

# Registered premises

## Sunset review of the Public Health and Wellbeing Regulations 2009

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# Registered Premises

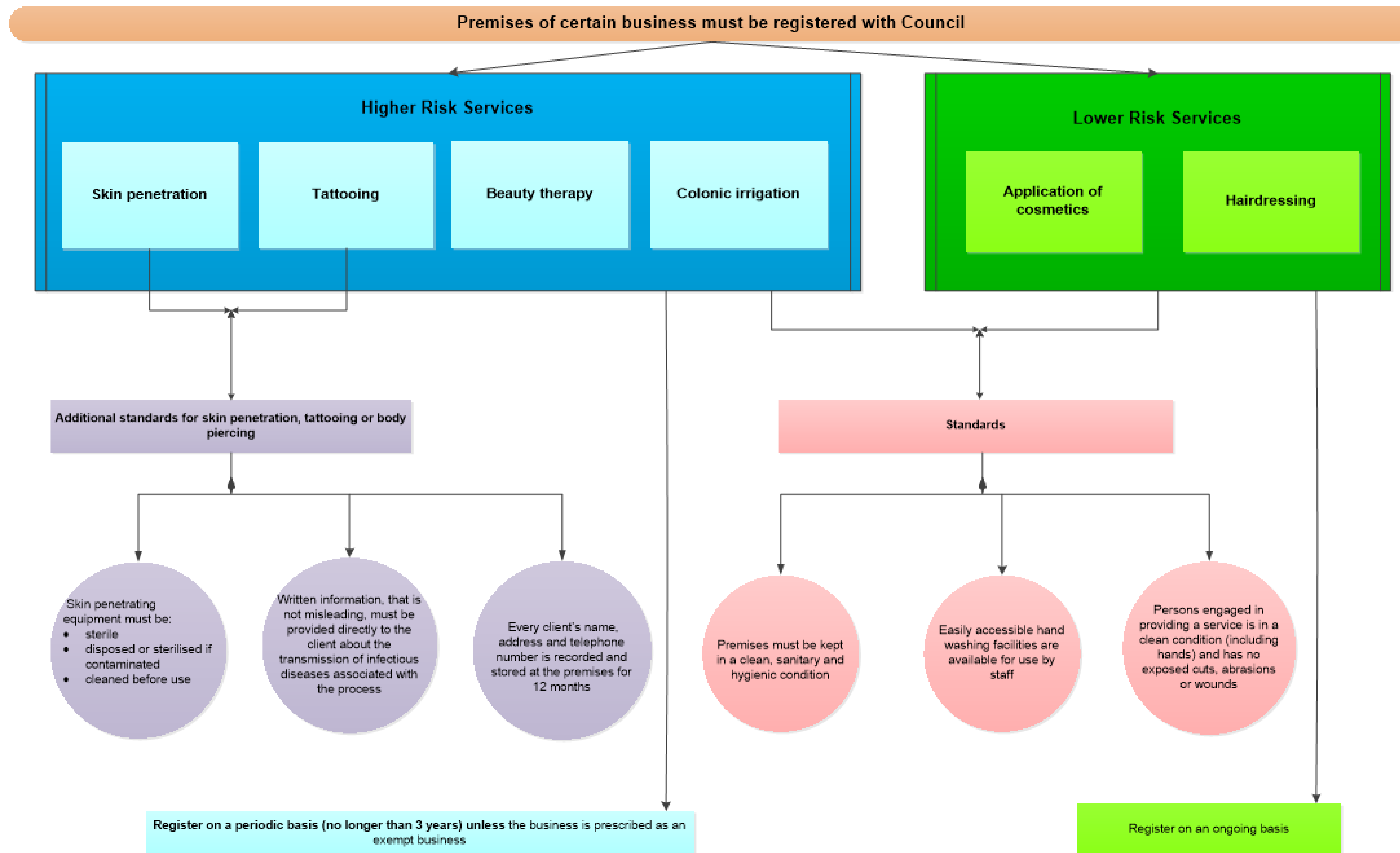
**There are currently over 11,000 premises registered with 79 local councils under the registered premises provisions of the *Public Health and Wellbeing Act 2008* (the Act).**

