NIC Bulletin

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New CEO Named at Pivot Point International, Inc.

As Pivot Point International settles into its fourth decade as a highly innovative educational force in the cosmetology industry, it announces that Robert Passage, Vice President Sales & Marketing, has been named CEO effective December 1, 2004. He is the third CEO in the company's 40+ years of operation and is the son of Leo Passage, Chairman Emeritus and Founder.

Newly appointed CEO Passage said, "We are reinventing ourselves with the collective knowledge and wisdom of 40+ years as a well-recognized, highly-respected educational leader in the industry." He added, "We're successful because of our unique educational strategies, which translate into successful careers and promote lifelong learning. I'm excited to be at the helm during the next chapter of Pivot Point's dynamic expansion and growth." Passage has assumed the CEO role from the former CEO Jan Laan who returns to Europe.

For the past several years, Passage has served as Vice President Sales & Marketing and has fostered strong working relationships with the several hundred Pivot Point Member Schools throughout the United States, Canada, and Puerto Rico. He added that the company would be seeking a new Vice President of Sales & Marketing to direct and manage the sales and marketing teams at the Corporate Headquarters.

For the past four years, Jan Laan has served as CEO. Laan said, "Pivot Point's Corporate and International goals can only be realized as we proactively achieve greater global brand recognition and control our standards. We are exploring at the moment how we can develop the global Pivot Point business during the next 20 years."

The CEO appointment comes on the heels of the recent relocation of the company to the Rotary International Building in Evanston. Laan added, "Evanston's art and education communities will be stimulating factors in our forecasted growth for 2010, which is to serve 25,000 Pivot Point Member School students and another 75,000 open market students in all fields of cosmetology.

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Maine Examiner Training

Members of the National Examination Committee Examiner Training Team were in Bangor, Maine to conduct the NIC examiners training workshop for recertification of members of the Maine Examiners team. The two day work shop included the NEC team working with the examiners from Maine for their recertification, and the second day was orientation for the schools and was well attended by the school owners, directors and instructors. The state of Maine administers the NIC written and practical exams to the students for licensure. Representing NIC were Michael Hill and Kirby Morris, along with Deborah Roope from DL Roope Administrations, Inc.

NIC 2004-2005

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NACCAS Surveys States for the Ninth Time

By Mary E. Bird, Esq., NACCAS

In January 2005, you will receive NACCAS' ninth annual survey. The survey has two purposes. First, there are blanks to fill in with basic statistics that NACCAS uses to tell Congress about opportunities in the cosmetology field.

Second, there are questions about state law and regulations. School compliance with your laws and regulations is a basic requirement for NACCAS accreditation. This year, the questions focus on how computer technology has been adopted for licensure and training. May candidates for the cosmetology license take any portion of their examinations using a computer? Can any part of a training program be offered using computer-based instruction or distance learning?

We hope you will fill out the survey and return it by March 15, 2005 to

Mrs. Sue Daniels
NACCAS
4401 Ford Avenue, Suite 1300
Alexandria, VA 22301

The results will be published in the NACCAS Now magazine. If you have questions about the survey, you may contact Mary Bird at mbird@naccas.org or (703) 600-7600 ext.138.

Attention

Please keep the Editor informed of changes in your State Board members, changes in addresses, proposed and pending or approved legislation or any pertinent information or agreements entered into, so that other State Boards may keep their information up to date.

Executive Board Profile

Kirby Morris, Wyoming

Education/School: Cosmetic Arts and Sciences, Casper, WY. Attended Casper College 1988-1990

Current Employment Occupation: Self employed owner of Parkway Plaza Hair Studio, NIC Marketing & Rader training program.

Three words that best describe you: Leadership, knowledge, integrity.

What made you decide to run for NIC office and what experience do you bring to NIC? I ran for this office to make sure that the mission of NIC was strictly adhered to. I believe I am the only NIC President to return for a third term in this office. I fully understand my charge.

If there is anything you've learned about NIC by being an officer it is: I have learned so much by being an NIC officer. But one of the most important is the service of regulation process to the state of Wyoming. I am better equipped to serve at home.

What future goal do you see for NIC: I truly believe that National Endorsement will happen. I want all regulatory entities to come together and for our industry to set its own future.

