

NIC Bulletin

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40 Years and Still Growing

Martin Luther King had a dream. Aurie Gosnell had a dream and each of their dreams came true.

Since 1969, Aurie's dream has never stopped from coming true. When she first became a member of the South Carolina Board of Cosmetology, she became an examiner for the testing of students for licensure. When Aurie did her first exam she had failed everyone the first day. It was then that she realized they were doing their own thing without any uniformity in what they were doing. Aurie kept thinking something had to be done to make the States all have some type of uniformity to help establish some standards for reciprocity so every state could be doing the same thing. That was the beginning of a dream to have a National Testing Program.

Since 1961, the idea of putting together a testing program was always discussed at many conferences. Not much was ever done because there was no money to start the program. In 1967 at the Conference in Atlanta, Georgia, after a discussion and not getting a vote from the delegates, Aurie Gosnell, newly elected President decided to move ahead with her dream. Aurie appointed a special committee (National Testing Program) with Lorraine Piens as chairman to conduct a survey. In October 1967 the program was initially started with its purpose to formulate a National Testing program that would bring about uniformity among all states with the realization of achievement already established by fields comparable to cosmetology.

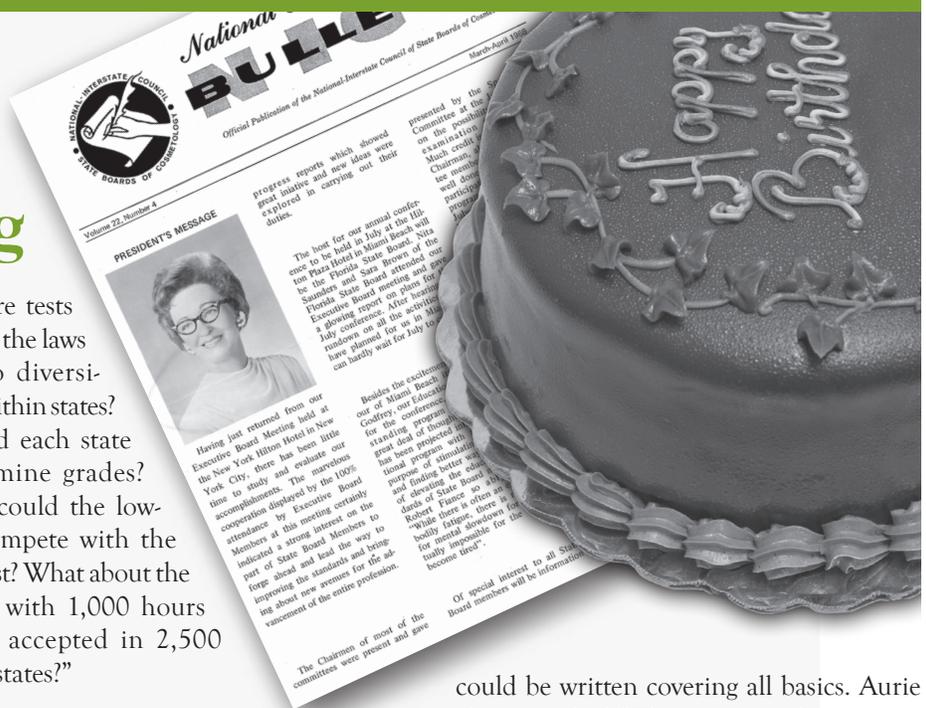
At a liaison meeting in October, 1968, Miss Vanek, NHCA, asked "How would they

prepare tests where the laws are so diversified within states? Would each state determine grades? How could the lowest compete with the highest? What about the states with 1,000 hours being accepted in 2,500 hour states?"

Mrs. Piens, NIC, explained that the National Office would clear all licenses and that cut-off scores would be determined before finalizing and that an exam

could be written covering all basics. Aurie also remarked "That it is not the number of hours you put in school, it is what you put in the hours."

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Pictured from left to right: NIC President LaFaye Austin, OK; Region I Director, Kay Kendrick, GA; Region II Director, Betty Leake, MO; NIC Vice President Jackie Dahlquist. The photo was taken at the Region I and II meeting in Branson, MO, May 2-3, 2009.

NIC 2008-2009

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Message From the President



When I was visiting the Utah Testing site I was given this story by Karen Bradford, Proctor/Examiner, that I would like to share with everyone.

