

# NIC Bulletin

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2014

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Official Newsletter of the National-Interstate Council of State Boards of Cosmetology, Inc.

[www.nictesting.org](http://www.nictesting.org)

## “Changes”

### Provide Harmony For the NIC Conference Program



Board delegates and administrators of Cosmetology and Barbering Boards will gather together for a collaboration of ideas among the states at the NIC Annual Conference in Charleston, South Carolina, August 23-26, 2014. By working together and sharing common ideas to help create stronger leadership, the delegates will benefit not only the works of their own boards but the entire cosmetology profession.

This year's Conference has expanded to more educational program designed to benefit all the delegates. The Conference Education Committee Chairman Rosanne Kinley and her committee along with the South Carolina Cosmetology Board have put together a very stimulating and impressive program.

The Conference will start off with a welcome reception on the evening of August 22nd to help everyone get acquainted. The presented agenda for the delegates will be three full days of intense and interesting presentations that will create constructive education for the states. The featured speaker is Christopher Venesky from Low Country Stylist, who will enlighten

the delegates on how to communicate to achieve success. Other speakers that will be addressing the delegates with outstanding presentations are: “Infection Control Standards-Proposed Changes” by Leslie Koste RN, Barbacide; Gerard McAvey, Milady, “Are You an Effective Leader?”; Lynda Elliot, Executive Director, NC Board of Cosmetic Arts Examiners on “Regulatory Reform”; Joseph Pham “Nailing the American Dream”; Edward M. Cramp, Attorney at Law - Duane Morris LLP, “Unintended Consequences: Top 10 Ways State Regulations Lead to Frivolous Student Lawsuits”; and Gary Landry, Executive Director of NV State Board of Cosmetology “Marketing Against Deregulation-It's Time to Be Aggressive.”

Breakout session topics will range from “NABBA-NIC Collaboration,” “Policy Decisions That Affect Our Industry,” “Legislative Updates” and “Development of the NIC Examination.” All of this plus more will be packed into the three days. The Education Committee promises the Conference to be one of great interest by giving so much valuable education to the states.



### Conference Speaker on Frivolous Student Lawsuits

Edward Cramp, Attorney at Law, will speak to the delegates on frivolous student lawsuits. Mr. Cramp, one of the top lawyers representing beauty schools, will discuss with the boards a few of the unintended consequences of state regulations currently unfolding around the country. Is it possible for state regulations to become a part of these frivolous claims? This is a topic the delegates will want to hear.

Ed Cramp practices in the area of complex commercial and employment litigation. He represents and advises businesses on matters related to employment matters, contract claims, theft of trade secrets, unfair competition and consumer claims. He has extensive experience working with private post-secondary schools in all areas of operations.

## NIC 2013-2014

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# Message

## From the Board Administrator Representative



**W**hew! Can you believe that over half of 2014 has already passed us by? It's so hard to believe that kids will soon begin another school year, followed by the start of football season (GO NOLES!), Halloween, Thanksgiving and Christmas! I remember as a teenager my mother telling me not to "wish my life away" because the older you get, the faster time flies. Once again, she was right!

My two years of service as the Board Administrator Representative on the NIC Executive Board has been a whirlwind of events. From the point of election, there were Executive Board meetings, National Examination Committee meetings, conference calls, serving on various committees, assisting with the Region Meetings, Exam Development Meetings/Subject-Matter Expert Meetings.... Needless to say, being busy is an understatement, but it has been a complete honor and a privilege to serve.

The Annual Conference is fast-approaching. Make your plans to join your peers at this year's conference in beautiful Charleston, SC. The agenda is chocked full of interesting and helpful topics. You will also have

an opportunity to collaborate with other members from across the country on issues before your board. What better way to come up with ideas to combat deregulation, fraudulent credentials, unlicensed activity? Charleston is a lovely venue and offers great southern charm and delectable food. You don't want to miss it!

Finally, I'd like to leave you with a bit of humor and a smile:

- Don't cry because it's over, smile because it happened!
- You only live once, but if you do it right, once is enough!
- Today you are you, that is truer than true! There is no one alive that is youer than you!
- I hate it when you offer someone a sincere compliment on their mustache and suddenly she's not your friend anymore!
- All my life I thought air was free until I bought a bag of chips!

Hope to see you soon,

Robyn Barineau

## Honorary Membership Nominations

**T**o nominate a candidate for honorary membership in NIC at the 2014 NIC Conference, the following guidelines and rules must be followed.

