CONNECTICUT STATE

ELECTROLOGY ASSOCIATION
INCORPORATED

August 15, 2011
Hand Delivery

Department of Public Health
Attn: Jennifer L. Filippone, Chief
Practitioner Licensing and Investigations Section
410 Capitol Avenue, MS#12MQA
P.O. Box 340308
Hartford, CT 06134

Re: Scope of Practice Request
Connecticut State Electrologists Association

Dear Ms. Filippone,

Please find enclosed Scope of Practice Request on behalf of the Connecticut State Electrology Association.

Should you have any questions concerning the enclosed please do not hesitate to contact me at (860) 678-1972 or our lobbyist, David J.D. Evans, Esq. at (860) 522-3343.

Thank you in advance for your assistance with processing this request.

Very truly yours,

Donna Crump

Donna Crump, President

DC/cjr
Encls. as above

Scope of Practice Request Submission

Connecticut State Electrology Association

8-15-2011
(Revised)

1. a plain language description of the request;

To expand the scope of practice of licensed electrologists to include the removal of body and facial hair through the use of laser or light-based devices cleared by the U.S. Food & Drug Administration upon successful completion of a further course of study as required by the Connecticut Board of Examiners of Electrologists and approved by Department of Public Health.

2. public health and safety benefits that the requestor believes will occur if the request is implemented and, if applicable, a description of any harm to public health and safety if it is not implemented;

In 1997 the FDA began clearing laser devices for permanent hair reduction. The variety and efficacy of these devices has increased over the past 15 years. Laser hair removal/reduction technology permits the treatment of a given area of the body much more rapidly than electrolysis and so has become extremely popular with the public. At present in Connecticut the use of these devices is limited to a licensed physician or by delegation to any person rendering service as a physician's assistant licensed pursuant to section 20-12b, a registered nurse or a licensed practical nurse as defined in subdivision (15) of section 19a-175, acting within the scope of regulations adopted pursuant to section 19a-179, if such service is rendered under the supervision, control and responsibility of a licensed physician per a December 17, 1997 Declaratory Ruling of the Connecticut Medical Examining Board and Connecticut Attorney General's Opinion 2004-15. Typically this equipment is utilized by personnel with limited training under the general supervision of a physician, usually a dermatologist, in clinics and med spas. The large pool of licensed and skilled electrologists who have considerable experience in body and facial hair removal through the use of electrolysis equipment are presently unable to lawfully operate laser hair removal equipment. If the request is implemented a large,

experienced and trained pool of professionals will augment the existing providers improving overall quality of delivery of laser hair reduction services.

3. the impact on public access to health care;

Although some hair removal demand is cosmetically driven, in many cases there are health or medical reasons for hair removal. These have traditionally been handled by electrologists by referral from physicians. In some instances laser devices may have speed advantages over traditional electrolysis in treatment of these conditions. Increasing the number of professionals who can utilize laser and light based hair removal/reduction equipment will help meet the increasing demand by the public for these services. Displacing some of the demand for hair removal from medical spas and clinics and other licensed health care professionals to electrologists will increase the availability, all things being equal, of dermatologists and other licensed medical personnel working under their supervision for treatment of other medical and skin disorders. Anecdotal evidence suggests that the demand for hair removal has increased the waiting time to obtain consultations with medical professionals in Connecticut.

4. a brief summary of state or federal laws governing the profession;

The profession of electrology and the use of electrolysis equipment (which is regulated by the US FDA), is typically regulated at the state level. Some states have chosen not to regulate it at all (e.g. New York and Pennsylvania). In others there is minimal regulation focusing on sterilization of needles and proper disposal of blood contaminated objects (e.g. Washington). In some it is regulated as a cosmetology profession (e.g. California) but in the majority of jurisdictions it is regulated as a profession under the state department of business or professional regulation (e.g. Illinois and Vermont) or, as in the majority of states who regulate it, as a healing/allied health profession under the supervision of the state's health department (e.g. Connecticut, Rhode Island, Massachusetts, Maine, New Hampshire and Florida.)