“We had a shocking and wonderful experience at the Sunset/Ogden, Utah testing site. We had a candidate who was taking her practical test for her Cosmetology license. The reason this was a little different than usual is that this candidate had no legs. She had somehow managed to drag her large kit of supplies, a tall stool in which she planned to sit on during the testing (that had to have weighed more than she did.) I asked her if she needed anything that might make her testing more comfortable, and all she asked was that she could possibly use a chair that she could put between the ground and the top of [the] stool so her arms would not get so tired.

“Watching her test was so amazing. She was one of the first ones done on almost every task. She maneuvered around her work station with ease. Sometimes she was not able to reach the table to put up all supplies needed so she would have to get up and down several times just to set up for one task. I bet she got up and down 10 or 11 times getting supplies (since all supplies must be kept underneath her work area.) She was well trained and this is the career she had chosen to do for her life and was

not going to let anything get in her way. At times I could tell she was getting tired and I could tell she was frustrated but that just made her push harder to finish. I believe the example this young woman set that day was not only one of determination but that anyone can succeed at anything in life they put their mind to.

“After the test was over (she passed I might add) we offered to help her out with her supplies. This time she accepted. As we walked out with her to her vehicle she told us she was married and had just gotten back from hunting she carried a gun and was the only one that got a deer. She also told us they were planning on starting her family soon. Then she thanked us for our help and I told [her] congratulations and what a great example she was to me. Then she pulled herself up into her high boy truck and drove away. I was so proud of her I wanted to give her a hug and yell way to go!!! But I just smiled to the other examiner and we walked back into the site.

“We have many interesting things that happen in our day to day testing, but that day was a little different. I saw a young woman who does not see herself as handicapped but instead knows there is nothing she can't do. I learned that achievements that to some are ordinary. To her are everything.”

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*Myrtle Beach,
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Memories

From Aurie Gosnell



“Young” is a word that seems to change definitions as the years go by.

I used to think “young” was just for those younger than 20. Then it started to include those younger than 30... then 40... then 50. Now, it means anyone who is 10 years younger than I am. I’m sure you all know what I mean.

A few days ago I got to realize how long it has been since I had started to work on our National Testing Program which is over 40 years ago. Now that is what young was when I got elected NIC President in 1967. I felt that I had reached my time (adulthood) to have much infinite knowledge. Or so I thought I had reached that magic age in my life. I knew I was prepared to move NIC to a new higher level and the testing program was my goal during my presidency.

I remember while I was preparing for the convention in Miami Beach, FL in 1968, I was confident that we would make all the state delegates agree to the testing program. We were going to convince them that proper examination procedure would be one of the most heartening and important developments that the National Interstate Council of State Boards of Cosmetology would have the pleasure of participating in. We were working with some members that a strong, unified and determined effort was essential

on the part of each examiner to help evaluate their own examination procedures. State after state had taken a good look at their statutes and regulations under which their Board operated and this had really helped us with our educational program on testing at the Conference.

Even though our officers of the council were of much enthusiasm and motivated that we knew we couldn’t rest on the past in light of the many problems which had still lay ahead of us. We were by no means approaching the end of a long and difficult road - we were still at the beginning. We knew it would always be a continuous task. Needless to say, we still today haven’t come to the end of that road.

We left the Miami Conference with a reassuring message to go ahead and continue our progress in developing and working towards a National Exam. I appointed a committee to work with me, making Past President Lorraine Piens, MN, as Chairman. It took us about a year plus much effort to make sure that everything was in order to be able to attend the 1969 Conference in Hawaii and present our program.

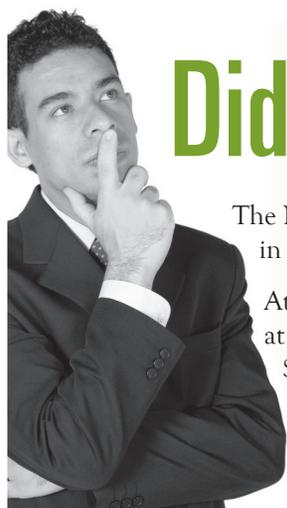
One person who really got us off to a right start was Dr. Ben Shimberg (who became a dear, true friend.) His helping us develop guidelines for the testing program was like

creating a strong foundation to work from. We retained the services of O. Wayne Corley to help with the legal issues and he was very instrumental in helping us become incorporated as a non-profit education corporation. Wayne also did the negotiating of the contracts between NIC and the Psychological Corporation. He also put together the drafting of the contracts with the participating states that had signed up to be a part of the program. Without his help we could not have done it. Today, 40 years later, Wayne is just as instrumental in working with NIC Testing as he was then.