**Businesses required to register under the Act are:**

- **Beauty therapy**
- **Cosmetics application**
- **Colonic irrigation**
- **Hairdressing**
- **Skin penetration**
- **Tattooing**

# Current regulatory framework

Figure 1. Current regulatory framework





# Sunset review of Public Health and Wellbeing Regulations 2009

**Purpose of sunset review – review current regulations – do they address the public health risk of current practices?**

- **Tattooing, body piercing, hairdressing and beauty services have all expanded over the past five years.**
- **New services offered in the beauty industry increasingly blur the line between ‘beauty therapy’ and health treatments.**

**Options paper being developed.**

**Targeted stakeholder consultation.**

**Further consultation in 2019.**

# Issues for consideration

- **Exemptions**
- **Mobile businesses**
- **Emerging trends**
- **Intersection of regulators**
- **Applications for registration**
- **Standards and requirements**
- **Guidelines**
- **Infringements**
- **Laser therapy**



# Exemptions

*The health professionals and practices exempt from registration under the PHWA are exempt due to infection control being regulated elsewhere.*

**Option to add exemptions to regulations:**

- Face painting - does the social benefit the service provides warrant the regulatory burden of registration? It is important that infection control advice is still available for this practice.**
- Blood cholesterol and glucose measurements undertaken by pharmacists.**
- Physiotherapists and osteopaths (practitioners who are registered with AHPRA) who undertake the practice of dry needling**

# Mobile businesses

## **Possibility to exempt:**

*The business of a mobile tattooist except in relation to the principal place of business of the tattooist.*

*The business where mobile skin penetration occurs except in relation to the principal place of business where the skin penetration occurs.*

- **In line with hairdressers and beauty therapy.**
  - **Limited in scope of regulatory review.**
  - **Quantity of mobile tattooing and/or skin penetration businesses?**
- Please respond on Slido.**



# Emerging trends

**Evolving practices can make it difficult for regulators to assess risk, harm minimisation and under which legislation it should be regulated.**

**Some emerging personal appearance services include:**

- Platelet rich plasma therapies**
- Biomesotherapy/biopuncture**
- Wet cupping**
- Saline infusions**





# Other regulators



# Other regulators – e.g. the supply and administration of injectable cosmetic treatment

**Schedule 4 medicine:** Botulinum toxin type A and dermal fillers are ‘prescription-only’ (Schedule 4) medicines.

**Prescription:** Schedule 4 cosmetic injections can only be prescribed by a registered medical practitioner.

**Administration:** Can only be administered by a registered medical practitioner or a registered health practitioner (such as a nurse or midwife) under the instruction of a registered medical practitioner.

## **What this means under PHWA:**

‘Surgical or medical procedure’ is defined under the PHWA as a procedure “undertaken by, or under the supervision of, a registered medical practitioner, nurse or midwife”. Administration of Schedule 4 cosmetic injectables is therefore a *medical procedure* and are therefore excluded from the definitions of *beauty therapy* and *skin penetration* in section 3 of the *Public Health and Wellbeing Act 2008*.

They are regulated as medical procedures under applicable laws including health practitioner, health services and drugs & poisons legislation.



# Other regulators – e.g. the supply and administration of injectable cosmetic treatment

## **Key things to look for if registered beauty therapy premises also offers medical procedures such as cosmetic injectables:**

- Awareness that registration under the PHWA does NOT include the administration of schedule 4 medicines
- Determine who is/are the registered medical practitioner/s prescribing and supervising cosmetic injectable services on the premises. They are ultimately responsible for ensuring their practice complies with applicable standards and laws e.g. storage of medicines, supervision, health service permits.
- If the health or medical practitioners details can be provided through AHPRA



# Other regulators – e.g. the supply an administration of injectable cosmetic treatment

## Who should complaints be directed to?

Issues relating to cosmetic procedures may be dealt with by a range of regulators depending on the nature of the complaint. The table below provides information to help guide you to the appropriate government department.