A candidate must be a past member of any cosmetology board who has "rendered distinguished service" and must have contributed to NIC above and beyond the regular duties expected of all members. The accomplishments of the nominee, not membership or having held office, are of "paramount

importance." The candidate must be elected to such honorary membership by a two-thirds majority vote of those present at an annual conference.

The nominee's name, qualifications form, and resume must be sent by July 31 to LaFaye Austin, [lafayaestuin1010@gmail.com](mailto:lafayaestuin1010@gmail.com). A special point system has been established for eligibility. Candidates must acquire at least 100 points for services and accomplishments in order to qualify.



# Editorial

by Lois Wiskur

## Are There Conflicts on Boards?

After reading an article on states ethics and disclosure laws on regulatory boards, I felt compelled to write my editorial on the subject.

The article talked about a person who was a board member of the State Medical and Osteopathic Examiners and sat on the board of directors for a holding company created by an insurance firm that sells malpractice policies to medical doctors. It was questioned if this person would have a conflict of interest having a part in both roles?

The governor who made the appointment to the medical board didn't feel that the two roles presented a conflict.

Most of the states have cosmetology/barbering boards. The boards do the licensing and review complaints against the profession from the public. The purpose of the boards is to protect the health and welfare of the consumer. The licensing helps the consumer trust their stylist/licensee when receiving services in the salon. This trust level should also extend to the boards doing the licensing.

The board members in most of the states are appointed by the governor. In many states the lack of disclosure requirements and absence of strict conflict of interest statutes may make it difficult to know if there are any conflicts.

This brings us to the question, "What other roles does a board member play that might create a conflict of interest?" The other question is, "Does the state have any ethical guidelines?"

This may be a subject that most boards don't pay attention to. I know that I never thought about ever having a conflict when I was on my board. I don't know if at that time the state had any ethical guidelines. The only guideline I recall was that I had to be 25 years of age.

Conflicts - there were many that I had when I think back to the time I served as a board member in my state. During the time I served as Chairman of the Cosmetology Board, I also served as President of the South Dakota Cosmetology Association, president of our local beauty affiliate (that goes back to the '80's), Chaired the State Hair Fashion Committee, and was an officer

in NIC. This also included the two years when I was President of NIC. Here I was holding a position in all of these organizations serving the profession all at the same time. It never occurred to me that I had any conflict of interest.

Thinking back when I was NIC President, Aurie Gosnell, the Testing Coordinator always kept her sharp eyes on me. She pretty much held the reins on what I was allowed to attend and what I could or couldn't do as NIC President. Her philosophy was when you were President, one needed to stay neutral in your thinking until after the problem was solved.

The President, Vice-President and Immediate Past President are members of the Exam Committee. Even though I was part of the committee I was not allowed to work on the testing program, let alone see a test because to Aurie you couldn't be judge and jury at the same time. That also was the same for the other executive board members on the NIC Board. Sometimes I got a little put out with her because I felt I had a right to know what was going on. Now when I think back, what she was trying to do was to avoid the board from having any conflict of interest involving the executive board, the testing program and the states that were a part of the testing program.

It is a simple step to take-requiring those interested in taking a position on regulatory boards or in a national organization to provide information on their involvement in other organizations or outside firms that might affect their ability to be impartial in licensing and disciplinary actions.

In most private business, executives must be forthcoming in disclosing involvements that could pose potential conflicts. The states should be at least thorough in protecting the public from potential harm, and the public deserves to have the highest level of trust possible in the boards.

[www.nictesting.org](http://www.nictesting.org)



# 2014 ANNUAL CONFERENCE

Double Tree Hotel & Suites – Charleston, South Carolina

*"Nothing Changes, If, Nothing Changes"*

## THURSDAY – AUGUST 21, 2014

9:00 a.m. – 5:00 p.m.

NATIONAL EXAMINATION COMMITTEE MEETING

9:00 p.m. – 4:00 p.m.

BOARD ADMINISTRATORS MEETING

## FRIDAY – AUGUST 22, 2014

9:00 a.m. – 4:00 p.m.

BOARD ADMINISTRATORS MEETING - continued

9:00 a.m. – 4:00 p.m.

EXECUTIVE BOARD MEETING

1:00 p.m. – 4:00 p.m.

CONFERENCE REGISTRATION

5:00 p.m. – 6:00 p.m.

NEW MEMBER ORIENTATION

6:30 p.m. – 8:30 p.m.

WELCOME RECEPTION

Sponsored in part by Barbicide and your new school

## SATURDAY – AUGUST 23, 2014

9:00 a.m. – 10:15 a.m.