By the time we got to Hawaii we were working with Dr. Wimburn Wallace of the Psychological Corporation. With my committee members, Dr. Wallace and Wayne we were able to convince the delegates that “our ducks were in a row” and we were ready to go with the testing program. We had provided the framework for NIC to help better meet the challenges of the future. We were able to show “our problem was not in defining our goal; but instead, how to go about achieving it.” This was enough to get the delegates approval to get the testing program started. The program effective date when we started to administer the Basic Cosmetology Exam was February 1, 1970.

40 years later we are still growing. Age has definitely made us stronger, we are not young anymore, just older, better and wiser.

Be careful about calling yourself an EXPERT EXAMINER. One definition holds that an “EX” is a “HAS BEEN” and a “SPURT” is a “DRIP UNDER PRESSURE.” (ajg 1967)



Did You Know?

The National Council of Boards of Beauty Culture met in Myrtle Beach, SC, in 1944 with a membership of 24 states.

At the 1968 Conference in Miami Beach, Florida, a single room at the Hilton Plaza Hotel was \$14.00. The registration fee was \$10.00 and Function tickets were \$42.50.

At the 1964 Conference in Cleveland, Ohio, the Function tickets were \$19.00 and registration was \$10.00.

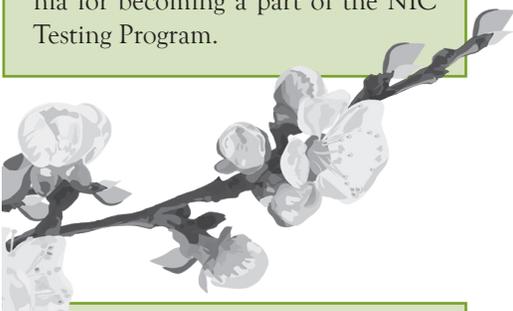


California Joins Testing Program

The state of California started to administer the NIC written theory exams in all the phases of Cosmetology and Barbering that they licensed. From the physical year of July 1, 2009 – June 30, 2010 the board expects to administer around 38,000 exams.

By California being a part of the NIC Testing program, it will allow more flexible mobility among the licensee's going from California to other states.

NIC would like to commend California for becoming a part of the NIC Testing Program.



State Happenings

Tennessee – The Tennessee Cosmetology Board was challenged by an owner of several Kiosk's Popups. The Kiosk's Popups were in malls in Tennessee where the individuals who were performing the eyebrow threading were not licensed. It was determined by the Board that eyebrow threading does come under the cosmetology law since it is a form of hair removal and anyone performing the service must be licensed in a licensed facility.

The Kiosk's did not meet the Tennessee requirements for licensure nor did they meet the proper sanitation requirements.

Even though eyebrow threading is considered an ancient method of hair removal, it is being regulated by many states.

Cultivating Change



by Kirby Morris

It is my pleasure to be able to communicate with all of you through this great looking new publication. The theme of this issue is, "change". Man, have we heard this word a lot in the past 2 years. Yes, politicians love the word "change". If you remember, we as a nation elected our last three presidents on campaigns revolving around the word "change" and in the most recent presidential election both candidates were pushing change as a slogan. Change is a word that our industry boasts as well. "The beauty industry is ever-changing;" "Things change so rapidly In the cosmetology industry;" or "esthetics equipment is changing so quickly these days," are just a few statements we say often in our industry regulation of our great Industry it also something that is ever-changing, but like our government as a whole, the truth is that state regulation does not move quickly. There is always time for public comment and questions about any changing regulation and that comment either happens with the state regulatory entity or a legislative committee. Let us look at some change that occurs from the regulatory side of this great industry.