What would people be surprised to know about you? I have never had cable television, I love to fish and I never gamble – sorry Nevada.

Kirby is current president of NIC and is the Examiner Trainer and Marketer for the NIC Examination Program. He is currently a member of the Wyoming Cosmetology Board.

Message
From the President

The National Interstate Council of State Boards of Cosmetology, Inc. "NIC" — have you ever wanted to know why NIC has such a long name? It goes back to 1929 when the National Council of Boards of Beauty Culture was founded in Chicago, Illinois in an effort to develop some form of interstate exchange of ideas as it related to licensure, reciprocity, examinations, and methods/techniques of administration. In 1936, a second group of cosmetology state board members founded the Interstate Council of State Boards of Cosmetology. This council was dedicated to the evaluation of standards of beauty culture education, proper administration of state cosmetology laws, and the promotion of true professional service to the public. In 1956 the two groups merged to form the National Interstate Council of State Boards of Cosmetology.

Today the mission of NIC is to promote the protection of the health, safety, and welfare of the public and the professional workforce by actively pursuing excellence in cosmetology and related field. The NIC objectives are to: Provide a forum for the exchange of state regulatory ideas to promote the highest standards for consumer safety; Offer a standardized, valid, legally defensible National Examination Program based on the highest standards and requirements for entrance into the profession of cosmetology and related fields; Promote national endorsement and standardization of regulation affecting the practice of cosmetology and related fields within all jurisdiction; Encourage competency in the practice of cosmetology and related fields; and Cultivate professional relationships with the industry partners to achieve common goals. Although, we as regulators come and go, the mission and goals of this great organization have not changed through the years.

The office of the President would ask that you closely examine the time that has past without accomplishing all the goals set by our predecessor and refined over these past 75 years. Are the mission and goals of this organization ones that you want for our industry? Are these goals a priority to you and to your fellow board members? Do you think that our industry partners also share these goals? I am here to tell you that our industry partners believe in our mission and goals. We need to heed the wisdom of our predecessors and listen to the concerns of our industry partners in order to improve the Cosmetology Industry. There are not a lot of people who do what we do and there is every possible chance for we the regulators of today to accomplish the goals set back in the 30's to ensure a bright and more prosperous future for this great Industry.

If you would like to take an active role in accomplishing this mission and goals of our organization, I encourage you to go to the NIC website at www.nictesting.org and look at the many committees where your expertise is needed. The chairman of each committee can be contacted through the directory. These committee members are the reason NIC will achieve success and they will be the people to thank when the Cosmetology Industry has reached the highest standards of regulation through the accomplishment of our mission and goals.

Respectfully Submitted,

Kirby Morris NIC President

2004-2005 NIC Committee Appointments

Publicity/Newsletter
Lois Wiskur, SD – Chairman
Wendell Petersen, MT; Judy Roubal, NE

NIC/NCA Liason
Judy Roubal, NE – Chairman
Jackie Dahlquist, SD; Wendell Petersen, MT

Legistlative
LaFaye Austin, OK – Chairman
Kay Kendrick, GA; Jan Sanko, PA

Strategic Planning
Sue Sansom, AZ – Co-Chair
Debbie Elliot, ME – Co-Chair
Eddie Jones, SC; Rosanne Kinley, SC;
John Tirre, MO

Conference Site
Rosanne Kinley, SC – Chairman
Jeri Betts, ME; Richard DeCarlo, DC

NIC/NACCAS Liason
Veda Traylor, AR – Chairman
Janice Boeck, WI; Marie Nordboe, NE

National Endorsement
Cindy Lee Davidson, OR – Chairman
Mary Manna, NV; John Tirre, MO

Procedures
Jackie Dahlquist, SD – Chairman
David Bagwell, SC; Ken Young, OK

By Laws
Carroll Roberts, KY – Chairman
Rosanne Kinley, SC; Ken Young – OK

Policies
Ken Young, OK – Chairman
Jackie Dahlquist, SD; Sue Sansom, AZ

Textbook
Larry Walthers, NV – Chairman
Jan Boeck, WI; Cindy Lee Davidson, OR; Don Kerr, SC; Rosanne Kinley, SC

Honorary Membership
Michael Hill, AR – Chairman
Aurie Gosnell, SC; Lois Wiskur, SD