5. the state's current regulatory oversight of the profession;

In Connecticut electrology is regulated as a profession under Chapter 388 of the Connecticut General Statutes, Sections 20-267 et seq. Chapter 22 provides for the establishment of a five

member Board of Examiners of Electrologists which advises the Commissioner of the Department of Public Health on matters pertaining to the profession and with the consent of the Commissioner establishes minimum requirements for certification. The Board by statute consists of a dermatologist, two electrologists and two lay persons. For initial licensure the passing of a written and practical examination is necessary. The board hears and decides matters concerning suspension or revocation of licensure; adjudicates complaints against practitioners; and imposes sanctions where appropriate. The causes for which a license may be revoked or suspended or for which a practitioner may be the subject of disciplinary action include: (1) Conviction, either within or without this state, of any crime in the practice of the practitioner's profession; (2) fraudulent or deceptive conduct in the course of professional services or activities or illegal, incompetent or negligent conduct, in the practitioner's practice; (3) habitual intemperance in the use of alcoholic liquor or addiction to the use of narcotics or other habit-forming drugs; (4) violation of any provision of this chapter or of any regulation adopted under this chapter; (5) aiding or abetting the unlawful practice of electrology; (6) physical or mental illness or emotional disorder or loss of motor skill of the practitioner, including, but not limited to, deterioration through the aging process; (7) fraud or material deception in obtaining a license; or (8) splitting of fees or offering of commissions or gifts. The Commissioner of Public Health may order a licensee to submit to a reasonable physical or mental examination if the physical or mental capacity of the licensee to practice safely is the subject of an investigation. The commissioner may petition the superior court for the judicial district of Hartford to enforce such order.

6. All current education, training, and examination requirements and any relevant certification requirements applicable to the profession;

In order for a professional education program to be utilized by an applicant for licensure, it must meet the following requirements: The curriculum shall include the following: (A) At least two hundred hours of classroom instruction in basic sciences applicable to electrology, including but not limited to: bacteriology, sanitation and hygiene, biology, dermatology, trichology, theory of electricity, electrolysis and principles of infection control and (B) At least four hundred hours of practical instruction in epilation techniques, utilizing electrolysis (direct current/DC) and thermolysis (alternating current/AC) modalities. Programs shall be individually reviewed and approved by the Board of Examiners of Electrology with the consent of the Department of Public Health. The program shall submit such materials as may be required to the Board and Department for the purpose of review and approval. Once licensed each licensee applying for license renewal shall have completed a minimum of ten contact hours of qualifying continuing education during the preceding registration period, at least two of which shall be in infection control, blood borne diseases, universal precautions or sanitation and sterilization, or any combination thereof. Continuing education contact hours completed in one registration period shall not carry over to a subsequent registration period.

7. a summary of known scope of practice changes requested or enacted concerning the profession in the five years preceding the request;

In 2009 General Assembly Bill 5616 was referred to the Joint Committee on Public Health but no public hearings were held.

8. the extent to which the request directly affects existing relationships within the health care delivery system;

No impact is anticipated between electrologists and physicians or other licensed health professionals working under their supervision who currently deliver laser hair removal services.

9. the anticipated economic impact on the health care delivery system;

A large number of physicians and other licensed health care professionals under their immediate supervision are currently delivering laser and light based hair removal services. There continues to be a strong public demand for unwanted facial or body hair reduction/removal through use of laser and light based technology. Hair removal/reduction is only one of the several uses for laser equipment.

The typical laser equipment training session delivered to physicians and their staff at present lasts an evening or a day and covers all dermatologic uses of the manufacturer's particular equipment which may include laser treatment of pigmentation, redness, wrinkles, spider veins, benign epidermal pigmented lesions (such as age spots, sunspots and freckles), unwanted tattoos, scars, cellulite, body fat, psoriasis, vitiligo, warts, and the many and sundry types of skin surgery.

Electrologists have considerably more training and experience with hair removal and its complications and contra-indications than most of those health professionals currently permitted to operate this equipment.

Increasing the size and quality of the pool of professionals who can perform laser hair removal/reduction will be in the public interest as advanced medical or surgical training is unnecessary to the safe and effective delivery of laser and light based hair removal services. It may allow better access by the public to physicians who are currently quite busy supervising the delivery of cosmetic which include laser and light based hair reduction.

Adding some of the approximately 185 registered electrologists in the state to the pool of professionals who can perform laser and light based hair reduction/removal should tend to assure price stability for these services or possibly even reduce their cost.

