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

MINUTES OF MEETING

Date:	June 29, 2021
Time:	12:00 p.m.
Place:	Virtual Videoconference Meeting – Zoom Webinar https://dcca-hawaii-gov.zoom/us/j98430137069
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") Jenny Yam, Executive Officer Kedin C. Kleinhans, Executive Officer Leanne Abe, Secretary Denise Saffery, Secretary (Training) Christine Dela Cruz, Office Assistant Stephanie Karger, Office Assistant
Excused:	None.
Guest(s):	Christine Lisa Raynette Hall 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:	Due to technical difficulties, the meeting was called to order at 12:13 p.m. by Chairperson McKay, at which time a quorum was established. Chairperson McKay proceeded with roll call. All Board members were present.
Minutes of the May 25, 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 Mr. Murata, and unanimously carried to approve the minutes of the May 25, 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.

At 12:16 p.m., it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried for the Board to enter into Executive Session to consider and evaluate personal information relating to individuals applying for licensure in accordance with HRS section 92-5(a)(1), and to consult with the Board's attorney on questions and issues pertaining to the Board's powers, duties, privileges, immunities, and liabilities in accordance with HRS section 92-5(a)(4).

EXECUTIVE SESSION

At 12:34 p.m., it was moved by Chairperson McKay, seconded by Mr. Murata, and unanimously carried for the Board to move out of Executive Session.

A. Application for Exam & License – Beauty Operator

i. Patria Judith Valensoy Alonso

After discussion, it was moved by Chairperson McKay, seconded by Ms. Severson, and unanimously carried to defer the beauty operator application for exam & license of Patria Judith Valensoy Alonso pending submission of additional information.

B. Ratification of Issued Licenses

It was moved by Chairperson McKay, seconded by Mr. Murata, 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 May 2021

Executive Officer Yam provided the following results:

May 2021	passed	passing %	failed

Cosmetology	4	40%	6
Hairdresser	3	100%	0
Nail Technician	12	75%	4
Esthetician	39	78%	11
Instructor	0	0%	0
Barber	6	75%	2

Scope of Practice: A. Use of Methyl Methacrylate in Artificial Nail

The Board reviewed and discussed an email dated May 27, 2021, from Dylan Maeda regarding whether an acrylic monomer, methyl methacrylate, is permitted to be used in artificial nail enhancements in the state of Hawaii.

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

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

Ms. Hall introduced herself and stated that she is in the nail industry in the state of Hawaii and is curious to hear more about this inquiry.

In consideration of this inquiry, the Board considered resources published by the Food and Drug Administration ("FDA"). Executive Officer Yam provided a brief overview of the FDA articles:

Nail Care Products

In the early 1970s, FDA received a number of complaints of injury associated with the use of artificial nails containing methyl methacrylate monomer. Among these injuries were reports of fingernail damage and deformity, as well as contact dermatitis.

No regulations specifically prohibiting the use of methyl methacrylate in cosmetic products.

Cosmetics Safety Q&A: Prohibited Ingredients

> FDA concluded that liquid methyl methacrylate was poisonous and deleterious substance that should not be used in fingernail preparations.

Executive Officer Yam reported that many states such as Arizona, Florida, Indiana, Iowa, Montana, and New York have laws or rules that prohibit the use of methyl methacrylate. The Board also considered an Industry Bulletin issued by the California Board of Barbering and Cosmetology, which states that:

> The Board of Barbering and Cosmetology (Board) would like to make its licensees and consumers aware that the use of products that contain the ingredient MMA is prohibited for use in Board licensed establishments. The Food and Drug Administration (FDA) has concluded that liquid methyl methacrylate is a poisonous and deleterious substance that should not be used in fingernail preparations.
>
> MMA may be found in products used for artificial nail enhancements. This product can be identified by its very strong fruity odor. The use of MMA can cause the artificial nail to adhere so strongly to the natural nail bed that it may cause the nail bed to be removed under extreme pressure. You could have a severe allergic reaction to products containing this chemical and there is the potential for dangerous nail infections resulting from breaks in the natural nail.

Currently, Hawaii does not have laws and rules regarding the use of methyl methacrylate in nail preparation; however, it was noted that the Hawaii Administrative Rules ("HAR") *§*16-78-7 states that:

> *Workmanship. All work performed shall conform to the industry standards. Conduct or practice contrary to recognized industry standards shall be construed as professional misconduct, gross carelessness, or manifest incapacity.*

Ms. Hall stated that she is a licensed nail technician and an educator of O.P.I. products. She expressed her concern that methyl methacrylate should not be used in artificial nail enhancements/preparation in the state of Hawaii.

