

STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD

IN RE: PETITION SUBMITTED BY TERESA PETRICCA, PRESIDENT OF
 THE AMERICAN ELECTROLOGY ASSOCIATION, ON USE OF
 LASERS FOR HAIR REMOVAL BY HEALTH CARE PROVIDERS
 OTHER THAN LICENSED PHYSICIANS

DECLARATORY RULING

In November of 1996, Teresa Petricca, President of the American Electrology Association, requested the position of the Connecticut Medical Examining Board ("Board") as to whether lasers may be used for hair removal by anyone other than a licensed physician in this State.

Pursuant to Connecticut General Statutes §4-176 and Regulations of Connecticut State Agencies §19-2a-31, the Board ruled that it would hold a hearing and issue a declaratory ruling in response to Ms. Petricca's petition. The declaratory ruling proceeding was intended to address whether health care providers other than licensed physicians can use lasers for the purpose of hair removal. By law, the Board's determination on this issue is binding upon those who participated in the hearing and may also be used by the Board, on a case by case basis, in future proceedings.

A hearing was scheduled and held on August 19, 1997 and September 16, 1997. Prior to the first day of hearing, the following organizations were granted party status: American Electrology Association, ThermoLase Corporation, and the Connecticut State Medical Society. The Connecticut Society of Eye Physicians was granted intervenor status. The Board received oral and written testimony from parties and persons otherwise authorized to participate. The Board conducted the hearing in accordance with Connecticut General Statutes Chapter 54 and the Regulations of Connecticut State Agencies §19-2a-1, *et seq.*

Connecticut General Statutes §20-9 provides in pertinent part:

(a) No person shall, for compensation, gain or reward, received or expected, diagnose, treat, operate for or prescribe for any injury, deformity, ailment or disease, actual or imaginary, of another person, nor practice surgery, until he has obtained such a license as provided in section 20-10, and then only in the kind or branch of practice stated in such license.

(b) The provisions of this chapter shall not apply to: . . .
(14) any person rendering service as a physician assistant licensed pursuant to section 20-12b, a registered nurse, a licensed practical nurse or a paramedic, as defined in subsection (o) of section 19a-175, acting within the scope of regulations pursuant to section 19a-179, if such service is rendered under the supervision, control and responsibility of a licensed physician

Section 20-9 provides the framework for determining whether a particular activity is within the scope of practice of medicine. The Board finds that the use of lasers for hair removal is within the scope of medical practice. The Board finds that a licensed physician with appropriate knowledge, experience, and training should assess each patient prior to and during the course of hair removal treatment with laser therapy. The Board finds that such physician may delegate the operation of the laser for hair removal to those persons listed in §20-9(b)(14) who may render service under the supervision, control, and responsibility of a licensed physician, provided the assessment of each patient is performed by the physician. The physician shall provide direct on-site supervision in the course of hair removal treatment with laser therapy.

The Board uses the following analysis to reach this conclusion: A laser is a means of manipulating light. The use of a laser to remove hair is a medical, not cosmetic, procedure. Such a procedure alters the surface of skin. A laser may cause or aggravate certain types of dermatological conditions. The process itself is more critical than the result. Laser hair removal is an evolving technology which does not currently provide permanent results. Results vary;

there can be a risk of eye damage. In making this ruling, the Board is choosing to err on the side of safety to best protect the public.

A reasonable amount of time for practitioners to conform to the standards set forth in this ruling should be allowed, not to exceed nine (9) months.

Connecticut Medical Examining Board

by: Richard M. Ratzan, M.D., Chairman

December 17, 1997

**STATE OF CONNECTICUT
CONNECTICUT MEDICAL EXAMINING BOARD**

IN RE: PETITION SUBMITTED BY TERESA PETRICCA, PRESIDENT OF
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ORDER RE RECONSIDERATION OF DECLARATORY RULING

By motion filed December 24, 1997, ThermoLase Corporation requested reconsideration of the declaratory ruling issued on December 17, 1997 by the Connecticut Medical Examining Board ("Board") in the matter referenced above. In the Board's January 13, 1998 ruling, such reconsideration request was granted in part and denied in part.

The hearing was scheduled and held on February 17, 1998. Testimony from Curtis Littler, M.D., and Margaret Daikos, R.N., was prefiled and adopted at the hearing. David Goldberg, M.D., was unable to attend the hearing; his prefiled testimony was admitted in his absence. The Board also admitted the American Electrology Association's letter filed on January 21, 1998, and the Connecticut State Medical Society's objection filed on February 10, 1998.

The Board heard testimony, permitted cross-examination, asked questions, and heard oral argument. The Board fully considered the testimony, exhibits, and oral argument.

Upon reconsideration of its December 17, 1997 declaratory ruling, the Board hereby affirms the original wording of such declaratory ruling.

Connecticut Medical Examining Board

by: Richard M. Ratzan, M.D., Chairman

March 31, 1998