

STATE OF CONNECTICUT
STATE EMPLOYEES' RETIREMENT COMMISSION
MEDICAL EXAMINING BOARD

DATE: June 26, 2026

LOCATION: VIA ZOOM

Present:

Frank Gerratana, M.D.

Lynn Rudich, M.D.

Sheldon Nova, M.D.

Others present:

Robert Helfand, Retirement Services Division

Patrick Fairbanks, Retirement Services Division

Alexandra Cipolla, Retirement Services Division

Helena Bartolomeo, Retirement Services Division

Michael Rose, Rose Kallor

Cindy Cieslak, Rose Kallor

1 (Proceedings began at 9:11 a.m.)

2
3 DR. GERRATANA: Good morning, everyone. I'm
4 Dr. Frank Gerratana. I welcome you to the June 26, 2026
5 meeting of the Medical Examining Board, which is now in
6 session. I'll be serving as Chairperson.

7 Also present are Dr. Sheldon Nova and Dr. Lynn
8 Rudick.

9 Present from the Office of the State
10 Comptroller, Retirement Services Division are, first, the
11 staff members, Alexandra Cipolla, Patrick Fairbanks,
12 Robert Helfand and Helena Bartolomeo.

13 The General Counsel for the Retirement
14 Commission and Medical Examining Board is Attorney Rose.

15 I'll make a motion that we go into Executive
16 Session for the purposes of discussing individual
17 members' disability health issues.

18 I'll request that the members of the Retirement
19 Services Division and our counsel be allowed to maintain
20 -- be allowed to remain. Is there a second?

21 DR. NOVA: Second. Dr. Nova.

22 DR. GERRATANA: All those in favor say aye.

23 DR. NOVA: Aye.

24 DR. GERRATANA: All those opposed nay. The
25 motion passes.

1 We'll go into the Executive Session.

2 ATTORNEY ZIMBERLIN: I do believe Paul
3 Cicarella is going to be open session.

4 ATTORNEY ROSE: Okay.

5 ATTORNEY ZIMBERLIN: Yep.

6 BERT HELFAND: I'm sorry. Are you saying Mr.
7 Cicarella wants to have his matter discussed in open
8 session?

9 ATTORNEY ZIMBERLIN: Correct. Yes.

10 BERT HELFAND: Because we haven't received any
11 requests to that effect.

12 ATTORNEY ZIMBERLIN: I believe that was sent.

13 BERT HELFAND: Pardon me?

14 ATTORNEY ZIMBERLIN: I believe that was sent
15 in. I don't have a date in front of me, but our
16 understanding was it was going to be open session.

17 ATTORNEY ROSE: Okay. All right.

18 BERT HELFAND: All right. As you know --

19 PATRICK FAIRBANKS: Do we have a motion on the
20 table? Do we need to amend that motion? Or withdraw the
21 motion?

22 DR. GERRATANA: I'll withdraw my motion to go
23 into Executive Session to have an open session to discuss
24 the case of the applicant, Paul Cicarella.

25 BERT HELFAND: All right, well, maybe we should

1 postpone action on the motion.

2 As you know, Attorney Zimmerman, when a member
3 requests that their application be discussed in public
4 session, we ask them to acknowledge certain -- I'm sorry,
5 I'm getting an echo now -- we ask them to acknowledge
6 certain facts, so, I'm going to ask Mr. Cicarella a
7 couple of questions here.

8 Mr. Cicarella, our usual practice is for each
9 case to be discussed in Executive Session, from which the
10 public is excluded, in order to preserve the
11 confidentiality of the medical information that's going
12 to be discussed. If you -- that's your medical
13 information, and so it's your right to disclose it. But
14 I want to make it clear that this meeting is a public
15 meeting. If you want your case discussed in public
16 session, that means medical information will be
17 discussed, and everyone attending the meeting will be
18 able to hear it.

19 Furthermore, the meeting will be recorded,
20 which means any disclosure of medical information will
21 now become a public record that can be accessed for as
22 long as that recording exists, and we maintain it under
23 the rules governed by the Freedom of Information law.

24 So, do you understand that this decision to
25 conduct the meeting in public would essentially expose

1 the confidential medical information that will be
2 discussed?

3 ATTORNEY ZIMBERLIN: Well, I just have one
4 quick question about that. Are you referring to the
5 medical records being released or just the discussion in
6 open session?

7 BERT HELFAND: Only the discussion.

8 ATTORNEY ZIMBERLIN: Okay, understood.

9 ATTORNEY ROSE: Can I just make a point on
10 that? I actually, you know, we might want a legal
11 written opinion for the record. This is Attorney Rose.

12 I think that the exception to go into Executive
13 Session is to preserve the privacy of the medical records
14 of the employee, or in this case, the member of the
15 system. Once the individual has waived that, I don't
16 know if there would be any legitimate entitled to --
17 entitlement to object to their disclosure by someone
18 should they make an FOI request, because the individual
19 would have already indicated that they have no reasonable
20 expectation of privacy, and it's now a matter of public
21 record.

