

BOARD OF BARBERING AND COSMETOLOGY

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

MINUTES OF MEETING

Date: September 28, 2021

Time: 12:00 p.m.

Place: Virtual Videoconference Meeting – Zoom Webinar
<https://dcca-hawaii-gov.zoom.us/j/94901467749>

Present: Amanda Severson, Beauty Operator Member, Chairperson
Margaret Williams, Barber Member, Vice-Chairperson
Leslie Murata, Public Member
Raynette Hall, Beauty Operator Member
Jamie Yap, Public Member
Kelly K. Suzuka, Deputy Attorney General (“DAG”)
Jenny M. Yam, Executive Officer
Leanne K. Abe, Secretary
Kedin C. Kleinhans, Technical Support
Susan Reyes, Technical Support

Excused: None.

Guest(s): Adiel Cline
Chantha Phanthanouvong
Reese Yap
Sherman Takao
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: The meeting was called to order at 12:04 p.m. by Chairperson Severson, at which time a quorum was established.

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

Welcome New Board Member: Chairperson Severson introduced new Board member Jamie Yap to the Board of Barbering and Cosmetology. Mr. Yap briefly introduced himself.

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Minutes of the
August 31, 2021
Board Meeting:

Chairperson Severson 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 Mr. Murata, seconded by Vice-Chairperson Williams, and carried by the majority, with the exception of Mr. Yap, who recused himself from voting on this matter, to approve the minutes of the August 31, 2021 meeting as circulated.

Licensing:

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

Ms. Hall expressed the difficulty of the DCCA PVL's application for licensure process.

Executive Officer Yam explained that effective June 8, 2021, DCCA PVL's general processing time is 45-60 business days, however, we will do our best to process the application as soon as possible. There is one application clerk in Licensing Branch who reviews and processes all applications for the Board of Barbering and Cosmetology. All applications and supporting documents are reviewed in the order it is received. She stated that if there are any concerns regarding the status of an application, applicants may email the Board at barber_cosm@dcca.hawaii.gov and a Board staff will follow up with the applications clerk.

Ms. Phanthanouvong raised her hand and was recognized by Chairperson Severson to present oral testimony.

Ms. Phanthanouvong introduced herself and expressed the difficulty of the DCCA PVL's application for licensure process, specifically her beauty shop application.

Executive Officer Yam advised Ms. Phanthanouvong to email the Board at barber_cosm@dcca.hawaii.gov and she will follow up with the applications clerk regarding status of her beauty shop application.

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 August 2021

Executive Officer Yam provided the following results:

August 2021	passed	passing %	failed
Cosmetology	15	65%	8
Hairdresser	2	100%	0
Nail Technician	15	79%	4
Esthetician	38	76%	12
Instructor	3	100%	0
Barber	14	63%	8

B. NIC Nail Technology Theory Examination Update Effective October 1, 2021

Executive Officer Yam reported that the new candidate information bulletin and notice was posted on the Board of Barbering and Cosmetology's website. The Hawaii Beauty Schools were notified by mail dated September 1, 2021. The NIC nail technology theory examination update will be effective on October 1, 2021.

C. Update on Legislative Proposal

Executive Officer Yam reported that the legislative proposal is currently being reviewed by multiple agencies. Several concerns were raised, such as:

1) Age Requirement

The legislative proposal specifies barber apprentice, beauty apprentice, barber, beauty operator or beauty instructor shall be at least sixteen years of age.

Executive Officer Yam stated that there were concerns raised by legislator that a sixteen-year-old would not be able to obtain a high school diploma or an education equivalent to the completion of high school. In addition, specifying the minimum age as sixteen years old may conflict with the following Hawaii Revised Statutes ("HRS"):

HRS §577-1 provides that:

Age of majority. All persons residing in the State, who have attained the age of eighteen years, shall be regarded as of legal age and their period of minority to have ceased.