BREAKFAST – Sponsored by Super Cuts

Opening Ceremonies

10:30 a.m. – 11:00 a.m.

GENERAL SESSION/Call to order

Roll Call of states

Approval of Conference Agenda

Presentation & Approval of conference rules

Approval of 2013 Conference Minutes

Committee Appointment: Nominating

Presentation of Election Procedures

First Reading of Proposed Bylaw Amendments (Tentative)

President's Report

11:00 a.m. – 11:15 a.m.

Overview of Education Program – Rosanne Kinley, Education Committee Chairman

11:15 a.m. – 12:45 p.m.

"Communication Success" – Christopher Venesky, Low Country Stylists

1:00 p.m. – 2:15 p.m.

Lunch – Sponsored by DL Roope Administrations, Inc.

2:30 p.m. – 3:15 p.m.

"Infection Control Standards...Proposed Changes" Leslie Roste, RN – Barbicide

3:15 p.m. – 4:00 p.m.

"Are You an Effective Leader?" – Gerard McAvey, Milady

4:15 p.m. – 5:00 p.m.

"Regulatory Reform" – Lynda Elliott, Executive Director/NC Board of Cosmetic Arts Examiners

## SUNDAY – AUGUST 24, 2014

8:00 a.m. – 9:15 a.m.

BREAKFAST – Sponsored by Milady

9:15 a.m. – 9:30 a.m.

Call to Order

9:45 a.m. – 11:00 a.m.

BREAKOUT SESSIONS

1. "NABBA – NIC Collaboration" – Derek E. Davis, NABBA President

2. "Policy Decisions that affect our Industry" – Anthony Fragomeni, AACCS

3. "Legislative Updates" – Leisa McElreath, NIC Legislative Committee Chairman

4. "Development of the NIC Examinations: Planned Change-Following the Profession" – Dana Anderson-Pancoe, SMT

11:15 a.m. – 12:30 p.m.

Education Program – REPEAT of Breakout Sessions

12:45 p.m. – 2:00 p.m.

Lunch – Sponsored by Pivot Point International

2:15 p.m. – 2:30 p.m.

Nominating Committee Report

2:30 p.m. – 3:15 p.m.

"Nailing" The American Dream "with polishes" – Joseph Pham

3:30 p.m. – 5:00 p.m.

Election of Officers

Committee Report: Bylaws (Tentative); Honorary Membership; Conference Site

## MONDAY – AUGUST 25, 2014

8:00 a.m. – 9:00 a.m.

Breakfast - sponsored by NASCA

9:15 a.m. – 10:30 a.m.

GENERAL SESSION/Call to order

"Unintended Consequences: Top 10 Ways State Regulations Lead to Frivolous Student Lawsuits

Edward M. Cramp, Attorney at Law – Duane Morris LLP

10:45 a.m. – 11:30 a.m.

"Marketing Against Deregulation – It's Time to be Aggressive" – Gary Landry, Executive Director NV State Board of Cosmetology

11:30 a.m. – 12:00 p.m.

Unfinished Business

New Business

Resolution

RECESS

1:30 p.m. – 3:30 p.m.

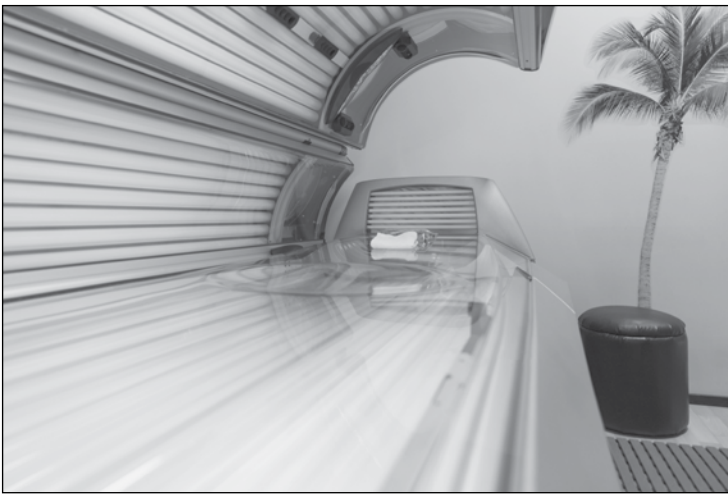
NEC Meeting followed by the Executive Board Meeting

6:30 p.m.