NIC/AACS Liason
Eric Neggard, ID – Chairman
Marie Nordboe, NE; Jan Boeck, WI

NIC/NMC Liason
Pam Roland, NE – Chairman
Hein Huu Do, VA; Pat Nix, IN

NIC/Skin Care Liason
Geneal Thompson, ID – Chairman
Debbie Elliott, ME; Rosanne Kinley, SC

Education
Cindy Lee Davidson, OR – Chairman
Darlene Battailoa, MT; Richard DeCarlo, DC;
Kay Kendrick, GA; Rosanne Kinley, SC

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Sue Sansom, AZ – Chairman
Betty Abernethy, WY; Judy Roubal, NE

Board Administrators
Kevin Heupel, CO – Chairman
Jim Rough, OH; Darla Fox; MO; Betty Abernethy, WY; Betty Moore, OK

Defining Esthetic Equipment

What to look for when purchasing new technology for your business

by David Suzuki

Am I allowed to use this device? This seemingly simple question is in reality quite complex to answer when considering implementing new equipment into your esthetic business.

Although the FDA is the most rigorous, prominent, and feared organization that exists in the United States in regards to the regulation of medical devices, it is fair to say that verifying the FDA status of a prospective supplier and device, is only the tip of the iceberg in your responsibility of due diligence.

There are many different facets to consider while in search of the "latest and greatest" technology that the market has to offer. It is absolutely essential that you consider each one of the points in this article to insure that the new technology that you are considering has been safety tested, is a legally marketed device, is manufactured by an insured and legally registered FDA Medical Device Manufacturer, and the equipment is legal to be used by a licensed esthetician in your state. Failure to verify and confirm even one of these points is a business tragedy waiting to happen.

For simplicity, I have broken the verification process into three simple categories for you to consider:

1. The Manufacturer
2. The Device
3. The State

The Manufacturer

FDA

It is important to consider that nearly every device that comes in contact with a human being falls under the umbrella of the US FDA as a medical device. A medical device is defined as "An instrument, apparatus, implements, or machine intended to affect the structure or any function of the body of man or other animal"

This includes devices such as a vibrating back massager that can be purchased at a department store, microdermabrasion devices used by professional estheticians, and pacemakers implemented inside the human body. The FDA maintains three classifications for medical devices; Class 1, Class 2, and Class 3. The classification of a device is determined by the intended use of the device, the invasiveness of the device, and the level of public risk that the device may pose. The back massager and microdermabrasion devices are examples of Class 1 devices. LED Light Therapy and EMS devices are examples of Class 2 devices, and a pacemaker is a good example of a Class 3 device.

Regardless of the classification of a device, every manufacturer, domestic and international, is required by federal law to be registered with the US FDA and declare what kind of device(s) they manufacture. The statement "we do not make medical claims and therefore we do not have to deal with the FDA" is simply NOT TRUE. This statement is usually the first clue to look else where for a supplier.

With this in mind, the first stop in your verification mission is the FDA website to insure that the device you are considering is manufactured legally under the general controls set forth by the US FDA Good Manufacturing Practices. This can be verified at the following website: www.accessdata.fda.gove/scripts/cdrh/cfdocs/cfrl/registration.cfm.

Product Liability Insurance

Product Liability Insurance is insurance that manufacturers obtain specifically to insure coverage and protection for individuals and companies who use products and devices manufactured by them. This insurance provides coverage in the event the product or device fails or malfunctions causing damage or harm.

Note that Product Liability Insurance is different then General Liability Insurance. General Liability Insurance is typically for the building or property that a business operates in, and protects against damage, theft, and liability claims that may arise from injuries such as a person slipping on a banana peel in your lobby.

Product Liability Insurance is something that many manufactures simply do not carry. In many cases it is due to the expense as it can range from $40,000 per year, to upwards of $250,000 per year. In other cases it is purely because they can not obtain it, regardless of the cost. Most insurance carriers require that a manufacture meet certain criterion such as being an FDA Registered Medical Device Manufacturer, ISO Registered, UL Registered, CSA Registered, etc., to insure that they are dealing with a responsible and well run company. In fact many insurance carriers will not even supply a quote for Product Liability Insurance unless the above mentioned certifications and registrations exist as it simply allows too much liability exposure.