22 So, I wouldn't want to give a definitive answer
23 that if someone FOI's these medical records, they're not
24 going to get them, because once they're in this public
25 domain like this, at that point there's a waiver. And I

1 don't think you can have a partial waiver, and I'm not
2 trying to dissuade anybody, but I don't intellectually
3 think you have a partial waiver of your medical records
4 and then later on say, well, I object to them being
5 disclosed if they're FOI'd.

6 ATTORNEY ZIMBERLIN: I believe HIPAA would
7 still protect those records regardless.

8 ATTORNEY ROSE: No, no, HIPAA would not. We're
9 not a HIPAA entity. That's a misnomer. We're not -- the
10 State's not a medical practice or anything like that.

11 ATTORNEY ZIMBERLIN: Okay.

12 ATTORNEY ROSE: But there's a waiver. At the
13 end of the day, if there's going to be a public
14 discussion, again, I'm not attempting to dissuade anyone.
15 I think it's wonderful if there's public discussion about
16 some of these complicated matters, but it would put the
17 Division and our law firm, who's going to represent the
18 Division, in a difficult position to say that there would
19 be a reasonable expectation of privacy that would be
20 violated when the very medical records are now part of
21 the public record.

22 PAUL CICARELLA: My understanding was this
23 Executive Session would be -- would be made public. My
24 medical records, the thousands of pages of medical
25 records I provided, would also be able to become public

1 record, even though it's not just this -- this meeting,
2 the conversation, the things that you guys discuss, the
3 questions you ask me; every single medical record I give
4 you becomes public and exempt from FOI-able?

5 ATTORNEY ROSE: I would prefer if we just deal
6 with your counsel. You have an attorney, sir, so if
7 that's your counsel's question, I'll give my best advice
8 on that, which I think is what I said. I -- we cannot
9 definitively say that they would not be discoverable,
10 because I'm just saying, intellectually, as a lawyer, if
11 we're talking about all of your medical records or -- or
12 a host of them, and you've waived your privacy rights on
13 those medical records, and then an interested citizen
14 wants to get hold of your medical records, in order to
15 withhold those, we have to have an exemption under FOIA.
16 And how do we say, well, one doctor's medical record is
17 exempt, but not the doctor's medical record that we've
18 discussed in public? It's more of a cautionary thing.

19 BERT HELFAND: The point isn't that we're
20 giving you a legal opinion now, the point is that
21 Attorney Rose has raised this issue. If -- and it's a
22 valid one, right? We're eligible -- we are entitled
23 under the law to conduct this meeting in Executive
24 Session in order to preserve the confidentiality of
25 documents, right? Specifically, documents that are

1 subject to one of the exemptions of section 1-210b.

2 Your medical records are exempt from disclosure
3 under that rule. If you waive the right to preserve the
4 confidentiality of those documents in the course of this
5 meeting, it would be possible for someone to make a
6 Freedom of Information Act request for all of the records
7 you submitted. We don't know -- Attorney Rose and I
8 don't know how that request would turn out, and it's not
9 our role to give you legal advice about that, so, the
10 decision about whether to be in public session or private
11 session, executive session, is yours. And that's all the
12 information we can give you.

13 I wish that we'd known about your request
14 sooner, but the decision now has to be made.

15 ATTORNEY ROSE: Can I make one last point? I
16 think it might help the member and his counsel.

17 One thing for certain, if there were to be an
18 FOI request for your medical records, the first instance
19 is the Division would look at them and first constitute
20 whether or not -- or first analyze whether there could be
21 a reasonable invasion of privacy. And in all likelihood,
22 they would say yes, and then they would ask you if you
23 object. If at that point you object, then it would have
24 to go to the Freedom of Information Commission, so you
25 would have ample opportunity to litigate it. This

1 wouldn't be something that RSD would sua sponte dump your
2 medical records. Okay?

3 ATTORNEY ZIMBERLIN: If we could just move Paul
4 to the end of the agenda, and I'll talk to him while you
5 get through the other members. And then, when we come
6 back in, can we make a final decision? Can I talk to
7 Paul about this for about five minutes? Okay? Thank
8 you.

9 BERT HELFAND: Then, Dr. Gerratana, why don't
10 we move to -- we'll need a motion to amend the agenda and
11 then a motion to go into Executive Session for purposes
12 of discussing the other cases.

13 DR. GERRATANA: Okay. I'll say that as a
14 courtesy to one of the applicants, we are changing the
15 order of our agenda to discuss Matthew Morrisette and
16 Carmelo Ortiz first. At the conclusion of those
17 discussions in Executive Session, we'll come out of
18 Executive Session to discuss the case of Paul Cicarella.

19 DR. NOVA: I second.

20 DR. GERRATANA: All those in favor say aye.

21 DR. NOVA: Aye.

22 DR. RUDICH: Rudich, aye.

23 DR. GERRATANA: All those opposed, nay. The
24 motion passes.

25 So we will go into Executive Session.

1 (Executive Session from 9:23 a.m. to 11:23
2 a.m.)

