A KALUA'U KALAWA
BEO	23106	TEHANI K LOUIS
BEO	23107	TINA POWERS

BARBER SHOP

		MIMI'S BARBER AND HAIRSTYLING
BAS	1717	L.L.C.
BAS	1718	TRINH'S BARBERSHOP LLC

BEAUTY SHOP

BSH	6069	LA BEAUTE ANELA LLC
BSH	6070	MAI'S BARBER & HAIR SALON LLC
BSH	6071	SANOE BOBO LLC
BSH	6072	VIVIAN OME LLC
BSH	6073	KAMALANI PIILANI <HELENIHI>
BSH	6074	BEAUTIFY STUDIO LLC
BSH	6075	HAWAII SANCTUARY BY SAIMA LLC
BSH	6076	RIA STUDIO HAWAII LLC
BSH	6077	KATHRYN M IKEMOTO

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BSH	6078	LASH AND GLOW AESTHETICS LLC
BSH	6079	HONOLULU SPA & WELLNESS LLC
BSH	6080	JILLIAN SAXMAN LLC