

GUIDELINES ON SKIN PENETRATION

(Clause 10, Public Health (Skin Penetration) Regulation 2000)

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1 INTRODUCTION

These Guidelines are published for the purpose of Clause 10, Public Health (Skin Penetration) Regulation 2000. They are intended as a minimum standard legislative guideline for skin penetration operators.

For information on best practice the publication “Skin Penetration Code of Best Practice” should be consulted. The Code of Best Practice goes beyond these guidelines and the requirements of the regulation and explains in more detail hygiene practices, cleaning, disinfection procedures, sterilisation procedures, waste disposal, and health and safety in the workplace.

2 INTERPRETATION

The information contained in these Guidelines is based on the requirements of the Public Health (Skin Penetration) Regulation. Where it is stated that an action or requirement 'must' or 'shall' be carried out it is a requirement under the regulation. It is an offence if the requirements in the regulation are not carried out.

3 POWERS OF ENTRY OF ENVIRONMENTAL HEALTH OFFICERS

The Public Health Act gives the power to environmental health officers (EHOs) to enter and inspect premises believed to be used to carry out skin penetration procedures and to take certain action in relation to those premises. These powers allow EHOs to:

- inspect the premises;
- make inquiries;
- ask questions;
- examine, inspect and test equipment;
- take samples;
- take photographs and videos;
- require records to be produced and
- to examine and copy the records.

A receipt for any equipment taken should be given to the skin penetration operator.

Local councils are able to charge a fee (under different legislation) for registration of the skin penetration premises, and for each inspection carried out (see 5.1).

The Public Health Act specifies that EHOs must be properly authorised before they enter and inspect premises. EHOs may only enter and inspect premises at reasonable times, that is, when the business is open to clients or when the operator is working in the premises, unless in the case of a public health emergency.

Skin penetration requirements are specified in both the Public Health Act 1991 and the Public Health (Skin Penetration) Regulation 2000.

4 WHICH PROCEDURES DOES THE LEGISLATION APPLY TO ?

For the purpose of the legislation, skin penetration procedures include any of the following procedures:

- acupuncture,
- tattooing,
- ear piercing,
- hair removal,
- any other procedure (whether medical or not) that involves skin penetration such as body piercing, hair removal using wax or electrolysis, cosmetic enhancement and semi-permanent make-up, and any beauty treatment which involves the deliberate penetration or removal of the skin.
- any other procedure prescribed by the regulations (which now includes colonic lavage);

Skin penetration procedures not covered by this legislation includes procedures carried out in the practice of registered medical practitioner, dentist, chiropractor, osteopath, dental technician, nurse, optical dispenser, optometrist, pharmacy, physiotherapist, podiatrist, psychologist. Similarly it does not include a procedure carried out by a person acting under the direction or supervision of such a professional where the procedure is carried out as part of that professional practice. These professionals are governed by other legislation and infection control guidelines.

The procedures carried out by barbers and hairdressers, where skin penetration is not intended and is not a deliberate part of the process are not considered to be skin penetration procedures and are not covered by the legislation.

5 PUBLIC HEALTH (SKIN PENETRATION) REGULATION 2000 REQUIREMENTS

The Public Health (Skin Penetration) Regulation 2000 became law on **31 August 2000**. The intent of the regulation is to require skin penetration premises and operators to meet minimum hygiene standards and infection control requirements to reduce the risk of disease transmission.

The legislation specifies registration requirements, premises standards, operator hygiene, and requirements for articles or equipment used in skin penetration procedures.

It is mandatory for all skin penetration operators and premises to comply with the Public Health (Skin Penetration) Regulation, 2000

Penalties are expressed as penalty units, and at the date of publication one penalty unit was \$110. A breach of any of the following requirements carries a maximum penalty of 20 penalty units which is equivalent to \$2,200.

5.1 Registration of Skin Penetration Premises

A skin penetration operator must not carry out a procedure unless they are registered with the local council. The council must be advised of the address of the premises used for skin penetration procedures. Where the premises is mobile or if there is more than one premises then each appropriate local council must be notified. Under the Local Government Act, 1993, the local council may charge a fee for registration.

5.2 Premises

It is very important that the premises where the skin penetration procedure is carried out is fitted out to a minimum standard to promote hygiene and protect both the operator and the client from disease transmission. A person must not carry out a skin penetration procedure unless the premises where the procedure is carried out:

- are clean and hygienic;
- contains only clean and dry equipment in good working order;
- has a separate hand wash basin fitted with clean hot and cold running water. The water when mixed (preferably, although not required, though a single spout) must be capable of reaching 40°C.
- has soap or another substance for the cleaning of hands at the hand basin together with disposable or single use toweling or hand dryer. A shared towel is not acceptable;
- has a sink, separate to the hand wash basin, also supplied with clean hot and cold running water capable of producing mixed water of at least 40°C for cleaning and rinsing of equipment;
- has a waste disposal bin; and
- has a sharps disposal bin where disposable sharps are used.