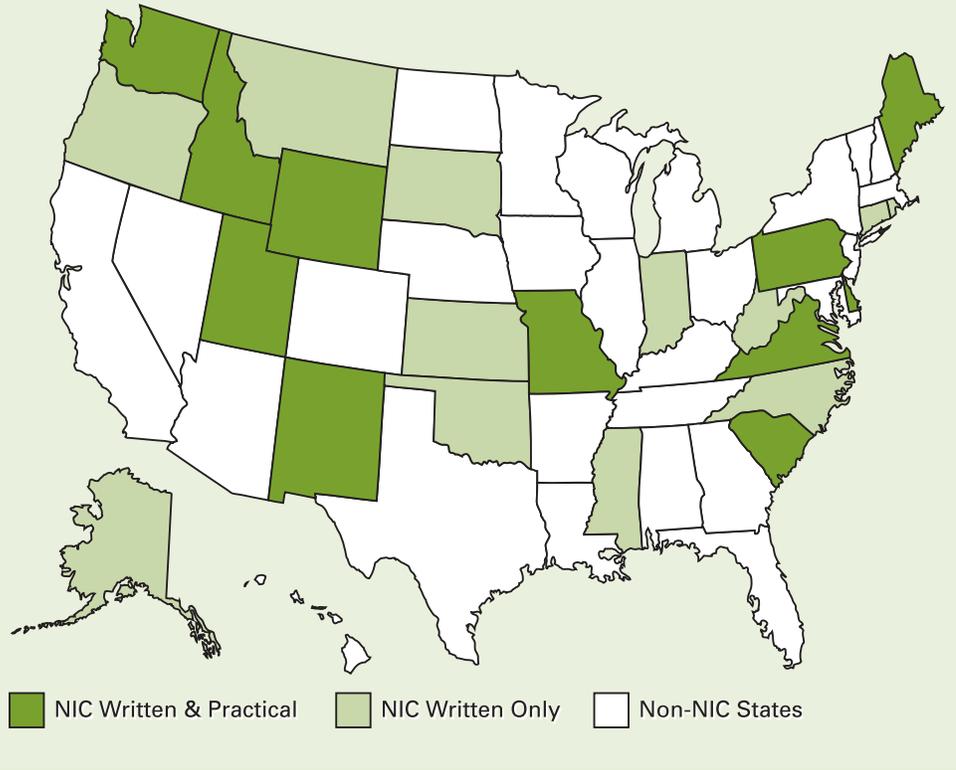
There is always the change of what we call "breakout licenses" happening within the industry. This is something that is almost always a legislative issue that the state regulatory entity has no governance over. Break out licensing happens when someone (a constituent) convinces a state legislator that they should not have to complete all the required time and/or curriculum the state regulatory entity is requiring to provide a service to the public and that this person can make a living for themselves without the other services or education wrapped into a specific license or scope of practice. Then the legislator proposes legislation to have a new standard or license that is not inclusive of the entire scope of practice the state is currently licensing in order to do the singular service the constituent wants to provide.

The "Change" of how licensure exams are developed and chosen is a big change the industry has gone through. In the past, the state itself usually developed and administered the licensure examination along with issuing the license to practice. Today in the United States of America we are held to a testing industry standard for all licensure examinations. Remember when candidates for licensure were evaluated on how they looked when they took the exam? This is something that is no longer allowed by licensing bodies as it is not a legally defensible form of licensure. Licensure examinations are developed to ensure that those who are incompetent or unsafe are denied the opportunity to harm the public. The licensing entities here in America are required to develop exams that meet testing industry standards or they face liabilities the State itself will not allow. How the licensing exam is chosen by a state is the other side of the change here. There was a day when the state regulatory entity was allowed to pick what they wanted for the licensure examination but as government downsizes and combines administrative offices of regulatory entities (as well as often combining the Barber and Cosmetology Board) also often goes the ability for a cosmetology or barbering board to be able to choose its licensing examination. Often the state will issue a multiple board request for proposal (RFP) to examination providers and if the examination provider cannot supply the state with all the needed licensing examinations they are out of the bid process with that state. This has been the big hurdle for the National Examination Program provided by the not-for-profit organization. National Interstate Council of State Boards of Cosmetology (NIC), made up of all state cosmetology regulatory entities. But this year a merger of partners has provided NIC with the ability, for the first time in history to actually be able to bid for the National Examination Program in these multi-board contracts.

continued on the next page

Use of NIC National Test in the United States and U.S. Territories

Use of a "universal" national test is seen as a way to facilitate licensing reciprocity among states. This map indicates the states that offer Barber exams.



