

BOARD OF BARBERING AND COSMETOLOGY
Professional and Vocational Licensing Division
Department of Commerce and Consumer Affairs
State of Hawaii

MINUTES OF MEETING

Date: July 27, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/95589622821>

Present: Amanda Severson, Beauty Operator Member, Chairperson
Margaret Williams, Barber Member, Vice-Chairperson
Leslie Murata, Public Member
Raynette Hall, Beauty Operator Member
Kelly K. Suzuka, Deputy Attorney General (“DAG”)
Candace M. Y. Ito, Acting Supervising Executive Officer
Jenny M. Yam, Executive Officer
Kedin C. Kleinhans, Executive Officer
Leanne K. Abe, Secretary
Christine V. Dela Cruz, Technical Support
Susan A. Reyes, Technical Support

Excused: None.

Guest(s): Chelsea Fukunaga

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: The meeting was called to order at 12:06 p.m. by Vice-Chairperson Williams, at which time a quorum was established.

Vice-Chairperson Williams proceeded with roll call. All Board members were present.

Minutes of the June 29, 2021 Board Meeting: Vice-Chairperson Williams 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 Vice-Chairperson Williams, seconded by Mr. Murata, and unanimously carried to approve the minutes of the June 29, 2021 meeting as circulated.

Welcome New
Board Member/
Election of Officers:

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

Executive Officer Yam reported the second term of Beauty Operator member and previous Board Chairperson, Ms. Lynnette McKay, expired on June 30, 2021. She welcomed Ms. Raynette Hall to the Board as its new Beauty Operator member.

The floor was opened for nomination for the position of Chairperson and Vice-Chairperson.

Mr. Hall nominated Ms. Amanda Severson as Chairperson. There being no further nominations, it was moved by Ms. Hall, seconded by Vice-Chairperson Williams, and unanimously carried to elect Ms. Severson as Chairperson.

It was moved by Vice-Chairperson Williams, seconded by Mr. Murata, and unanimously carried for Vice-Chairperson Williams to continue as Vice-Chairperson.

Licensing:

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

A. Application for Exam & License – Barber

i. Aileen Paulino-Wood

Vice-Chairperson Williams stated that she knows the applicant but is capable of voting fairly and objectively.

It was moved by Chairperson Severson, seconded by Mr. Murata, and unanimously carried to approve the barber application for exam and license of Aileen Paulino-Wood.

B. Ratification of Issued Licenses

It was moved by Chairperson Severson, 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 Yam asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

A. Results of the State NIC Examination Administered June 2021

Executive Officer Yam provided the following results:

June 2021	passed	passing %	failed
Cosmetology	19	73%	7
Hairdresser	1	33%	2
Nail Technician	12	63%	7
Esthetician	26	59%	18
Instructor	-	-	-
Barber	10	71%	4

Board Policy on the
Use of Word-for-Word
Dictionaries in NIC
Examination:

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

The Board received an inquiry from an applicant whether word-for-word dictionaries may be used during the NIC examination.

Executive Officer Yam reported that the Board prohibited the use of word-for-word dictionaries at its March 7, 2007 meeting, due to instances of cheating on the previous Hawaii State written examination. At its November 25, 2019 meeting, the Board proposed amendments to its barber administrative rules to allow word-for-word dictionaries given the simultaneous repeal of readers/interpreters. She asked the Board for clarification if it was inclined to rescind its March 7, 2007 policy and allow the use of word-for-word dictionaries during the NIC examinations.

Ms. Hall inquired if the word-for-word dictionaries were personally owned by the applicants. Executive Officer Yam answered affirmatively.

Vice-Chairperson Williams stated that the examination is required to be given in the English language but would welcome the use of word-for-word dictionaries given the dictionaries are thoroughly reviewed by the Board's testing service to ensure it does not contain unauthorized writing prior to applicants being admitted for examination.

Ms. Hall inquired if NIC offers its examinations in different languages.

Executive Officer Yam responded that NIC currently offers its examinations in English, Spanish, Korean, and Vietnamese.

Ms. Hall stated that she would welcome the use of the NIC examination in different languages.

