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NOTTINGHAMSHIRE COUNTY COUNCIL ACT 1985 (PART IV)

GUIDANCE NOTES FOR ESTABLISHMENTS THAT UNDERTAKE LASER AND INTENSE PULSED LIGHT TREATMENTS

There are a number of treatments licensed under the Nottinghamshire County Council Act. The term 'establishment for massage or special treatment' means any premises used for or represented as being or intended to be used for the reception or treatment of persons requiring:

- i. massage; or
- ii. electric treatment of radiant heat, light, electric vapour or sauna or other baths for therapeutic treatment; or
- iii. other similar treatment.

The term electric treatment includes the use of lasers and intense pulsed light.

In the past the Care Standards Act controlled all premises carrying out laser treatment including beauty salons. However, since October 2010 this has all changed. Beauty salons or tattoo studio's that wish to carry out laser treatments are now enforced by Local Authorities. These guidance notes have been drafted to cover Class 3B and 4 lasers and intense pulse light treatments. These are to help any business apply for a licence under the Nottinghamshire County Council Act 1985 (Part IV).

LASERS AND INTENSE PULSED LIGHT.

Class 3B lasers are concentrated energy sources used in physiotherapy, acupuncture, for wound healing and softening scar tissue.

Class 4 lasers and intense pulsed light sources can be used for dental treatment and in the removal of hair, tattoos, birthmarks or other blemishes on the skin.

These type of lasers and intense pulsed light sources are powerful devices, which if faulty or incorrectly used can have the potential to cause serious injury to those operating them and the recipients of the treatment.

When using these devices for treatments you need to:

- have clear lines of responsibility,
- clear policies and procedures on the use and maintenance of the devices, including effective record keeping,
- undergo specialised training and learning including maintaining and updating an effective core of knowledge about the use and impact of lasers and intense pulsed lights,
- have a safe working environment.

DOCUMENTATION

The record of laser use must be in a hard copy format. Even though the business may keep electronic records, there still needs to be a hard copy kept. This should be bound and the pages should be sequentially numbered. The serial number and laser/IPL details should be recorded at the front of the record.

A treatment protocol document produced or approved by either an Expert Medical Practitioner (EMP) or the manufacturer's instructions must be followed in accordance with the licence conditions.

You need to draw up some local rules for the use of the Laser. These need to be written by the Laser Protection Supervisor and ratified by the Laser Protection Advisor.

LASER PROTECTION ADVISER

A Laser Protection Advisor and a Laser Protection Supervisor needs to be appointed. The Laser Protection Advisor needs to hold a current Certificate of Competence and/or holds a valid certificate of competence from a recognising assessing body (these include RPA 2000, Association of Laser Safety Professionals and the Health Protection Agency).

LASER PROTECTION SUPERVISOR

The Laser Protection Supervisor may be the practitioner responsible for the use of the laser or intense pulsed light equipment or a member of staff closely involved in the work.

PREMISES.

Within the premises appropriately assessed and implemented fire safety procedures should be in place. This should include readily accessible fire extinguishers in date and sealed. These need to be appropriate for the equipment used. No reflective surfaces in the room where the laser/IPL is to be used or if there are, these need to be suitably covered. Approved blinds will need to be placed at the windows in the treatment room.

Protective eyewear must be worn in the laser treatment room and the minimum specification must be referred to in the local rules.

WHAT TO DO NOW.

Once you have this implemented, fill in the application form and return it to the enforcing authority. This will generate an inspection of the premises where all policies and procedures including training and your local rules will be viewed. Your licence will state what treatments you can do at the premises. The licence and the conditions should be available to view at all times.

You need to inform the enforcing authority if you:

- wish to vary the equipment which you are using at the premises,
- have a different Laser Protection Advisor,
- wish to transfer the licence,
- want to vary the local rules which you are using at the premises
- want to treat children under the age of 18 (only allowed in exceptional circumstances)

EXEMPTIONS

You need not apply for a licence if any of the following matters apply to you:-
(Nottinghamshire County Council Act 1985 Section 17)

1 Nothing in this part shall apply to:

- a. an establishment for massage or special treatment carried on by a registered medical practitioner or by a member of any duly constituted organisation which specifies qualifications for the practice by its members of chiropractic, osteopathy, naturopathy, or acupuncture, being a member who is required by that organisation or association to observe professional standards in such practice; or
- b. any hospital provided by the Secretary of State or by a charity which is registered under the section 4 of the charities Act 1960 or is exempted from registration by subsection (4) of that section; or
- c. any nursing home which is for the time being registered under the nursing homes Act 1975 or exempt from registration under that Act; or
- d. any premises which are an establishment for massage or special treatment merely by reason of face or scalp massage being administered in those premises.

2 Subsection (1) of section 11 (licensing of persons to carry on establishments) of this Act shall not apply to a person registered by any board established under the Professions Supplementary to Medicine Act 1960, a member of the Chartered Society of Physiotherapy who is not so registered or to a nurse registered or enrolled by the General Nursing Council of England and Wales.

3 Nothing in this part shall prejudice or affect the operation of any of the relevant statutory provisions as defined in part 1 of the Health and Safety at work etc. Act 1974

FEES

Fees must be paid before the application will be considered. In the event of the application being refused, the fees are **not** refundable.