Every insurance policy has what is refered to as a "Dec Page" or "Declaration Page". The declaration page is usually the top page of every insurance binder that sums up the coverage that is painfully explained in the insurance binder. Ask your potential supplier for a copy of the declaration page. When you receive their declaration page, there a several points to look for: Confirm that it is a US policy, that the date range confirms that it is a valid policy, that the manufacturers name is on the policy as the insured, and that the device or product you are considering purchasing is listed as one of the products or devices insured under this policy. If you have questions or require clarification, it is a good idea to contact the insurance carrier directly.

Manufacturing equipment without liability insurance is as negligible as driving without insurance; definitely not recommended. If a manufacturer cannot, or will not, supply proof of insurance, this is good time to begin looking for another supplier.

ISO

The purpose of ISO (International Organization for Standard) is to facilitate the International coordination and unification of industrial standards. For consumers, ISO ensures conformity of products and services, providing assurance of their quality, safety, and reliability.

ISO is the most respected organization in the world in regards to quality customer service, business operations, customer satisfaction, manufacturing practices, dealing with quality vendors, etc. Although being ISO Certified is not federally mandated as is FDA, the prestige and quality that ISO Certified companies represent are more respected than that of any other organization in the world due to their strict policies and frequent audits.

There are two levels of ISO certification that you should be looking for in a prospective supplier; ISO 9001:2000 and ISO 13485:1996. ISO 13485:1996 is a certification that was specifically developed for medical device manufacturers and mirrors the rules and regulations set forth by the FDA Good Manufacturing Practices.

ISO 13485:1996 is extremely important for us in the esthetic arena, as most esthetic devices are considered Class 1 devices by the FDA, and as such considered "not significant risk". Most manufactures of Class 1 devices are not consistently inspected by the FDA, where as ISO inspects twice per year and has no obstacles with budget cuts.

ISO 9001:2000 certification is applicable to all types of businesses whether they manufacture medical devices, airplanes, or widgets. This certification is applicable to both small manufacturers that have as few as 1-3 employees, to very large manufacturers such

as Boeing. ISO 9001:2000 is based around a sound, responsible, quality management system with complete Standard Operating Procedures that support this quality system. Audits may include anything from customer service records and post market surveillance records to insure that customers are satisfied with the company's performance, to building maintenance records insuring that the facility is cleaned on a regular basis making certain that a sanitary, safe work environment is maintained.

ISO certifications are the most prestigious certifications that a manufacturer can obtain. As such, any company that proudly illuminates the ISO symbol on their marketing material or advertisement literature should be recognized as a "top shelf", high quality manufacturer. ISO certifications can be verified at www.// database.ul.com/cgi-bin/xyv/template/lisext/1frame/geosrch.html.

The Device

FDA

The specification sheet of any device you are considering should declare the Class (1,2,or 3), the Product Code, and the Commercial Name of the device.

Remember, every esthetic device is considered a medical device. Every manufacturer of a medical device is required to be registered with the FDA as a Medical Device Manufacturer and to declare what Class (1,2 or3), Product Code, and Commercial Name of the device(s) that they manufacture. During the verification process you may find the phrase "multiple devices" rather than the name of the device. This is acceptable, and simply means that the company manufactures multiple devices within that category and class, that bear different names. This information can be verified at the following FDA website: www.accessdata.fda.gov/scripts/cdrh/cfdocs/sfrl/listing/cfm

Because of their non-significant risk" status, Class 1 devices are exempt from FDA 510K submission, and therefore do not have an FDA 510K number. Class 2 and Class 3 devices are required to have a 510K number or a PMA number (Pre Market Approval). Most esthetic and end consumer devices fall into the Class 1 category. Some Class 2 devices may be allowable to be used by estheticians with out the super vision of a physician, however, anything Class 2 or higher should be closely reviewed along side your state board code of regulations.

UL

UL (Underwriters Laboratories) is a trusted source across the globe for product compliance. The UL Safety Certification process insures that every part used to manufacture the device, and the device in its entirety, has been tested to the highest quality standards; IEC/UL60601-1. UL performs every test imaginable including operating the devices for prolonged periods of time, insuring that the device performs within the manufacturers engineering specifications, insuring that every part is tested or UL Listed individually, literally burning the device, dropping the device, hitting and smashing the device, etc. When a device returns from UL testing, it looks like it has been through a war!

