



# TEXAS DEPARTMENT OF LICENSING & REGULATION

P.O. Box 12157 • Austin, Texas 78711-2157

[www.tdlr.texas.gov](http://www.tdlr.texas.gov)

## Sample Contract between Laser Hair Removal Facility and Consulting Physician

### **Instructions**

In accordance with 16 Texas Administrative Code, Chapter 118, Laser Hair Removal rules (rules), each applicant for laser hair removal (LHR) facility registration must submit a copy of a written contract with a consulting physician (CP) as a part of their application. The contract must be between the LHR facility applicant and the CP and must include certain information set forth in sections 118.30 (f)(3)(A)-(D) of the rules. The Texas Department of Licensing and Regulation (TDLR) has provided this sample contract outline to aid in constructing the required contract.

The contract shall be specific to each individual LHR facility and requires both a CP and designated physician (DP). The CP may not act as the DP on the same contract. The contract must include the correct spelling of both the CP and the DP names. The physician's licensure cannot be confirmed with the Texas Board of Medical Examiners if the physicians' names are spelled incorrectly. This is a common issue with contracts.

The contract must be specific to laser hair removal and not contain references to any other services such as photo facials, veins, skin rejuvenation, Botox, or fillers. The person drafting the contract should remove all references of "alternate language" and "example" that are used in the sample contract.

### **Specific Protocols:**

The contract must fully address each protocol. The protocols may be included in an attachment to the contract but they must be referenced in and be part of the contract.

*A. Which LHR procedures require a particular level of individual LHR certification?*  
There are four LHR certification levels. The contract should include the LHR levels that are employed at the facility and the specific procedures performed at each LHR level. The contract must state that all laser hair removal procedures will be performed by an individual who is appropriately registered with TDLR and authorized to perform laser hair removal.

*B. Circumstances or conditions under which each procedure is to be performed.* The contract should state that a signed consent and client history will be obtained from each client, to include medications currently being taken. The contract should state that the client history and procedure contraindications will be reviewed with the client. Include any additional information specific to your LHR facility operations.

*C. Specific instructions to be followed by individual LHR certificate holders who are working under direct supervision and who are giving direct supervision.* This information is dependent on the answer to A. Indicate each LHR level requiring supervision. Indicate

each LHR level providing supervision. The contract must state that the specific protocol contained in the contract and operating, emergency and safety procedures shall be followed. The contract should state that laser hair removal procedures will be performed in a clean environment and the CP will be contacted in case of an emergency. Example: If only an LHR professional will be employed at the LHR facility the contract shall indicate “only an LHR professional will perform LHR therefore does not require direct supervision, in accordance with the rules. The LHR professional will perform all laser hair removal procedures in a clean environment, will follow the specific protocol agreed on by the LHR facility and CP, will follow operating, emergency and safety procedures, and will contact the CP if an emergency occurs.

Another example: Both an LHR professional and LHR apprentice will be employed at the facility. The CP should include the same information provided in the previous paragraph regarding the LHR professional, but then should also state “an LHR apprentice requires direct supervision by the LHR professional and will perform all laser hair removal procedures in a clean environment, will follow the specific protocol agreed on by the LHR facility and CP, will follow operating, emergency and safety procedures, and will contact the CP if an emergency occurs.” The contract should also state “the LHR professional will be physically present at the facility during laser hair removal procedures, available to give immediate assistance, and will provide direct supervision of laser hair removal procedures performed by an LHR apprentice.”

*D. Conditions under which emergency consultation is required.* The contract must state the conditions under which emergency consultation with the CP is required. The contract should reference blistering, burns, infection, or allergic reaction conditions. It is recommended to add the phrase “to include, but not limited to” which allows any other condition that might arise and require emergency consultation. Include any other emergency conditions specific to your LHR facility.

*E. Designated settings, in accordance with the manufacturer’s instructions, at which the LHR device can be expected to safely remove hair.* In accordance with the Laser Hair Removal rules, 16 Texas Administrative Code 118.60(f)(5), the contract must state “the laser will be operated at designated settings, in accordance with manufacturer’s instructions.” The specific designated settings and/or settings information from the operator’s manual may be included.

*F. A list of medications taken by the client that should be reported to the CP before laser hair services are provided or that, if taken by the client, preclude a LHR procedure from being performed.* The contract should include medications that should be reported before services are provided and medications that preclude a procedure from being performed. The contract should reference photosensitive medications and may also include other medications. The contract may include a list of specific medications. It is recommended to add the phrase “to include but not limited to” as part of any list of medications.

Please note that all contracts submitted to TDLR are subject to disclosure under the Texas Public Information Act, Government Code, Chapter 552.



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## Sample Contract between Laser Hair Removal Facility and Consulting Physician

This contract is between \_\_\_\_\_, the LHR Facility and \_\_\_\_\_ M.D./D.O., the Consulting Physician, and is effective as of \_\_\_\_\_ (date).