HRS §436B-10(a)(2) provides that:

(a) Application for a license shall be made on an application form to be furnished by the licensing authority. An applicant shall provide the following information on the application form:

* * *

(2) Affirmation that the applicant is beyond the age of majority;

Executive Officer Yam reported that after some research, she found that sixteen years old is the minimum age in Hawaii to take the GED or HiSET test, provided that the individual is able to get approval from their school principal and complex area superintendent, and adhere to using the Exceptions to Compulsory Education, Form 4140. Some of the reasons that an individual may be approved for the exception is suitable employment or alternative education. This information was provided for review.

Executive Officer Yam inquired if the Board had any objection to raising the minimum age requirement to eighteen years old.

Chairperson Severson stated that she did not have any objection to raising the minimum age requirement to eighteen years old.

Ms. Hall expressed her concern of raising the minimum age requirement from the original proposed sixteen years of age should the Department of Education ("DOE") decide to add a high school cosmetology program in the future.

Executive Officer Yam stated that the minimum age requirement provided in the legislative proposal only apply to individuals applying for barber apprentice or beauty apprentice registration, and barber, beauty operator, or beauty instructor license. DOE have their own statutes and rules that provides the requirements for high school programs.

Ms. Hall stated that some students may graduate from high school at seventeen years of old. She further stated, and board members agreed, that the Board would prefer seventeen years old if it is required to raise the minimum age requirement in the legislative proposal; however, the Board does not oppose to raising the minimum age requirement to eighteen years of old.

2) Medical Clearance

Executive Officer Yam stated that concerns were raised that legislative proposal did not include a similar provision as HRS §§ 438-8.5 and 439-12.5 regarding medical clearance. HRS §§ 438-8.5 and 439-12.5 gives the Board authority, at its discretion, to require or request for a medical clearance test to protect the public health. Since the current statutes give the Board discretion, it was recommended that this provision should be included in the legislative proposal.

Executive Officer Yam stated that the Board may consider adding the following language to the legislative proposal:

The Board, at its discretion, may request any barber apprentice, beauty apprentice, barber, beauty operator, and beauty instructor to submit to such medical clearance test including blood test as the Board deems appropriate to protect the public health.

The Board does not oppose to adding the medical clearance language to the legislative proposal.

3) Powers and Duties of Board

Executive Officer Yam stated that the following language was added to § -5(a) of the legislative proposal for clarity and to give the Board authority to effectuate the purpose of the chapter:

In addition to any other powers and duties authorized by law, the board shall have all the powers necessary to effectuate the purpose of this chapter; may approve examinations for licensure to practice barbering and cosmetology...

4) Barber Apprenticeship

The legislative proposal will increase the barber apprenticeship hours to three thousand (3,000).

Executive Officer Yam stated that concerns were raised regarding the ability to complete the 3,000 hours of training within the twelve-month period, pursuant to HAR 16-73-18(c) which states:

Upon complying with subsection (a), a barber apprentice applicant shall be issued an apprentice permit to learn and train in the practice of barbering. The apprentice permit shall be valid for a period that covers fifteen hundred clock hours but not more than twelve months, provided that an extension of not more than six months may be granted upon request with an explanation for the extension.

Executive Officer Yam stated that the Board may consider adding the following language as § -7(c) to the legislative proposal for uniformity in the apprenticeship permit term:

Apprentices shall have forty-two months from the date of registration to complete training at the minimum of twenty hours per week.

By consensus, the Board supports adding the apprenticeship permit term to the legislative proposal to address the conflict of raising the barber apprenticeship training requirement to 3000 hours and the limitation on apprenticeship permit term pursuant to HAR 16-73-18(c).

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

A. What License is Required to Perform “Eyelash Extensions” or “Brow Laminations”?

The Board reviewed and discussed an email inquiry to the Board dated September 7, 2021.

Executive Officer Yam reported that application of eyelash extensions was reviewed by the Board at previous meetings, and the Board determined that it falls under the scope of practice of a barber, esthetician, or cosmetologist, and thus a license as a barber, esthetician, or cosmetologist would be required.