Nature of Complaint	Government Body	Contact Details
Complaints about a health practitioner regarding unsatisfactory treatment or other health service providers not registered with AHPRA.	Health Complaints Commissioner (HCC)	<a href="https://hcc.vic.gov.au/">https://hcc.vic.gov.au/</a>
Complaints relating to use, supply or administration of drugs and queries regarding health services permits.	Drugs and Poisons Regulation, Department of Health and Human Services	<a href="https://www2.health.vic.gov.au/public-health/drugs-and-poisons">https://www2.health.vic.gov.au/public-health/drugs-and-poisons</a>
Concerns that a health practitioner is practicing in an unsafe way or operating unregistered.	Australian Health Practitioner Regulation Agency (AHPRA)	<a href="https://www.ahpra.gov.au/">https://www.ahpra.gov.au/</a>
Nature of Complaint	Government Body	Contact Details
Complaints about a health practitioner regarding unsatisfactory treatment or other health service providers not registered with AHPRA.	Health Complaints Commissioner (HCC)	<a href="https://hcc.vic.gov.au/">https://hcc.vic.gov.au/</a>
Complaints relating to use, supply or administration of drugs and queries regarding health services permits.	Drugs and Poisons Regulation, Department of Health and Human Services	<a href="https://www2.health.vic.gov.au/public-health/drugs-and-poisons">https://www2.health.vic.gov.au/public-health/drugs-and-poisons</a>
Concerns that a health practitioner is practicing in an unsafe way or operating unregistered.	Australian Health Practitioner Regulation Agency (AHPRA)	<a href="https://www.ahpra.gov.au/">https://www.ahpra.gov.au/</a>

# Issue to consider

**Option: Would it be useful for applications for registration be required to include name and registration details of any registered health professional performing procedures at the premises or otherwise involved with the business? E.g. medical practitioners, nurses, midwives**

**Please respond on Slido**

# Standards and requirements

- **Condition of registered premises**
- **Condition of skin penetrating equipment and other articles used at registered premises**
- **Personal hygiene**
- **Hand washing facilities**
- **Information to be provided to clients**
- **Information to be kept**



# Options

## Targeted stakeholder consultation:

1. Amendment to hand washing facility regulation. e.g. changed to 'directly accessible' or define accessible
  2. Possible regulation for mobile premises – e.g. notification of where they will be / have been
  3. Adding ability to direct operators to undertake infection control training (no current requirements)
  4. Information to be provided to consumers – potential to include non infectious disease information – developed by the department
  5. Information to be kept – make clearer. Possibility to extend to 7 years?
  6. Additional regulation around waste disposal
  7. Additional infringements
- **Please respond on Slido**

# Guidelines

**Possibility to refer to Infection Control Guidelines within the regulations – making some sections of the guidelines enforceable.**

# Infringements

- **Review of regulations allows addition / removal of infringements**
- **Infringements must be absolute – i.e. cannot be disputed**
- **If guidelines were used for some standards rather than regulation, may lose the ability to use infringements against those standards**



# Laser therapy

- **Advances in technology**
- **Increased accessibility**
- **Current practices – hair removal, skin rejuvenation, tattoo removal**
- **Currently meets the definition of ‘beauty therapy’**
- **Risk**
- **Other states**



# Laser therapy

- **ARPANSA is responsible for the regulation and licensing of the Commonwealth's radiation and nuclear activities.**
- **In 2015, ARPANSA released a consultation regulatory impact statement (RIS) specifically about IPL and lasers for cosmetic and beauty therapy and undertook a review of submissions in 2017**

# Laser therapy

**The Radiation Health Committee (RHC) concluded:**

- insufficient information for a Decision RIS to be developed**
- agreed not to proceed with one.**
- recognised the need for a national uniform approach to key issues**
- developing a guide to provide a common framework for terminology, education, training, equipment, patient care and injury reporting that would be available to all states and territories.**
- limited scope within regulatory review.**



# QUESTIONS??