After due consideration, it was moved by Chairperson McKay seconded by Mr. Murata, and unanimously carried that the Board informally opined that methyl methacrylate should not be used in artificial nail

enhancements/preparation in the state of Hawaii pursuant to HAR §16-78-7.

Lastly, in accordance with HAR § 16-201-90, the above interpretation is for informational and explanatory purposes only. It is not an official opinion or decision, and therefore is not to be viewed as binding on the Board or the Department of Commerce and Consumer Affairs.

Unfinished Business:

A. Proposed Administration Bill to amend Hawaii Revised Statutes Chapters 438 and 439

Executive Officer Yam asked if any members of the public would like to provide oral testimony on this agenda item.

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

Ms. Hall inquired if the proposed administration bill will remove the temporary permit.

Executive Officer Yam responded that the current proposed administrative bill amends the term for the temporary permit to one year, instead of basing the term on a period of time covering the three or four consecutive examinations offered by the board after the permit's date of issuance.

Ms. Hall expressed her concern regarding unlicensed activity and individuals who continue to practice after a temporary permit has expired. She stated that individuals who are marketing their services to the public should have their license number, temporary permit number, and expiration dates visible.

Executive Officer Yam responded that the Board has issued Important Announcements on the Board's website regarding expiration dates of issued temporary permits and a barber applicant's eligibility for examination due to the COVID-19 pandemic resulting in the closure of Prometric testing sites in all counties. She stated that applicants should be displaying their temporary permits and the most current announcement notice next to each other and have it displayed in a conspicuous place to the public at their place of work.

Ms. Hall expressed her concern that individuals should not be able to work unless they pass the licensing examination.

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

Ms. Christine introduced herself and stated that she recently moved to Hawaii from Oregon. She inquired if the Board would be eliminating the temporary work permit.

Executive Officer Kleinhans responded that there was discussion in previous meetings on reducing the temporary permit terms or eliminating the temporary permit altogether. He explained that this discussion ensued when the Board switched to the new NIC (National-Interstate Council of State Boards of Cosmetology) examination on March 24, 2020.

Ms. Christine expressed her confusion of why an individual would be able to legally work if they have not passed the licensing examination. She stated that Oregon state does not offer temporary permits.

Discussion ensued regarding current Barber statutes requiring a barber applicant to apply and train as an apprentice for six months before qualifying for another series of examinations should the applicant fail to achieve a passing score by the fourth consecutive examination offered by the board, which is approximately one year.

Executive Officer Kleinhans stated that the purpose of the proposed administration bill is to align and remedy inconsistencies between HRS chapters 438 and 439. He recommended that Executive Officer Yam reach out to RICO ("Regulated Industries Complaints Office") on strategies to educate the industry.

Executive Officer Yam summarized the amendments to the proposed administration bill that was previously reported to the Board:

- Adding definition of "Adequate sanitary facilities", which means toilets located in properly ventilated rooms with doors, hot and cold running water, sinks or wash basins, and other requirements as may be prescribed by the rules of the board.

- Adding definition of "Barber school";

- Adding "relaxing" to the definition of "Hairdresser" and "Practice of barbering";

- Amended the term of the temporary permit to "one year" instead of the consecutive examinations;

- Removing Barber remedial training, similar to the Beauty Operator examination process;

- Removing the five-year license requirement for Barber and Beauty Operator member seats;

- Clarifying that public members shall be private citizens not connected with the industry;

- Adding a provision to provide the Board the ability to draft rules relating to the standards and requirements for apprenticeship training and training courses provided by schools;

- Specifying a minimum age of sixteen years for registration or licensure;

- Separating Barber training gained through a Barber school versus apprenticeship, and specifying 3,000 apprenticeship training hours or 1,500 Barber school hours are required to qualify for the Barber examination;

- Adding a provision to provide the Board latitude to consider training obtained in another jurisdiction to determine satisfaction of the high school education requirement;

- Specifying the professional testing service shall administer the examination approved by the Board;

- Adding a provision to provide the Board the ability to grant an extension to a temporary permit if the professional testing service is unable to administer the examination on a regular basis;

- Specifying barber and beauty shops shall have adequate sanitary facilities as defined;

- Specifying that one year of experience is required to train an apprentice;

- Specifying apprentices shall be compensated in accordance with HRS chapter 387 and the Department of Labor and Industrial Relations Wage Standards Division;

- Adding a license forfeiture deadline of three years of non-renewal; and

- Raising penalty fee to $500 and raising disciplinary action fees to "shall be fined not less than $500 nor more than $2,000 for each violation" to adjust with inflation as appropriate.