Executive Officer Yam disseminated information regarding brow laminations from other state boards. She provided a general description of brow lamination as: setting the shape of a natural brow using a chemical solution by applying a waving lotion over the brows and allowing the lotions to sit for a specified period of time to break and reform the crosslinking bonds of the hair structure, removing the waving lotions and applying a neutralizing lotion over the brows and allowing the neutralizing lotion to sit for a specified period of time to reform the bond and removing the lotion.

HRS §438-1 provides that:

“Practice of barbering” means any combination of the following practices for remuneration: shaving, cutting, trimming, singeing, shampooing, arranging, dressing, curling, waving, or coloring the hair or beard or applying tonics or other preparation thereto; massaging, cleansing, or applying oils, creams, lotions, or other preparation to the face, scalp, or neck, either by hand or by mechanical appliances; provided that nothing in this chapter shall be construed as applicable to those persons licensed under chapter 439 to practice the occupations named therein.

HRS §439-1 provides that:

“Cosmetology”, also known as beauty culture, means the art and science of beauty care of the skin, hair, scalp, and nails, and includes any one or a combination of the licensure categories if they are performed on a person's head, face, neck, shoulders, arms, hands, bust, upper part of the body, legs, or feet for cosmetic purposes.

“Cosmetologist” means a person who engages in the practices of a hairdresser, an esthetician, and a nail technician for compensation.

“Esthetician” means any person who, with hands or nonmedically prescribed mechanical or electrical apparatus or devices or by use of cosmetic preparations, antiseptics, tonics, lotions, or creams, engages for compensation in any one or any combination of the following practices:

- (1) Massaging, cleansing, stimulating, manipulating, exercising, beautifying, or doing similar work on the scalp, face, neck, hands, arms, bust, upper part of the body, legs, or feet;*
- (2) Cleansing, exfoliating, wrapping, or doing similar work upon the entire body, without direct contact by*

- the hands and utilizing gloves, loofah mitts, or brushes; or*
(3) *Removing superfluous hair about the body of any person by means other than electrolysis.*

After discussion, the Board reaffirmed its previous determination that the application of eyelash extensions falls within the scope of practice of a barber, esthetician, or cosmetologist as defined pursuant to HRS §§438-1 and 439-1. By consensus, the Board determined that eyebrows are also part of the face, and arranging the brows using cosmetic preparations, antiseptics, tonics, lotions, or creams also falls within the scope of practice of a barber, esthetician, or cosmetologist as defined pursuant to HRS §§438-1 and 439-1.

Public Comment: None.

Next Board Meeting: Tuesday, October 26, 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 12:41 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

10/18/21

[X] Minutes approved as is.

[] Minutes approved with changes. See Minutes of _____

**BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – September 28, 2021**

BARBER

BAR-3991	RACHELLE LEIGH GENETIANO
BAR-3992	BENNY BINH LEE
BAR-3993	DUSTIN K CARAVALHO
BAR-3994	YOANNA LEE

BEAUTY OPERATOR

BEO-23430	Angelina-Nichagron Chatlaoong Pasion
BEO-23431	LINDA GAYLE HARMON
BEO-23432	BRITTANY MARIE SARANDI
BEO-23433	MARIAH ATHENA V ALETA
BEO-23434	TUYET TRINH VU
BEO-23435	SARAH ILIMA MARCHELLO
BEO-23436	SYDNEY E FRANK
BEO-23437	MONA C PONCE
BEO-23438	AMBER MARIE BELLAVIA
BEO-23439	HIEEN THI NGOC HUYNH
BEO-23440	KAZUYA SAKAMOTO
BEO-23441	REIKO SARA IKENO
BEO-23442	ANNA LAURA DUARTE
BEO-23443	HOPE A BENZIGER
BEO-23444	CHIE YAMAHATA
BEO-23445	REI NAKANO
BEO-23446	JAZMENN V BAZILE
BEO-23447	CARISA I NEELY
BEO-23448	Shaye Alize Layco
BEO-23449	ASHLEY MAE QUINSAAT RABANES
BEO-23450	Anela Herenui Mozo
BEO-23451	CRISSY R HUDSON
BEO-23452	Anastasia Andreyevna Cherek
BEO-23453	LAN HOANG NGOC NGUYEN
BEO-23454	AMIRA A VALDEZ
BEO-23455	JORDAN-NICOLE L K FERNANDEZ
BEO-23456	ALISHA BETH BALUKOFF
BEO-23457	NGOC DIEM VO
BEO-23458	YOSHINO NARAI