Chairperson Severson is of the opinion that word-for-word dictionaries should not be allowed and reported many industry products and its instructions, e.g., neutralizing chemical reactions on the floor, are in the English language, and expressed concern should a licensee be unable to read product instructions.

Executive Officer Yam cited Hawaii Administrative Rules §16-73-27(d) and §16-78-30 which respectively states:

The examination shall be given in the English language.

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

Executive Officer Yam asked whether the Board is inclined to allow the use of word-for-word dictionary if the Board's testing service thoroughly review the dictionary to ensure it does not contain unauthorized writing prior to applicants being admitted for examination.

Ms. Hall asked if the Board's testing service is able to provide word-for-word dictionaries.

Mr. Murata stated that there may be concerns of discrimination should the testing service's dictionaries exclude a particular language of an applicant. He also concurred with Chairperson Severson's comment that applicants should be able to comprehend the English language to read product instructions.

By consensus, the Board reaffirmed its March 7, 2007 decision to prohibit the use of word-for-word dictionaries during the NIC examination.

Emergency Rule
Amendments – HAR
Provisions Regarding
Medical Clearance:

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

Executive Officer Yam reported that the Board's previous repeal of its administrative rules relating to medical clearances, HAR §§16-73-56 and 16-78-76, is currently proceeding through the standard

rule amendment process; however, suspension of the rules as provided in the Governor David Y. Ige's Twenty-First Proclamation Related to the COVID-19 Emergency may lift upon the Proclamation's expiration on August 6, 2021. Consequently, all industry licensees, apprentices, students, instructor-trainee and applicants would be required to obtain a medical clearance from a physician which may overwhelm the medical industry.

Executive Officer Yam stated that the Board may consider adopting emergency rules pursuant HRS §91-3(b) to repeal HAR §§16-73-56 and 16-78-76; however, she clarified that the emergency rules are effective for no longer than 120 days, which will provide a buffer period to complete the standard rule amendment process.

DAG Suzuka explained that promulgating emergency rules requires the Board to state that the justification for the adoption of the emergency rules is to prevent imminent peril to public health and safety.

HRS §91-3(b) states that:

Notwithstanding the requirements of subsection (a), if an agency finds that an imminent peril to the public health, safety, or morals, to livestock and poultry health, or to natural resources requires adoption, amendment, or repeal of a rule upon less than thirty days' notice of hearing, and states in writing its reasons for such finding, it may proceed without prior notice or hearing or upon such abbreviated notice and hearing, including posting the abbreviated notice and hearing on the Internet as provided in section 91-2.6, as it finds practicable to adopt an emergency rule to be effective for a period of not longer than one hundred twenty days without renewal.

Chairperson Severson stated that the medical profession may be overwhelmed by administrative burden if HAR §§16-73-56 and 16-78-76 remains in effect, which may decrease efficiency in the response to the COVID-19 emergency and present a risk to public health and safety. She is of the opinion that the Board should adopt emergency rules to repeal HAR §§16-73-56 and 16-78-76.

Ms. Hall concurred with Chairperson Severson's comment.

After discussion, it was moved by Chairperson Severson, seconded by Vice-Chairperson Williams, and unanimously carried to adopt emergency rules to prevent imminent peril to public

health and safety, in accordance with HRS §91-3(b), by repealing HAR §§16-73-56 and 16-78-76; and to further state the justification to adopt the emergency rules is to avoid a consequent overwhelming of the medical industry due to the requirement for all licensees, apprentices, students, instructor-trainee and applicants of the barbering and cosmetology industry to obtain a medical clearance from a physician upon the lifted suspension of the rules at this time.

Executive Officer Yam reported that the Board may also consider repealing HAR §§16-73-56 and 16-78-76 pursuant to HRS §91-3(g) upon further justification that the rules are “null, void, or unnecessary” in order to expedite the standard rule amendment adoption.