Additionally, in premises where colonic lavage or colonic hydrotherapy is practiced, a toilet must be available and reserved for exclusive use by clients undergoing treatment. This toilet must not be a public access toilet. A separate toilet can be made available for public general use. If the “open system” of colonic lavage is carried out the toilet must be located in the immediate vicinity of the client (preferably, although not required, directly below the client). If the “closed system” of colonic lavage is used, the toilet must be in close proximity to the room where the procedure is carried out.

All skin penetration operators should wash their hands before and after attending each client.

5.3 Articles and Equipment used in Skin Penetration Procedures

Equipment or items that may penetrate the skin must be sterilised and maintained in that condition. Items which have penetrated the skin and which are to be reused, must be cleaned and sterilised and maintained in that condition until used again. If such equipment cannot be cleaned and sterilised it must be appropriately disposed of into a sharps container immediately after the procedure.

Any equipment which is used to penetrate the skin or which is capable of penetrating the skin must be STERILISED and maintained in a clean condition

Where equipment which is not capable of skin penetration has been used in a procedure or has been touched by either the operator or client it must be cleaned, and maintained in a clean, dry condition prior to it being used again. The operator may also disinfect this equipment after cleaning but it is not a legal requirement.

Items which are manufactured to be single use must only be used once and then disposed. If this item is a 'sharp' it must be disposed of in a sharps container.

5.4 Wax

When wax is used for hair removal on a client, the used wax shall be immediately disposed after use. Wax, irrespective of its type, must not be reused or melted and reused because it is not possible to adequately clean and disinfect the wax between uses.

5.5 Keeping of Records by Skin Penetration Operators

As previously stated, reusable equipment or items which have penetrated the skin must be cleaned and sterilised. When the equipment is sterilised a record must be kept of the:

- time and date the item was sterilised.

If an autoclave is used to sterilise equipment then records must also be kept of:

- the length of time the equipment was sterilised, and
- the temperature and the pressure of the autoclave.

This is to ensure a quality control procedure is adopted which allows the sterilising process to be checked, and to demonstrate that sterilising was satisfactorily completed. Noting the time and date facilitates stock rotation so that the oldest stock is used first. It is a good idea to label the sterilised equipment packaging with the date of sterilisation.

5.6 Personal Protective Equipment (PPE)

The use of personal protective equipment (PPE) protects both the client and operator by providing a physical barrier to infection transmission caused by dirt, blood and excretions. The operator must wear PPE including single use gloves and a clean gown or apron for all skin penetration procedures.

As the name implies, single use gloves are intended for single use only, and new gloves must be worn for each new procedure or when the procedure is interrupted by events such as a telephone call. Single use gloves must be disposed into the waste bin immediately the skin penetration process is finished.

All persons carrying out skin penetration must wear single use gloves during the procedure and dispose of them immediately when finished.

A person who carries out colonic lavage using the “closed system” must wear a clean apron made of water impermeable material such as a plastic apron. The apron must be cleaned when soiled, and a clean apron used for the next procedure.

Some people are allergic to latex single use gloves and the powder placed on the glove. If a skin penetration operator develops a rash or skin condition it is recommended that they consult a medical doctor. Single use gloves are also made of other materials.

5.7 Piercing Guns

Piercing guns are specialised tools, and should only be used for the purpose for which they are designed. **Ear piercing guns must only be used for ear piercing** and not for piercing any other part of the body.

Body piercing equipment (such as a nose piercing gun) must not be used for any other skin penetration procedure or purpose apart from that for which it was designed.

5.8 Compliance with Guidelines as a Defence

Where a skin penetration operator complies with these guidelines it should not be necessary for prosecution. However, should a skin penetration not comply with the Public Health Act or Public Health (Skin Penetration) Regulation but does comply with these Guidelines then this evidence may be used in court as a defence to prosecution.

6 LOCAL GOVERNMENT RESPONSIBILITIES

Local councils must keep a register of premises that carry out skin penetration procedures in their area. The register must include the following information:

- address of the premises; and
- the type of procedure/s carried out; and
- details of any inspections carried out.

The register must be made available at no charge, to any member of the public at the local council's head office during working hours.

It is recommended that the local council be requested to inspect any skin penetration premises prior to it commencing operation.

An audit form has been developed by NSW Health to assist in determining the level of compliance of skin penetration operators and premises with the Public Health (Skin Penetration) Regulation 2000. This audit form can be used as a checklist by operators and is available from Public Health Units.

An annual or more frequent inspection can be carried out on skin penetration premises, and a fee may be charged under the provisions of the Local Government Act, 1993. The local council must keep inspection results in the register.