Banquet & Installation of Officers – Sponsored in part by Professional Credential Services (PCS)

9:00 p.m. – Adjourn





# New FDA Warning on Indoor Tanning

The FDA has issued a new warning that tanning beds and sun lamps will carry a warning that they should not be used by anyone under the age of 18. The new warning is aimed at reducing rising rates of skin cancer linked to the radiation-emitting devices.

The Food and Drug Administration has helped in the regulation tanning machines for more than 30 years, but for the first time, the agency is requiring manufacturers to warn consumers about the cancer risks of indoor tanning.

Some state boards regulate and license the tanning machines.

# NIC Exam Committee Does Job Analysis

The survey of the job/task analysis for cosmetology is being conducted until August 31, 2014.

This all-inclusive analysis is to define National Standards. The job analysis study creates a foundation for a strong licensing examination program. It helps establish a link between test scores and competency for cosmetology. Also defined are elements or tasks that are important in a given profession such as cosmetology and how often these tasks are performed.

Log into Cosmetology Job Task Analysis Survey at [www.nictesting.org](http://www.nictesting.org).

There is still time to participate.



# Conference Speaker to Present Motivational Business Development Class

Chris Venesky is a stylist and an educator based out of Charleston, SC. He has 24 years of experience in the salon industry and has educated for multiple manufacturers over the years. He has developed a motivational business development class called “\$1000 Cup of Coffee”, and has traveled the country over the past two years sharing it with others. His inspiration behind the class comes from experience in owning several different types of salons and wishing he knew then what he knows now. His overall focus is to help stylists become successful.

# *Make plans to attend* NIC'S ANNUAL CONFERENCE



**August 23-25, 2014  
CHARLESTON, SC**

# Getting To Know Your Officers



**Leisa McElreath**

Mississippi

NIC Secretary/Treasurer

## **Years served on your State Board:**

Three

## **Who inspires you the most?**

My father, who inspired and instilled in me the values which have proven so important in life if one hopes to attain happiness and success.

## **Three words that express you the most:**

Integrity, dependable, and contentment.

## **What makes you a good role model to represent NIC as an officer?**

I, like so very many, began my career with little understanding of the wide range of opportunities that would unfold as a result of being a member of our profession. My professional journey began the day I entered a school of cosmetology to become an esthetician and wrote a check for my tuition. Over the next two decades, I obtained my license; I joined the staff of one of the top salons in Mississippi and learned our profession is a large family, where we share each other's good times as well as bad. It was there that my colleagues encouraged me to go back to cosmetology school and become a fully licensed cosmetologist. I have subsequently owned a salon and two skincare

clinics, been a member of various state and national organizations, and currently serve on my state board as well as the board of NIC. Throughout my career I have valued the opportunity to assist others on their personal journey in our profession. I believe my professional journey is an outstanding example of where hard work, fortunate opportunities and commitment within our profession may lead any of us to a very successful and rewarding future.

## **How do you see that serving as an NIC officer has helped in creating a more positive role for NIC in the industry?**

That is a difficult question to respond. Individually, it is difficult to influence or shape the role of an organization. What I do believe is, as an officer, one must be an effective listener, striving to hear new ideas, an effective communicator, serving as a voice for those ideas and performing both of these functions with the utmost integrity. We are fortunate that the officers of NIC are committed professionals. It is up to each of us to continually strive to make NIC even more relevant to our profession. If we ever lose sight of the original purpose of our organization, which is the advancement of our profession, we have in fact lost our purpose and value.

## **What issues in the future, if any, do you see that NIC will need to address?**

NIC must stay focused on our fundamental role, working to advance our profession across the nation. NIC is composed of the

current and honorary past members of our State Boards, the regulatory leaders of our discipline from across the nation. We are in a profession that has a presence in every community in our country. While we must stay relevant and ensure that as we expend the money and energies of our organization, we move our discipline forward from a vocation to a profession. In keeping with that thought, our profession has untapped power. Our profession has the potential of exerting a greater voice both politically and economically in our communities and states, but in most cases we have failed to recognize our potential power.

## **Why do you think it's important that there should be an effective system of checks and balances in place to ensure NIC members that the officers are acting on behalf of the States best interest?**

I believe that the transit nature of our membership places a great responsibility on each of us to be effective stewards of our organization. NIC has a rich tradition and is greatly respected across our nation, but our organization is only as good as our membership. Our members include some of the top people in our profession from across the nation. It is up to us, the current members of NIC, to ensure we act responsibly, with integrity, and with a commitment to constantly expend our energies working to make our profession even better for the next generation of those who enter our discipline.