Cultivating Change...

Continued from page 4

In the same vein as the previous example most states have also "changed" to computer based testing for the written or theory examinations. More than 30 states have dropped paper and pencil examinations and moved to the 21st century. Along with this change all licensure examinations are harder to cheat on as the testing providers are able to scramble and change exam forms on the fly to combat the everlasting problem of candidates cheating on examinations.

It is my opinion that the biggest change that our industry has had we have absolutely no control over. This is the changes in bacteria and viruses. This has created so much new need for regulation and education. It was 6 years of teaching the instructors of our country about Methicillin Resistant StaphylococcusArlus (MRSA) before this finally hit Virginia and caused a public school system to shut down. Now I find myself talking about Voncomycin Resistant Enterococci (VRE) which is the next genera-

tion of deadly super bugs or Multiple Drug Resistant Organisms (MDRO's). These are so dangerous that they can kill in less than 5 days and are spread by hand to hand contact as well as on drapes, towels, chairs, door handles, etc. These as well as the Streptococci Necrotizing Fasciitis (flesh eating disease) and Herpetic Kerato conjunctivitis (herpes of the eye) are all things that can be spread in the salons, sliops, and spas and are maiming and killing our clients. The things we teach our students about these health issues can make or break them in the world outside our schools. These are also issues that have brought change to the regulation of the industry. Today more than ever we need to protect clients and ourselves by using a neck strip between the drape and client and everyone should take the safety precaution of sanitizing your hands before and after every client.

This article was printed in its entirety in the first issue of *Beauty Link*, published by

Maine "New Law For Special Event Practices"

Legislation in its original form that was introduced in Maine would have permitted any licensee to perform services anywhere without any oversight and essentially rendered the need for a shop/salon licensee moot. The bill would have effectively deterred the licensing of salons with little or no control with the oversight on infectious control.

Through much effort by the board stressing the importance of licensure, for the purpose of protecting the public by proper infectious control standards, the legislative committee members voted out of committee a new watered down version which ought to pass unanimously.

The watered down bill, in its new amended form leaves in place the current list of certain practices permitted outside of a licensed salon and adds a new exception with a permitting system for each special event performed outside a licensed salon. It also allows the board to develop rules to define a "special event", types of services permitted, appropriate safety and infectious control standards and other standards deemed necessary for the protection of the public.

The Board announced that the bill passed in its amended form which will create a new permitting system for any special event services performed.

For more information contact Jerri Betts, www.maine.gov/professionallicensing, Phone (207) 624-8625.

the American Association of Cosmetology Schools and the Cosmetology Educators of America. Kirby will be presenting a program "Why We Regulate Cosmetology" at the Annual CEA Convention on July 13, 2009 in Las Vegas.

Miss Vanek, NHCH, stated “This undertaking would require a tremendous amount of work.” And asked “If the cost had been resolved?” Stanley Foss, NHCA, asked “If the program would necessitate states with lower number of hours being forced to increase their hours in cosmetology?”

Mrs. Piens, NIC, advised the committee that the importance of exposure to this program was of prime concern and told that figures had not been finalized yet.

Miss Vanek, NHCA, commented “I can agree with the desired goal, but feel we must know all the pertinent facts associated with such a program. Will it’s accomplished expedition in moving if ever tied in with accreditation, perhaps more than we realize will be accomplished.”

Evelyn Wilburn, NIC, stated “Where comparable programs have proven their worth, namely, the nurses, we are greatly encouraged towards our goal.”

Mrs. Piens gave the results of a survey that was done to see what the state’s interests were.

- 46 states answered.
- 29 stated that they were definitely interested.
- 5 states were undecided.
- 5 states replied “No.”
- 7 states wrote letters relative to the advantages and disadvantages.

Mrs. Piens also said that the testing program could be comparable to the nurses’ program accepted in all states.

By March, 1969, Aurie with the help of her committee, had met with various groups in New York to see who they wanted for a company to help them get the program started. In other words, Aurie wanted to have all her

ducks in a row. Two companies were asked to submit proposals: The Educational Testing Services and Psychological Corp. For a number of reasons, the decision was made to proceed to negotiate with Psychological Corp. to develop the program.