Executive Officer Yam reported two new amendments to the proposed administration bill:

- Removing "change in shop name" in section -10(c):

  Any transfer of ownership of a barber or beauty shop, [~~change in a shop name~~] or relocation of a shop shall require the filing of an application with the required fees.

- Adding language in section -16(a)(6) for clarity:

  *Failure of a beauty school, during all hours of instruction, to operate the beauty school with an instructor-student ratio of **at least** one instructor for every twenty-five students, [~~or~~] **and** with a minimum of two licensed instructors;*

Discussion ensued regarding the Board's policy which require an independent contractor renting a chair/room from an existing shop to obtain his/her own beauty shop license in addition to a beauty operator license. Ms. Hall and Ms. Severson questioned the purpose of requiring an individual to obtain a beauty shop license within an already licensed beauty shop. Executive Officer Kleinhans stated that further research may be needed to address Ms. Hall and Ms. Severson's concerns regarding beauty shop licenses and recommended that the Board may propose another administration bill in the future. He reminded Board members that the purpose of the current proposed administration bill is to align and remedy inconsistencies between HRS chapters 438 and 439.

Executive Officer Yam stated that the Board still needs to consider whether to include the Hawaii state laws and rules in the NIC examination.

After discussion, it was moved by Vice-Chairperson Williams, seconded by Ms. Severson, and unanimously carried for the Board to accept the proposed administration bill and not include the Hawaii state laws and rules in the NIC examination.

Public Comment: None.

Next Board Meeting:	Tuesday, July 27, 2021 12:00 p.m. Virtual Videoconference Meeting Zoom Webinar
Adjournment:	Executive Officer Yam announced that it is Chairperson McKay's last meeting. She extended her appreciation to Chairperson McKay for serving as a Board member of the Board of Barbering and Cosmetology. There being no further business to discuss at this time, the meeting was adjourned at 1:46 p.m.

Reviewed and accepted by:

/s/ Jenny Yam
_____
Jenny Yam, Executive Officer

Taken and recorded by:

/s/ Leanne Abe
_____
Leanne Abe, Secretary

JY:la

07/19/21

[X] Minutes approved as is.
[ ] Minutes approved with changes. See Minutes of _____.

BOARD OF BARBERING AND COSMETOLOGY
RATIFICATION LIST – June 29, 2021

BARBER

BAR-3961	DUC TUAN BUI
BAR-3962	SCOTT D MAGNO
BAR-3963	LOGAN C K YEE
BAR-3964	ARIEL N DEL ROSARIO
BAR-3965	LE THUY TRANG HONG
BAR-3966	HONG THI THI HO
BAR-3967	LE BICH TRANG HONG
BAR-3968	HOANG KIM NGUYEN
BAR-3969	TAYLOR R COOK
BAR-3970	TAYLOR K J OMURO
BAR-3971	THI HANH PHUNG

BEAUTY OPERATOR

BEO-23260	KIEU THI OANH HUYNH
BEO-23261	DUYEN THI MY PHAN
BEO-23262	HIEN THI SON LE
BEO-23263	YUKA OKABE
BEO-23264	THIEN MY MY OH
BEO-23265	JESSICA D TIRSO
BEO-23266	DAI THI NGUYEN
BEO-23267	JORDAN K I PASSAS
BEO-23268	Isabel Cruz
BEO-23269	SARA VALENCIA
BEO-23270	TAYLOR MICHELLE HALL
BEO-23271	Alexandra K Montenegro
BEO-23272	COURTNEY DANIELLE SMITH
BEO-23273	KRISTINE M AGONOY
BEO-23274	CARLY A K A.K. MATSUMOTO
BEO-23275	JIAN BIN CHEN
BEO-23276	PHI PHI DANG
BEO-23277	KAYA MAE P MARTIN
BEO-23278	TRAM T LAM
BEO-23279	Connie L Warren
BEO-23280	JESSICA T TAYLOR
BEO-23281	LEANA P ALFRED
BEO-23282	JURNEE V FORTES-MOORE
BEO-23283	TAESIA K M CHOCK