10. regional and national trends concerning licensing of the health profession making the request and a summary of relevant scope of practice provisions enacted in other states;

According to the FDA the popularity of laser and light based hair removal/reduction has grown significantly since its introduction in 1997, prompting many laser manufacturers to conduct research and seek FDA clearance for their lasers for hair reduction uses. The market for this equipment is growing so quickly that the FDA states it cannot maintain an up-to-date list of all laser manufacturers whose devices have been cleared for hair removal. Initially training in the use of the equipment was provided exclusively by the manufacturer. The quality, duration and nature of the training varied widely within the industry. Many states have recently reviewed or are in the process of reviewing their approach to regulation of this new technology.

New England/New York Region: New York does not appear to have acted as of the date of this submission to regulate the use of laser hair removal equipment. It appears that clinics have arisen under the supervision or control of each entrepreneurs, physicians, cosmeticians, aestheticians, electrologists and others. In Pennsylvania the State Board of Medicine has attempted to restrict laser hair removal equipment's use to physicians and those under their immediate supervision. Vermont recently broadened its definition of electrology to include the use of laser equipment by licensed and "properly trained" electrologists. In Massachusetts electrologists are permitted to use laser hair removal equipment but may do so only in a separate area distinct from their electrolysis office. Cosmetologists and aestheticians are permitted to use IPL devices. Recently its legislature has granted to its health department the authority to regulate the use of hair removal lasers. It is expected that it will extend to licensed electrologists, *inter alia*, the authority to use such equipment after completing a course of training yet to be developed has been approved by the department. Connecticut, Rhode Island, New Jersey and Maine have not as yet addressed the matter. New Hampshire has recently positively defined the use of laser hair removal equipment to constitute "surgery" thus apparently limiting its use to licensed physicians and surgeons or their employees.

National Trends:

There does not appear to be a national trend as of this writing. Some states have declined to act in this field. Others like Florida and Illinois have recently adopted regulatory schemes permitting electrologists and other allied health professionals to use laser hair removal equipment after a course of training but under the off-site supervision of a physician. California has authorized only physicians, nurses and physician's assistances to utilize laser

hair removal equipment. Texas Dept. of Health Services permits anyone after an approved course of study and apprenticeship to become a laser hair removal professional and operate a laser hair removal facility provided they obtain a written off premises supervision contract with a consulting physician.

International Trends:

The United Kingdom and the European Union permit non-medical personnel, such as beauticians, to perform laser hair removal, but they are legally required to register with the Department of Health's Care Quality Commission to ensure that minimum training and safety standards are met.

Canada does not regulate laser hair removal. Health Canada states in a consumer advisory about cosmetic laser treatments (which includes laser hair removal) that "experts in cosmetics with proper training in laser techniques should be able to perform hair reduction treatments with minimal risks to the Canadian public." Laser hair removal providers need only comply with rules governing personal services establishments.

11. identification of any health care professions that can reasonably be anticipated to be directly affected by the request, the nature of the impact, and efforts made by the requestor to discuss it with such health care professions;

The pool of people that currently operates laser hair removal equipment in Connecticut includes physicians, RN's, LPN's, and PA's under their supervision. A preliminary meeting was held in 2010 with representatives of the Connecticut State Medical Society Dermatology Committee.

12. a description of how the request relates to the health care profession's ability to practice to the full extent of the profession's education and training.

As laser hair removal equipment has improved in its efficacy it has become increasingly apparent to both Connecticut residents and electrologists that laser and light based hair reduction/removal equipment possesses speed and cost advantages over traditional electrolysis/thermolysis for epilation. The speed and efficacy of laser hair removal techniques has had a distinct economic impact on the practice of electrology in the state as many hair reduction/removal candidates are opting for laser treatment instead of electrolysis. As sometimes both electrolysis and laser methods of hair removal will complement one another and use of both would be indicated, extending the authority to use laser hair removal

equipment to electrologists will have further advantages for the patient permitting him or her to be treated by one professional for all types of hair removal services. Electrologists have been academically and practically trained in several of the areas one using laser hair removal equipment should have knowledge: the biology of hair, basic electricity; skin typing, side effects of epilation, pre-treatment patient preparations, treatment contra-indications including the recognition of disease conditions of the skin, post-treatment procedures, post treatment instructions to patients, expected outcomes including erythema and edema, the nature of possible adverse outcomes, follow-up care, completion of patient intake forms, and proper documentation of patient case history and consent forms.

Failure to extend promptly to electrologists the ability to use laser and light based devices for hair removal or reduction will impede their ability to practice their profession and will deprive the residents of Connecticut better access to professional hair removal services.