### 1. Maintenance and Review of Protocols

The LHR facility and the consulting physician agree that proper protocols for the services provided by the consulting physician at the LHR facility will be in accordance with Health and Safety Code, Chapter 401, Sections 501-522 (law) and 16 Texas Administrative Code, Chapter 118 (rules).

#### *Alternate Language*

*The LHR facility and the consulting physician agree that proper protocols for the services provided by the consulting physician at the LHR facility will be maintained at the LHR facility and will be reviewed and signed by the consulting physician and LHR facility operator at least annually in accordance with Health and Safety Code, Chapter 401, Sections 501-522 (law) and 16 Texas Administrative Code, Chapter 118 (rules).*

### 2. Specific Protocols

In accordance with the law and rules, LHR facility and the consulting physician agree that the following specific protocols will be followed by the facility:

A. Which LHR procedures require a particular level of individual LHR certification.

Example: The following procedures may only be performed by a person holding certification as a \_\_\_\_\_

List of procedures: \_\_\_\_\_

(repeat for different levels of certification as needed).

B. Circumstances or conditions under which each procedure is to be performed.

Example: The following procedures \_\_\_\_\_ (list) must be performed under the following circumstances or conditions: \_\_\_\_\_ (list).

C. Specific instructions to be followed for individual LHR certificate holders who are operating under direct supervision and who are giving direct supervision.

Example: A person who is operating under direct supervision must \_\_\_\_\_.

A person who is giving direct supervision must \_\_\_\_\_.

D. Conditions under which emergency consultation is required.

Example: Under the following conditions, a person performing a LHR procedure at the facility must consult with the consulting physician or the designated physician:  
\_\_\_\_\_ (List of conditions/circumstances)

E. Designated settings, in accordance with the manufacturer's instructions, at which the LHR device can be expected to safely remove hair.

Example: The following LHR devices \_\_\_\_\_ (list) must be operated in accordance with manufacturer's instructions and may be operated at the following designated settings: \_\_\_\_\_ (list)

F. A list of medications that if taken by the client should be reported to the consulting physician before the LHR services are provided or that if taken by the client preclude a LHR procedure from being performed.

Example: The following medications if taken by the client must be reported to the Consulting Physician before the LHR services are provided: \_\_\_\_\_ (list).  
The following medications if taken by the client preclude a LHR procedure from being performed: \_\_\_\_\_ (list).

### 3. Audits

In accordance with the law and rules, the LHR facility and the consulting physician agree that the consulting physician will audit the LHR facility's protocols and operations.

#### *Alternate Language*

*In accordance with the law and rules, the LHR facility and the consulting physician agree that the consulting physician will audit the LHR facility's protocols and operations as follows:*

- A. audits will be conducted to ensure facility operations are being conducted in accordance with the protocols established in the contract which must specifically include the protocols specified in 118.30; see paragraph 2 of this contract.*
- B. audits will be unannounced unless the consulting physician determines that advance notice does not compromise the ability to determine that operations are being conducted in accordance with established protocols*
- C. audits will be conducted at the physical site of the LHR facility*
- D. audits will be conducted at least quarterly*
- E. audits will be conducted by the consulting physician, a designated physician or an advanced practice nurse or physician's assistant acting under the consulting physician's delegated authority; and*
- F. the consulting physician will sign the audit if conducted by an advanced practice nurse or a physician's assistant.*

### 4. Emergency Consultation

The LHR facility and the consulting physician agree that emergency consultation will be in accordance with the law and rules.

*Alternate Language*

*In accordance with the law and rules the LHR facility and the consulting physician agree that:*

- A. the consulting physician will be available for emergency consultation with the LHR facility, as needed;*
- B. the consulting physician will be available for an emergency appointment with the client, if necessary; and*
- C. the consulting physician will maintain a primary practice site within 75 miles of the LHR facility.*

5. Designated Physician - must be a physician other than consulting physician.

In accordance with the law and rules, the LHR facility and the consulting physician agree that \_\_\_\_\_(name) M.D./D.O. is the designated physician and the designated physician will perform duties in accordance with the law and rules.

*Alternate language:*

*In accordance with the law and rules, the LHR facility and the consulting physician agree that \_\_\_\_\_(name) M.D./D.O. is the designated physician. The designated physician will be available for consultation if the consulting physician is unavailable and the designated physician will maintain a primary practice site within 75 miles of the LHR facility.*

Printed Name: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Signed: \_\_\_\_\_  
LHR Facility Operator

Signed: \_\_\_\_\_  
Consulting Physician

Dated: \_\_\_\_\_

Texas License Board Number: \_\_\_\_\_

Dated: \_\_\_\_\_

*Note: The consulting physician has duties under 118.61 to make records of the audit and 118.60 to review all adverse events. Under 118.30, these duties do not have to be included in the contract. However, the consulting physician and the LHR facility must comply with all requirements of the law and rules.*