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BEO-23459	LEILIA A CARAVALHO
BEO-23460	JULIA JIMI CHO
BEO-23461	Kayana Meilin Lehuanani Kona-Dux
BEO-23462	CRYSTAL RIVERA
BEO-23463	KEALIA K WOLFE
BEO-23464	MONA S HARRELL
BEO-23465	SYLAH LAUREL ROGERS
BEO-23466	KIANA H CHUN
BEO-23467	YEDAM LEE
BEO-23468	THI UT HIEN TRAN
BEO-23469	LYNH T PHAM
BEO-23470	MORGAN K SATTERTHWAITE
BEO-23471	NAYAH A ROBERTSON
BEO-23472	MINH TUYEN T NGUYEN
BEO-23473	KAITLYN RASHELL FREY
BEO-23474	MEGAN B T SHIMABUKURO
BEO-23475	CHARLOTTE ANGEL CORTESE-MC-CAIG
BEO-23476	ASHLEY K HANAOKA
BEO-23477	KAULUHINANO M C L ARCE
BEO-23478	KIMHOA T NGUYEN
BEO-23479	PHUONG THANH NGUYEN
BEO-23480	TATIANA L SUMMERS
BEO-23481	SANHEE KIM
BEO-23482	ERIKA VELASQUEZ
BEO-23483	SAVANAH S SALAZAR
BEO-23484	ELISABETH ANNE MEIER
BEO-23485	MARIANNA ANGEL LAFAYETTE
BEO-23486	MEGAN M KIYUNA
BEO-23487	CHRISTY C CADIENTE
BEO-23488	NATTANA MARIE PUMMILL
BEO-23489	COURTNEY A SAKAMOTO
BEO-23490	MAKI YUU
BEO-23491	Katsiaryna Alday
BEO-23492	QUY THANH HOANG
BEO-23493	MISTY NOELANI MULLEITNER
BEO-23494	COURTNEY LEIGH ROGERS
BEO-23495	IVY J STYRON
BEO-23496	Kelsey Mai Nakao

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BEO-23497	SEONGAE LIM
BEO-23498	Lucy Khalek
BEO-23499	YING CHEN
BEO-23500	TAYLIN M ABADILLA
BEO-23501	WHITNEY KAY KEAWEKANE

BEAUTY SHOP

BSH-6186	OASIS SALON AND SPA LLC
BSH-6187	KIRSTEN E FLOOD
BSH-6188	ALCHEMY SALON LLC
BSH-6189	ON POINT AESTHETICS LLC
BSH-6190	ORIGINAIL, LLC
BSH-6191	THE SKIN SOURCE LLC
BSH-6192	DONNA S BEARTH
BSH-6193	CANDITA L VEGAS
BSH-6194	SABRI'S LASH & BEAUTY LLC
BSH-6195	LEILANI M MAYER
BSH-6196	MANI-A-GOGO LLC
BSH-6197	PINK NAILS MAUI LLC
BSH-6198	PALACE BEAUTY LLC
BSH-6199	ESTHETICS BY CARI-ANN LLC
BSH-6200	NORA PHILLIPS LLC

INSTRUCTOR

I-12461	THERESE M OWENS YAP
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