It was at that time when Mr. Nick Cimaglia of Milady informed NIC that his company would discontinue its efforts of student examination. He also offered NIC the use of all the test questions being used by Milady.

Also, Aurie, had retained the services of an attorney to incorporate NIC as a nonprofit educational corporation, Mr. O. Wayne Corley was retained as legal counsel.

By April 25th, Dr. Wimburn (Bill) Wallace of Psychological Corp. was the person who would work with NIC in putting the program together. The contract was signed and the states were notified.

By July 1, the outline of topics for the test was drawn up. This was one of the major steps towards the actual development of the examination. This was when Aurie appointed a test writing committee. Their duty would be to start working on writing test questions.

When the Conference was held in Honolulu, Hawaii, on July 1969, Aurie and O. Wayne Corley presented the delegates with what they had done so far to get the testing program started. There were 13 states who said they would become a part of the program when it was started. Dr. Bill Wallace also addressed the group by informing them that it was about ready to go. The delegates overwhelmingly supported the program.

As soon as the Conference was over Aurie and her committee started to work on the questions with the help of Dr. Wallace.

When the NHCA-NIC Liaison Committee met in New York in October 1969, Mrs. Piens reported that NIC had accepted a National Test plan submitted by Psychological Corp. for the purpose to raise standards of the profession by improving examinations of students, improving curriculum of beauty schools, establishing reciprocity between states.

During discussion, NHCA supported the basic idea of the plan but questioned how a testing program could supersede state laws in reciprocity, since state law requirements vary as to age, hours, curriculum and background education. Also questioned was the right of the State Boards to use examination fees for material from out of state. Also noted was the fact that there was no testing program for practical work. NIC stated that they had a blueprint for school curriculum which the committee had reviewed. That the testing program was scheduled to begin in January, 1970. The national tests would provide a standard of comparisons between states or regions and pave the way for a system of reciprocity of licensure which would allow individual cosmetologists recognition wherever they may move within the United States. The Chairman of NHCA projected the idea that it could be misused and a testing program could lower standards and pull the schools down to the minimum required by the law rather than the high standards set forth by the NHCA Association. Aurie commented that “The National Testing Program is a step in the right direction to raise standards. The Schools supported it and many State Boards. NIC hopes that NHCA will also support it.”

That step in the right direction was the start for the growth of the testing program and it is still growing today. The program got its initial start the first of February, 1970 with 13 states participating. The true support and encouragement for the program that Aurie received has helped build the foundation of a great venture that Aurie still has dreams for. This was her baby and now it has turned 40.



Hearing Prohibits Fish Pedicure Services

The office of Administrative Hearings in Seattle, Washington, issued an Initial Order by the Department of Licensing, Business and Professional Division on March 25, 2009 to the Peridot Nail Salon that prohibits the salon from offering any fish pedicure services. The salon had violated the provisions of the Chapter 18.16 and 18.235 RCW and Chapter 380-20 WAC. Susan Colard, Assistant Administrator with the Department of Licensing represented the Department.

On September 25, 2008, when the Department received a complaint, Ms. Colard and a Department investigator made an unannounced visit to the salon providing fish pedicures. Upon entering the salon the Department observed two fish tanks each containing 100 fish. The water in the tanks contained visible fish waste with particles present on the bottom of the tanks. The Department requested the salon owner to demonstrate the procedure used for a fish pedicure.

After a visit to the salon, the Department issued to all salons a written clarification of the Department's position on fish pedicures. Then on October 1, 2008, Ms. Colard returned to the salon to personally deliver a copy of the letter on the clarification and denied the salon's request to continue providing the fish pedicure services.

By October 3, 2008, the state of Washington Department of Fish and Wildlife, Aquatic Invasive Species Unit issued correspondence to all salon owners regarding the proper manner for disposal of pedicure fish Garra Rufa and Chin Chin fish. These two species are considered invasive and disposal suggestions were designed to avoid contact with or entry into state waters.

On October 10, 2008 the salon requested to the Department of Licensing to reconsider its prohibition of the fish pedicure service. On October 12, 2008, Ann Martin, Chairman of the Washington Cosmetology Advisory Board informed Ms. Colard by email of

the Board's conclusions of its review of fish pedicure. The email concluded with the statement "does having a fish pedicure have more value than the potential risk to health? Our answer is quite simply, "No."