To insure that each manufacturer maintains this quality, UL auditors visit the manufacturer's facility twice yearly and inspect the Master Device Records. The auditor also dissects a working device to insure that the manufacturer has not altered the designs or quality of manufacturing or parts since the UL certification was achieved.

UL Safety Certification is extremely, extremely, important for us in the esthetic world as Class 1 devices are exempt from FDA 510K submission, and therefore escape mandatory UL Safety Certification. Class 2 devices require a 510K submission and approval before legally entering the US market. Part of an FDA 510K submission is a required UL Safety Certification or similar safety certification (CSA) insuring that the device is manufactured correctly and safely. Many people believe that if a device is FDA registered and the manufacturer is FDA registered, that the device is of sound quality; not correct, specifically for Class 1 devices. UL Safety Certification or a like kind safety testing certification is absolutely necessary. UL safety certifications can be verified at: http://database.ul.com/cgi-bin/xyv/template/lisext/1frame/geosrch.html.

CSA (Canadian Standard Association) is a parallel safety testing organization and a competitor of UL. In most cases they test to the same or similar safety standards, and are usually both accepted by FDA as adequate safety testing. However, UL is the most prestigious of the two, and the most widely accepted world wide. CSA Safety Certifications can be verified at: http://directories.csa-international.org/

CE is similar to UL and CSA, and is required for devices that are to be sold and distributed throughout the European Community. However, beware as the CE mark for Class 1 devices is a "self declaration" (no testing required) by a manufacturer, stating that they meet the applicable safety standards. With this in mind, the CE mark is near meaningless in my opinion for most Class 1 devices. UL and or CSA are the minimum safety registrations that you should look for when considering purchasing a new device.

The State

Cosmetology Code of Regulations

The best advice that I can give to when purchasing a new device is to obtain and study the Cosmetology and Aesthetic Code of Regulations that pertains to your license in your state. Each state is regulated independently, and therefore you can not always count on consistency amongst the codes from state to state.

The definition of esthetics by most state Code of Regulations is something similar to that of the State of California: ...beautifying the face, neck, arms, or upper part of the human body, by means of the hands, devices, apparatus, or appliances, with the use of cosmetic preparations, antiseptics, tonics, lotions, creams.....Regardless of the device, make certain the treatment or service that you are considering moving forward with falls within this definition. Equally as important, make certain that what, and how you are advertising also falls within this definition.

In order to stay in compliance with state inspections, I highly suggest that you keep the verifications for your equipment noted in this article printed and organized neatly in a file for state inspectors to review. Keep a Product Specification sheet and Intended Use Statement from the manufacturer also available in the file for review, as well as your education certificate obtained by the manufacturer.

Where do we go from here?

Up until recently, most states were unaware that they themselves have the decision making power to allow certain devices to be used by a specific licensure within their state. Instead, they usually aimlessly turned to the federal government (FDA) with little, if any, response or direction.

Ironically, there is not a state in our country that has specifically allowed, or disallowed, in their CCR certain classifications of devices to be used by estheticians or even refers to classifications of devices. The FDA notes in every intended use statement ....."to be used by a physician or licensed practitioner.....thus allowing the state to decide what they feel is the appropriate licensure.

Although greatly in the rears, states are proactively working on solutions and new legislation that will hopefully remedy some of the ambiguity that currently exists regarding medical devices.

Although the question "Am I allowed to use this device?" will likely never be able to be answered simply, take the time to persevere through the verification process and make certain that your future device and supplier meet the appropriate criterion. Be pro-active and make it a priority to educate your self regarding certifications, registrations and your state board code of regulations. After all, this is your future!

Additional 2004 Conference Highlights

New CEO Named

Continued from page 1

"Globally, Pivot Point already serves 60 countries and, with many of our international distributors engaged in their second-generation, family-business development, we are overall very well positioned for the next phase of our company."

In operation since 1962, Pivot Point International of its award-winning educational programs to cosmetology schools and advanced centers and has provided educational solutions to some of the industry's top salons and manufacturers. Today Pivot Point has distributors, Member Schools and advanced centers in nearly 60 countries and has trained an estimated 500,000 cosmetologists worldwide since its inception.