BEO-23284	JADE K J CADAOAS
BEO-23285	KYRA ANN CONLEY
BEO-23286	CHRISTINA M RICCI
BEO-23287	HOA VIET NGUYEN
BEO-23288	TAIMANA K KAMANAWA
BEO-23289	KRISSY L MATTHEWS
BEO-23290	HOLLI ANN BELL-BOONE
BEO-23291	ANGELA GUERRA
BEO-23292	AMETHYST J K KAWAKAMI
BEO-23293	TASHENA M RAPIS
BEO-23294	MIKHAILA C BELTRAN
BEO-23295	KIARA M WEBER
BEO-23296	SHYRA MOORE
BEO-23297	THAO THI HA
BEO-23299	JULIA S PARREIRA REBOLO
BEO-23300	BABETTE M L KIYAN
BEO-23301	AIDALYS B PE BENITO
BEO-23302	YUJIN PARK
BEO-23303	KIM PHUNG THI HO
BEO-23304	LIEN THI BICH NGUYEN
BEO-23305	Nicole M Taimanglo
BEO-23306	MAHEALANI L SIMS-TULBA
BEO-23307	TAYLOR RAE-ANNE GATDULA
BEO-23308	MARIA UGALE
BEO-23309	AMALIA RAMIREZ SUMI
BEO-23310	PAIGE NICOLE TEIXEIRA
BEO-23311	RACHEL R MARCHLEVSKI
BEO-23312	CARRIE ANN BITTLE-HASSENZAHL
BEO-23313	KINA K KAOWILI
BEO-23314	ANGELA T KAZOURIS
BEO-23315	WANWISA EKKORNPONG
BEO-23316	PHAM BICH PHUONG NGO
BEO-23317	HUY VAN NGUYEN
BEO-23318	DEANNA R TOTAAN
BEO-23319	LIEN MY TRIEU
BEO-23320	MALIA ILIKEA WISE
BEO-23321	KAILEE NOELANI SILVA-VARES
BEO-23322	MARIA K VISITACION
BEO-23323	Sierra Bellini-Ignacio
BEO-23324	CHEZARAE K KEIKE
BEO-23325	THU THUY THI NGUYEN

BEO-23326	DIANA SUM
BEO-23327	YEN LINH H THAI
BEO-23328	CHLOE ANN MCDANIEL
BEO-23329	MORGAN TYLER RUDDELL
BEO-23330	ANDREA L BROWN
BEO-23331	NATALJA KAZAKOVA
BEO-23332	NIKKI K SAGE

BARBER SHOP

BAS-1723	FRANCISCO E QUIOCHO
BAS-1724	JEMERY J K WILLES
BAS-1726	REDEMPTION HAIR STUDIO LLC
BAS-1727	SLIKKKUTZ LLC

BEAUTY SHOP

BSH-6093	CHEMISTRY BEAUTY LLC
BSH-6094	ALANA N AGUSTIN
BSH-6095	CHANTEL M K RAPOZO-ABAN
BSH-6096	COSMO MEDICAL SPA LLC
BSH-6097	GLAM SHACK LLC
BSH-6098	COURTNEY J CHOI
BSH-6099	HAIR+MEDICS LLC
BSH-6100	HAIR HONOLULU LLC
BSH-6101	BEAUTY BY LEILANI LLC
BSH-6102	JADE K J CADAOAS
BSH-6103	MANA BI LLC
BSH-6104	J MARIKIT BEAUTY LLC
BSH-6105	BEVERLY M. HORIUCHI
BSH-6106	POLISHED HAWAII LLC
BSH-6107	J ANTHONY SALON LLC
BSH-6108	YUKO FUKUMOTO
BSH-6109	SKIN ADDICTS MAUI LLC
BSH-6110	OAK HAWAII INC
BSH-6111	DORA I BOCATER
BSH-6112	SC Salons Inc
BSH-6113	SC Salons Inc
BSH-6114	SC Salons Inc
BSH-6115	SC Salons Inc
BSH-6116	SC Salons Inc
BSH-6117	SC Salons Inc
BSH-6118	SC Salons Inc

BSH-6119	SC Salons Inc
BSH-6120	SC Salons Inc
BSH-6121	SC Salons Inc
BSH-6122	SC Salons Inc
BSH-6123	SC Salons Inc
BSH-6124	SC Salons Inc
BSH-6125	SC Salons Inc
BSH-6126	SC Salons Inc
BSH-6127	SC Salons Inc
BSH-6128	SC Salons Inc
BSH-6129	SC Salons Inc
BSH-6130	KAILA HOU LLC
BSH-6131	SC Salons Inc
BSH-6132	SC Salons Inc
BSH-6133	SC Salons Inc
BSH-6134	SC Salons Inc
BSH-6135	SC Salons Inc
BSH-6136	SC Salons Inc
BSH-6137	SC Salons Inc