3 BERT HELFAND: So, for the benefit of the
4 public, let me explain that the doctors have addressed
5 two cases during Executive Session, and rather than keep
6 those two applicants longer, they will announce --
7 they'll conduct a vote on those two cases.

8 Attorney Zimmerman has indicated that Mr.
9 Cicarella wants to proceed in Executive Session, so once
10 we've completed the votes on those two members, the panel
11 will return to Executive Session and discuss the
12 remaining case.

13 Have I got that right, Attorney Zimmerman?

14 ATTORNEY ZIMMERLIN: Yes. The disclosure of
15 the medical evidence was -- or the risk of it was just
16 far too great. So we'll go with Executive Session.

17 BERT HELFAND: Okay. And during the -- during
18 the interval, Attorney Zimmerman, you acknowledged to me
19 that you had not previously requested public session, so
20 I just wanted to make the record clear about that.

21 ATTORNEY ZIMMERLIN: Yeah, that was my mistake.
22 I do apologize about that. I thought I sent it in,
23 but...

24 DR. GERRATANA: Not a problem.

25 BERT HELFAND: Okay, Dr. Gerratana, you can

1 proceed.

2 DR. GERRATANA: Thank you. So, at this point,
3 the Board will be making determinations and voting on
4 those determinations, but we'd like to remind the members
5 that only the final vote will be given today and not the
6 reasons for the vote.

7 In some instances, there may not have been
8 enough medical information to make a determination, or
9 perhaps a non service connected disability is more likely
10 a service connected disability.

11 You may seek reconsideration of a denial, and
12 you'll receive the Board's written determination within
13 two to four weeks, which will provide you with that
14 additional information.

15 We'll proceed with the vote. And concerning
16 Matthew Morrisette, I move that the decision concerning
17 his entitlement to a service connected disability
18 retirement be tabled. Is there a second?

19 DR. NOVA: Second, Dr. Nova.

20 DR. GERRATANA: All those in favor say aye.

21 DR. NOVA: Aye, Dr. Nova.

22 DR. RUDICH: Rudich, aye.

23 DR. GERRATANA: Gerratana, aye. The motion
24 passes.

25 Concerning Carmelo Ortiz, I move that his

1 entitlement to a service connected disability retirement
2 be discontinued. Is there a second?

3 DR. NOVA: Second, Dr. Nova.

4 DR. GERRATANA: All those in favor say aye.

5 DR. NOVA: Aye. Dr. Nova.

6 DR. RUDICH: Rudich, aye.

7 DR. GERRATANA: Gerratana, aye. The motion
8 passes.

9 I'll make a motion that we move from public
10 session to an Executive Session. And those attending
11 will be the same individuals who were in the Executive
12 Session just prior to this public session. And is there
13 a second?

14 DR. NOVA: Second, Dr. Nova.

15 DR. GERRATANA: All those in favor say aye.

16 DR. NOVA: Aye. Dr. Nova.

17 DR. RUDICH: Rudich, aye.

18 DR. GERRATANA: Gerratana, aye. The motion
19 passes. We'll move into Executive Session.

20 (Executive Session from 11:28 a.m. to 1:35
21 p.m.)

22 BERT HELFAND: Okay, Doctors, you may proceed.

23 DR. GERRATANA: Welcome back, everyone. Now
24 that we're in public session, the Board will be making
25 determinations and voting on those determinations, but

1 would like to remind members that only the final vote
2 will be given today and not the reasons for the vote.

3 You may seek reconsideration of an initial
4 denial. You will receive the Board's written
5 determination within two to four weeks, which will
6 provide you with that additional information.

7 For our first and only vote concerning Senator
8 Paul Cicarella, I move that his entitlement to a service
9 connected disability retirement be discontinued. Is
10 there a second?

11 DR. NOVA: Second, Dr. Nova.

12 DR. GERRATANA: All those in favor say aye.

13 DR. NOVA: Aye. Dr. Nova.

14 DR. RUDICH: Rudich, aye.

15 DR. GERRATANA: Gerratana, aye. The motion
16 passes. Thank you.

17 DR. RUDICH: Thank you.

18 BERT HELFAND: Now, we have a motion to
19 adjourn.

20 DR. GERRATANA: Yeah, I'll accept a motion to
21 adjourn. I'm sorry, make a motion to adjourn. Is there
22 a second?

23 DR. NOVA: Second, Dr. Nova.

24 DR. GERRATANA: All those in favor say aye.

25 DR. NOVA: Aye.

1 DR. RUDICH: Rudich, aye.

2 DR. GERRATANA: Gerratana, aye. The meeting is
3 adjourned. Thank you all for your participation.

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6 (Meeting adjourned at 1:37 p.m.)

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REPORTER'S CERTIFICATE

I, Wendy Malitsky, do hereby certify that the foregoing is, to the best of my skill and ability, a true and accurate transcript of the State Employees' Retirement Commission, Medical Examining Board held on June 26, 2026.



Wendy Malitsky, Notary Public

My Commission Expires March 31, 2030

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