

## **AGENDA**

### **STATE OF CONNECTICUT BOARD OF EXAMINERS OF ELECTROLOGISTS**

Wednesday, February 23, 2022  
9:30 AM

#### **CALL TO ORDER**

**I. MINUTES**

Review and approve minutes from the November 17, 2021 meeting.

**II. NEW BUSINESS**

Declaratory Ruling Petition to Connecticut Medical Examining Board  
*Shawn Rutchick, Assistant Attorney General*

**III. CHAIR UPDATES**

**IV. DEPARTMENT OF PUBLIC HEALTH UPDATES**

#### **ADJOURNMENT**

**This meeting will be held remotely at the following:**

**Board of Examiners of Electrologists via Microsoft Teams**

Join on your computer or mobile app

[Click here to join the meeting](#)

**Or call in (audio only)**

[+1 860-840-2075](tel:+18608402075) - Phone Conference ID: 965 038 379#

*The following minutes are draft minutes which are subject to revision and which have not yet been adopted by the Board.*

The Board of Examiners of Electrologists held a meeting on Wednesday, November 17, 2021. The meeting was held via Microsoft TEAMS.

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BOARD MEMBERS PRESENT:	Tatiana Eirmann, Esq. Alicia Zalka, M.D. Arlene Romajas, LPN,CPE Jan O'Neil, CPE Jeanne Scranton-Lloyd
ALSO PRESENT:	Jeffrey Kardys, Board Liaison Alfreda Gaither, Hearing Officer, DPH Celeste Dowdell, License & Application Analyst Daniel Shapiro, Deputy Associate Attorney General Stephen Carragher, Supervisor, DPH

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The meeting commenced at 9:31 a.m. All participants were present via Microsoft TEAMS.

### **I. MINUTES**

The board reviewed the minutes from Wednesday, September 22, 2021. Arlene Romajas made a motion, seconded by Alicia Zalka, to approve the minutes as edited. The motion passed unanimously.

### **II. OLD BUSINESS**

Daniel Shapiro, Deputy Associate Attorney General, advised it would be best if the Medical Board handle the Declaratory Ruling Proceeding regarding the treatment of a hair in a nevus (mole) as they constitute the role of what is in the scope of practice.

Stephen Carragher, Supervisor, DPH, reported that a change from 3 to 4 hours of continuing education units for CPR hours is proceeding through the review process.

### **III. CHAIR UPDATES**

The schedule for 2022 meeting dates is as follows:

February 23, 2022  
May 18, 2022  
September 14, 2022  
November 16, 2022

### **IV. DEPARTMENT OF PUBLIC HEALTH UPDATES**

A. Investigations Update

No updates at this time.

B. Examination Update

Celeste Dowdell, License & Application Analyst, reported the examination results as follows:

Three candidates were scheduled for the September 27, 2021 examination. One (1) candidate did not show. Two (2) candidates showed but they both failed.

### **V. ADJOURNMENT**

The meeting was adjourned at 9:48 a.m. on a motion by Jeanne Scranton-Lloyd and seconded by Jan O'Neil.

Respectfully submitted,  
Jeanne Scranton-Lloyd  
Board of Examiners of Electrologists

# DRAFT

INSERT DATE

Connecticut Medical Examining Board  
c/o Jeffrey Kardys, Board Liaison  
State of Connecticut  
Department of Public Health  
Legal Office/Public Health Hearing Office  
410 Capitol Avenue, MS 13PHO  
PO Box 340308  
Hartford, CT 06134-0308

RE: Request for Declaratory Ruling regarding  
hair removal on a nevus (mole).

Dear Board Members:

Per Conn. Gen. Stat. § 4-176 and Regs. Conn. State Agencies § 19a-9-12, the State of Connecticut, Board of Examiners of Electrologists (“Electrologists Board”) hereby petitions the Connecticut Medical Examining Board (“CMEB”) for a declaratory ruling regarding the following question:

**Does using electrolysis to remove hair on a nevus (mole) constitute the practice of medicine in the State of Connecticut? (the “Question”).**

The Electrologists Board respectfully requests the CMEB issue a declaratory ruling regarding the Question because the CMEB’s determination is necessary so that electrologists are not acting beyond their scope of practice by removing such hair on a nevus.

Further, the Electrologists Board respectfully requests the CMEB grant the Electrologists Board party status for the declaratory ruling proceedings on the Question and avers, per Regs. Conn. State Agencies § 19a-9-26, as follows:

1. the name and address and telephone number of the person filing the request and that of the person's authorized legal representative, if any;

Board of Examiners of Electrologists  
c/o Jeffrey Kardys, Board Liaison  
State of Connecticut  
Department of Public Health  
Legal Office/Public Health Hearing Office  
410 Capitol Avenue, MS 13PHO  
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Hartford, CT 06134-0308

2. the manner in which the person making the request claims to be substantially and specifically affected by the proceeding;

The Electrologists Board wants to determine whether using electrolysis to remove a hair on a nevus (mole) constitutes the practice of medicine and therefore would not be within the scope of practice of an electrologist license.

3. the factual and legal issues to be addressed in the proceeding;

The following, among others are factual and legal issues to be addressed by the declaratory ruling proceeding.

1. Does the removal of hair on a nevus constitute the practice of medicine in Connecticut?
2. Does the process of electrolysis of a hair on a nevus change the nevus in a way that would therefore make the process constitute the practice of medicine?

4. the relief sought;

1. Order that a proceeding be held for the determination of the Question.
2. Grant the Electrologists Board party status for such proceeding.
3. Hold a hearing at which the Electrologists Board can present evidence.
4. At the close of the record, issue a declaratory ruling that answers the Question and articulates the basis therefor.

5. the statutory or other authority for such relief;

The CMEB has authority to issue a declaratory ruling on this matter per Conn. Gen. Stat. § 4-176; see also Connecticut State Medical Society v. Connecticut Board of Examiners in Podiatry, 208 Conn. 709, 714 (1988).

6. a summary of any evidence that the person making the request intends to present.

**To be determined based on discussion during February 23, 2022 board meeting**

For the reasons set forth above, the Electrologists Board respectfully requests that the CMEB initiate a proceeding to issue a declaratory ruling on the Question, grant the Electrologists Board party status for the declaratory ruling proceeding and issue a declaratory ruling answering the Question.

Respectfully,

The Board of Examiners of Electrologists

By:

\_\_\_\_\_  
Tatiana D. Eirmann, Esq.  
Chairperson  
Connecticut Board of Examiners of Electrologists

Date: \_\_\_\_\_