HRS §91-3(g) states that:

(g) Whenever an agency seeks only to repeal one or more sections, chapters, or subchapters of the agency's rules because the rules are either null and void or unnecessary, and not adopt, amend, or compile any other rules:

* * *

(1) The agency shall give thirty days' public notice at least once statewide of the proposed date of repeal and of:

(A) A list of the sections, chapters, or subchapters, as applicable, being repealed; and

(B) A statement of when, where, and during what times the sections, chapters, or subchapters proposed to be repealed may be reviewed in person;

(2) The agency shall post the full text of the proposed sections, chapters, or subchapters to be repealed on the Internet as provided in section 91-2.6; and

(3) Any interested person may petition the agency regarding the sections, chapters, or subchapters proposed to be repealed, pursuant to section 91-6.

This subsection does not apply to the repeal of one or more subsections, paragraphs, subparagraphs, clauses, words, phrases, or other material within a section that does not constitute the entire section to be repealed.

Vice-Chairperson Williams recalled previous Board discussion and indicated the purpose of the rules were to prevent the spread of contagious diseases.

Executive Officer Kleinhans reported his review of the Board meeting minutes prior to the 1989 promulgation of rules regarding medical clearances and speculated that the rules may have been adopted to coincide with the regulatory framework of the Hawaii Department of Health (“DOH”). At the time, shops were required to obtain a sanitary clearance from DOH for licensure which involved a physical inspection of the shop. DOH no longer conducts inspections nor issues sanitary clearances for shops. He also noted that coordination between the U.S. government and state governments may have expanded, especially to mitigate infectious diseases.

Vice-Chairperson Williams further described the contrast in regulatory frameworks between the different points in time. For example, individuals were required to submit a medical certificate as part of the application for licensure in the 1980s.

Executive Officer Yam confirmed and stated that the State Auditor discussed and found the one-time medical certificate to be unnecessary in the 1986 Sunset Evaluation Update, Practice of Barbering, Chapter 438, Hawaii Revised Statutes, which states:

Medical clearance. Applicants for an apprentice license must submit a statement not more than 12 months old signed by a licensed physician that they are free from infectious or contagious diseases. Applicants for a barber license must also submit a medical statement if the one they had submitted with the apprentice application is more than 12 months old.

The board recently received an inquiry from a physician’s office on what infectious diseases it wanted applicants to be clear of. Depending on the disease, the board was informed that different kinds of tests would be required. Board members agreed that the requirement is no longer useful. This one-time certification imposes an unnecessary cost to applicants and should be removed.

Executive Officer Yam clarified that the statutory requirement to submit a one-time medical clearance certificate as part of the application for licensure was repealed from HRS §438-7 in 1987, ACT 246. The rules currently specify the medical clearance is required during a state of emergency and/or pandemic.

Vice-Chairperson Williams concurred with Executive Officer Kleinhans comment and stated that the U.S. government

coordinate with state governments to reduce the transmission of COVID-19.

DAG Suzuka summarized the aforementioned information and indicated that the differences between the regulatory frameworks may justify that HAR §§16-73-56 and 16-78-76 are “null, void, or unnecessary”. She added that the Board should avoid laws or rules that may conflict with other State or U.S. government measures that address public health concerns.

Board Meeting Schedule for 2021: Executive Officer Yam asked if any members of the public would like to provide oral testimony on this agenda item. There were none.

Executive Officer Yam inquired if the Board is inclined to holding meetings every other month for the remainder of the year.

By consensus, the Board agreed to maintain its current meeting schedule.

Public Comment: Executive Officer Yam stated COVID-19 Guidelines for Barbering and Cosmetology will be placed on the next meeting agenda.

Next Board Meeting: Tuesday, August 31, 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 1:03 p.m.

Reviewed and accepted by:

Taken and recorded by:

/s/ Jenny Yam

/s/ Leanne Abe

Jenny Yam, Executive Officer

Leanne Abe, Secretary

JY:la

08/24/21

[] Minutes approved as is.

[X] Minutes approved with changes. See Minutes of August 31, 2021 meeting.

**BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – July 27, 2021**

BARBER

BAR-3972	GIANG DAO
BAR-3973	THI KIM NGA DINH
BAR-3974	MILVE L CABAHIT
BAR-3975	THI KIEU QUYEN PHAN
BAR-3976	THANH M DOAN
BAR-3977	MOHAMMAD MIHANDOUST
BAR-3978	THI PHUONG LE
BAR-3979	GARY T CASUPANG

**BEAUTY
OPERATOR**

BEO-23333	MIRRIAM M CALUZA
BEO-23334	Jamie Nicole Saragosa
BEO-23335	THUY THI THANH HIGA
BEO-23336	ASHLEY J MURRAY
BEO-23337	TAYLOR L P MARASCO
BEO-23338	NAHEA M V SPRINGER
BEO-23339	ARIANNA IBARRA
BEO-23340	BETH A KELLY
BEO-23341	Amy Nakama
BEO-23342	KELLIE RAE M FU
BEO-23343	KARINA LEVARIO
BEO-23344	REBECCA K GOEBEL
BEO-23345	TINA E RUDEK
BEO-23346	SARAH ELIZABETH CHEVALIER
BEO-23347	ALLELIE ANNE D MANUEL
BEO-23348	VI GUTIERREZ
BEO-23349	CAITLIN NICOLE-JACOBS KROPSCHOT
BEO-23350	MCKENZIE L MCKEE SANCHEZ
BEO-23351	KORI H SAKUDA
BEO-23352	TRUC THANH NGUYEN
BEO-23353	ZOEY K CHANG
BEO-23354	Grace Thao Ngoc Huynh
BEO-23355	SAVANNAH LILLY L PHILLIPS
BEO-23356	THI ANH D LE
BEO-23357	CHRISTINE N MATTSON
BEO-23358	JACQUELINE R LUCAS
BEO-23359	Tory Hamabata

BEO-23360	Eiko Kitaichi Waiswaser
BEO-23361	YUKI TAKAHASHI
BEO-23362	KYUNG SUK KIM
BEO-23363	AI WAKATSUKI
BEO-23364	MEGHAN K HAIKU
BEO-23365	MING HE
BEO-23366	ANGIELOU J CABALO
BEO-23367	SAMANTHA JO NEWMAN
BEO-23368	THI THANH LE
BEO-23369	SHANNDA M SIDHU
BEO-23370	JULIANA CHANG-KOEGER
BEO-23371	MY TRAN
BEO-23372	ANGELIKA TRINIDAD C PERALTA
BEO-23373	SOPHIA EILEEN EILEEN MARTIN
BEO-23374	NHUNG TUYET TRAN
BEO-23375	CHI-THI NGUYEN
BEO-23376	JULIE LEIOHOKU CHUNG
BEO-23377	MAILE MIHO JOHNSTON
BEO-23378	MALIA J MONTGOMERY
BEO-23379	LESLIE ELLEN LOO

**BEAUTY
SHOP**

BSH-6138	SC Salons Inc
BSH-6139	SC Salons Inc
BSH-6140	SC Salons Inc
BSH-6141	SC Salons Inc
BSH-6142	SC Salons Inc
BSH-6143	SC Salons Inc
BSH-6144	SC Salons Inc MUSE BEAUTY
BSH-6145	CONNECT LLC
BSH-6146	BRIAN A LACEY
BSH-6147	ASHLEE KOZUMA LLC
BSH-6148	LILLIAN A LEONG
BSH-6149	PAL BEAUTY LLC
BSH-6150	PAL BEAUTY LLC
BSH-6151	SC Salons Inc
BSH-6152	SC Salons Inc
BSH-6153	SC Salons Inc
BSH-6154	SC Salons Inc
BSH-6155	SC Salons Inc

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BSH-6156	SC Salons Inc
BSH-6157	SC Salons Inc
BSH-6158	STEPHANIE I JAEGER PHANATCHAKON
BSH-6159	CHINNASI
BSH-6160	SPA ELYSIUM LLC
BSH-6161	NAOMI BEAUTY LLC
BSH-6162	MERMADE SPA, LLC THE WAX ROOM HAWAII LLC
BSH-6163	JENNIE L BALISACAN
BSH-6165	MILA HAIR STYLIST LLC
BSH-6166	HLM SPA LLC