National Examination Committee Appointment

Ken Young of Oklahoma City, OK was appointed to fill the expired term of Michael Hill on the National Examination Committee.

Ken, a licensed Cosmetologist and Salon owner for 15 years, was appointed to the Oklahoma State Board of Cosmetology in 2003.

Dedicated to the growth and achievement of professional standards for the Cosmetology profession, Ken explained that his appointment to the Examination Committee will be to help the efforts "to obtain that goal in testing." Ken has accomplished considerable recognitions in the Beauty Profession. Among those are:

- He has just completed serving as a member of NACCAS (National Accrediting Commission of Cosmetology Arts and Sciences) for 5 years as a salon owner.
- He has written a series of 5 books on the "28 Hairstyles and Procedures" for Milady.

Clock to Credit Hours - Conversion

By Chiquita Carter

"How conversion of clock hours to credit hours is accomplished and how this effects state boards." was the program presented by Chiquita Carter, NACCAS Chairman.

Ms. Carter spoke on how in January 2001, the National Accrediting Commission of Cosmetology Arts and Sciences asked the states if schools were measuring their comsmetology program in clock hours and reporting it in credit hours to the State Boards. In many cases the State Boards, while allowing schools to measure programs in credit hours, has clock hour requirements for attendance, student transcripts or other purposes. She stressed that states need to ask their Attorney General to study the existing law and get his legal opinion on the State's ability to convert to credit hours. Using Oklahoma as an example, she commented on how their schools were not prohibited from converting from the clock hours to credit hours. However, legislation was needed to put the term "credit hour" in to the law. With the industry and the State Board working together on a proposed bill with the proper language that would allow either/or (clock hours or credit hours), the bill was passed and put into law.

"State Boards should research and understand regulations of the accrediting bodies and those of the U.S. Department of Education governing clock/credit hour conversions." quoted Ms. Carter. The National Accrediting Commission of Cosmetology Arts and Sciences requires that 30 clock hours equals 1 credit hour, along with the U.S. Department of education. Conversion from clock hour to credit hour is a simple, mathematical process. You must remember, when converting, you cannot round up, you must round down. For example, if you are converting a 100 clock hour haircutting requirement you use the following equation:

100 / 30 = 3.33333 = 3 credits

If you have a 45 clock hour facial requirement and a 15 clock hour lash/brow tint requirement, you can do this one of two ways:

45 / 30 = 1 credit

15 / 30 = 0 credit

or you can combine these two requirements:

.45 + 15= 60 / 30 = 2 credits

Element	Previous Clock Hours Required	Credits	Current Clock Hours Required	Credits
Theory	140	4.66 = 4	150	5
Haircutting	200	6.66 = 6	180	6
Manicuring Pedicuring	75	2.5 = 2	90	3
Facials	25	0	30	1
Scalp Treatments	15	0	30	1
Shampooing	100	3.33 = 3	60	2
Hairstyling	385	12.83 = 12	390	13
Haircolor	135	4.5 = 4	120	4
Lash/Brow	25	0	30	1
Shop Mgmt.	175	5.83 = 5	180	6
Hair Restrctrng Perm Waving	225	7.5 = 7	240	8
Total	**1500**	**43**	**1500**	**50**

A school can report credit hours to the U.S.D.O.E. for purposes of Title IV and still be required to report clock hours to the state. This is not truly a credit hour situation and reporting both clock hours and credits is extremely burdensome to the school.

Some of the advantages that students may have by attending a credit hour institution are:

- students are judged on their ability, no the time they sit in class.
- graduates will be better prepared for licensing examination
- graduates will be better prepared for the job market
- if a graduate decides to continue their education, credits earned may be accepted by another credit hour institution

Some of the states that have done the conversion are Colorado (total conversion in 2006), New Mexico, and Arizona (schools have option).

Bulletin

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N.E.C. Committee Participates in AACS

The National Examination Committee of NIC participated at the AACS Convention in Anaheim, CA by having a booth in the exhibit hall. Answering questions and providing information on licensure examinations for cosmetology and barbering were NEC Chairperson Sue Sansom and NIC President Kirby Morris.

AACS Annual Conference

Anaheim, California - 2004

The articles provided are for informational purposes only and are not a position or endorsement of NIC.

FIRST CLASS

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