Again on October 15, 2008, the salon requested the Department to reconsider its decision. The owner also advised the Department that new safety procedures had been implemented that would ensure the health and safety of the clients and environment. The procedures included a system that automatically changes the water between pedicures, a large supply of fish which allowed the change of fish between customers and a UV system that filters the water before drainage. The salon provided the Department information on an anti-infective sterilizing agent it was considering using to sterilize human feet. Ms. Colard forwarded the information to Dr. Selinger, MQHC, who responded with the following: 1. Potassium Permanganata is used in fish tanks, but does not sterilize. 2. Zephran is used to clean feet, not fish and does not completely sterilize nor destroy bacterial spores or hepatitis virus. 3. UV light is used to treat psoriasis and other than medical one is not allowed to diagnose psoriasis or prescribe treatment.

On October 27, 2008, the salon completed a Request for a Hearing form and on November 6, 2008 the salon was issued a Temporary Order to Cease and Desist. Prior to offering fish pedicure services, the salon owner felt that through research it was concluded such was a novelty that was not prohibited by the Department's rules since it is not as thorough as a pedicure performed by a licensee. The salon did not contact the Department prior to offering the services believing it was permissible to offer the fish pedicure based on belief that it was permitted in other states.

The salon had invested around \$8,000.00 (which included purchase of 400 Chin Chin fish) in equipment related to the services.

Chin Chin fish were used instead of Garra Rufa because they were less expensive. After 6 months the fish grow teeth and must be returned to the dealer for younger, toothless fish. A company, Garra Sutra, LLC, currently distributes the Garra Rufa fish to eight states within the United States so it is not clear if the distribution is for use in fish pedicures rather than mere ornamental ownership. The company is currently prohibited from distributing Garra Rufa fish in at least the states of California, Texas, and Arizona.

Even though there are no statutory or regulatory provision which specifically addresses the practice of fish pedicure services, the Department's classification of fish as a "tool" is appropriate since it is fish who are delivering the pedicure services by grooming (nibbling) on a client's foot. These "tools" (fish) cannot be adequately sterilized to the same extent as pedicure/manicure instruments. Fish can be carriers of parasites and many other types of bacteria and diseases that can be harmful to humans. Also environmental concerns by the improper disposal of deceased Chin Chain or Garra Rufa fish.

It was concluded that "the practice of providing fish pedicures as it currently exists is inherently and dangerously flawed and creates the potential for undue and serious risk of harm to the public. The fair preponderance of credible evidence establishes that the practice of providing fish pedicure services violate the provisions of Chapter 18.16 RCW and the Department issuance of a Cease and Desist Order is appropriated." On March 25, 2009, the salon was prohibited from offering any fish pedicure services by Christy Gerhart Cufley, Administrative Law Judge, Office of Administrative Hearing.

Informational material obtained from the hearing has been used in this article. More complete information on the hearing can be found on Proposed Findng the Facts, Conclusions of Law and Initial Order. Also, information may be obtained by contacting Susan Colard, Administrative Assistant of the Department of Licensing for the Washington Cosmetology Board at 360-664-6647.

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Myrtle Beach
South Carolina

Bulletin

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Conference Plans Moving Forward



The Annual NIC Conference scheduled for September 26-28, 2009 at the Hilton Myrtle Beach Resort Hotel in Myrtle Beach, SC, is well off the ground according to Conference Coordinator Debra Norton. Debra announced that correspondence will be forwarded in June to all the states with all the Conference information to allow for early registration.

The Educational Chairman, Melanie Thompson, SC, and the South Carolina Board has been putting together an educational program that should be outstanding. A great deal of thought and planning has been projected into the program with the ultimate purpose of stimulating the attendees' minds to help find better ways of elevating the future of NIC and State Board members.

Myrtle Beach is a city rich in culture and

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.

tradition. It is a city that continuous efforts are being made to help preserve and commemorate the past through its many museums, landmarks and tales of by gone days. Myrtle Beach was incorporated in 1938 and became a city in 1957.

For hotel reservations call 800-876-0010. Please state that you are with the NIC (National Interstate Council of State Boards of Cosmetology) and provide the SRP Code NAI to receive the Conference rates. Room rates for single or double accommodations are \$149.00 a night plus applicable tax.

For more information call Debra Norton at (501) 227-8262 or debranorton@sbcglobal.net.

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