## Two views of sunset reviews and deregulation: nails & esthetics

“Do sunset reviews mean the end of Cosmetology licensing?” asked Victor Wurdinger in his *Nails* magazine article. “Not necessarily, but they do require the government to evaluate the relevance of licensing and education of cosmetologists.”

He pointed out that after years of nail technicians working toward separate licensing, legislators “bent on streamlining government” are asking whether the education is necessary. Technicians and salon owners see this movement as a “blow to the strides they’ve made as an industry.”

In the area of esthetics, author Annette Hanson, president of Atelier Esthetique, a New York City training and distribution center, agreed in a January article appearing in *Les Nouvelles Esthetiques*. “The deregulation of our industry,” she said, “will undermine the phenomenal progress we have made in the last decade. If left unchallenged, this problem will change the basic nature of our business. This problem will jeopardize the trust the public has placed in us for the services we provide, and the product we sell.”

Wurdinger pointed out that sunset reviews—a state’s periodic review of industry regulations and their boards—are required, but don’t necessarily require deregulation of licensing changes, and Hanson explained that government downsizing and deregulation have become an increasing part of our social consciousness and political rhetoric.

Some states base their decision to change an industry’s regulation by weighing the resources they have against the potential dangers to the public that a particular industry has, Wurdinger explained. While some claim professionals are practicing protectionism, he points out that there

is a difference between protectionism and protecting a profession.

The downsizing and deregulations processes have not always reached the desired effect, Hanson pointed out, explaining that the premise behind the deregulation is that fewer rules will be better for business. “As a small business owner myself,” she said, “I can think of a number of incidents where that is absolutely true.” Governors have formed committees to determine the need for regulation in various industries, and the committees determine if there are any unnecessary rules, if the rules protect the consumer, or if the rules simply restrict people from entering the profession.

“A fair enough process, especially if we are using people who understand the industries they are examining. Unfortunately, that is not always the case.”

Catherine Hinds, director of the Institute of Esthetics in Woburn, Mass., was instrumental in the effort to keep their state board when it was reviewed. She pointed out that esthetics is moving into the medical area, and that estheticians are now working with medical professionals.

With nail services, sanitation and safety are issues. “Some believe,” Wurdinger stated, “that if practitioners are no longer regulated, the entire industry will become fragmented and undefined.”

In New York, a bill submitted to the assembly proposed decreasing the current 250 hours required to become a nail technician to 28 hours, covering sanitation and sterilization only.

According to the state of California, “Incompetence in the form of bad hairstyle is not adequate risk to require regulation...The risk of economic loss is minor.” Annette Hanson asked the following question: “Do you think the

committee who wrote this quotation understood anything about skin care, potential risk, or the consequences of poorly executed treatments?” She pointed out that with the advent of retinoids, AHAs, and specialized electrical equipment, estheticians require more hours of education, not less.

In California, a legislative alliance has been created to lobby for the reinstatement of the State board of Barbering and Cosmetology, and author Hanson has made the following recommendations to California cosmetologists:

- Join the National Cosmetology Association.
- Support your local affiliate.
- Join professional associations.
- Stay informed of any changes in the rules and regulations of our profession.
- Participate in the petition process through the Barbering and Cosmetology Legislative Alliance.
- Do whatever it takes to safeguard our profession.

Hanson predicted that if California eliminates the education requirements needed to obtain licensing, then all the other states will fall like dominos.

What can you do if your state is under a sunset review? Wurdinger suggests writing letters to the legislature or its task force explaining why education and licensing requirements are critical for both public health and professional integrity. “Encouraging your clients to lobby is even better,” Hinds said. “First you need someone to contact the legislature, get the facts, then send a letter out to beauty professionals with a list of congressmen. Then, get them to tell their clients.”

*The preceding article appeared in the NIC Bulletin in 1992.*

# Bulletin

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## Newsletter Contest



The Annual NIC Lois Wiskur Newsletter Contest will be held at the Annual Conference in Charleston, South Carolina.

The two categories are the Multi-Page and Single Page state newsletters that states issued this past year.

The newsletters will be judged on criteria used including: layout and design of pages, articles relevant to the industry, effectiveness of headlines and graphics, clarity and correctness.

Awards will be given for first, second and third place winners in each category.

For information contact Lois Wiskur, Editor, at (605) 224-1661.

Don't forget your newsletter!

The articles provided are for informational purposes only and are not a position or endorsement of NIC. All articles written by the Editor unless otherwise noted.

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