

**LHR SAMPLE CONTRACT BETWEEN LASER HAIR REMOVAL FACILITY
AND CONSULTING PHYSICIAN IN ACCORDANCE WITH 25 TAC
289.302(i)(13)**

May 10, 2011

Dear LHR Facility Applicant:

Laser Hair Removal rule 25 TAC 289.302(i)(13) states: "Each application for a certificate of LHR registration shall be accompanied by a copy of a written contract with a Consulting Physician." The contract must be between the LHR facility applicant and the consulting physician and must include certain information set forth in 289.302(i)(13)(A)-(D).

A contract that complies with this rule must be submitted with your registration application. In an effort to assist a Facility applicant, DSHS provides the following sample contract that meets the minimum requirements of the LHR rules to obtain a facility registration. This contract is subject to the Texas Public Information Act, Government Code, Chapter 552 which means that once submitted to DSHS it is public information. It is presumed to be releasable to anyone asking for it unless there is a specific exemption from public disclosure. See our related document entitled Confidentiality of Contract between LHR Facility and Consulting Physician.

If you have questions about this sample contract, you may contact

_____ at _____.

(SAMPLE) LHR CONTRACT

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 Facility will be in accordance with 25 TAC 289.302 (i)(13)(A) and 302 (m)(5) (hereafter 289.302.).

Alternate Language

The LHR Facility and the Consulting Physician agree that proper protocols for the services provided by the Consulting Physician at the Facility will be maintained at the LHR Facility and will be reviewed and signed by the consulting physician and LHR operator at least annually in accordance with 25 TAC 289.302 (i)(13)(A) and 302 (m)(5) (hereafter 289.302).

2. Specific Protocols

In accordance with 289.302(i)(13)(A) and (m)(6)(A)-(F), the 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 LHR person holding a certification as a _____.

List of procedures: _____

(repeat for different levels of certification as needed).

B. the 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 or 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 have the Facility 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 289.302(i)(13)(B) and (m)(2), the LHR Facility and the Consulting Physician agree that the Consulting Physician will audit the LHR facility's protocols and operations in accordance with 289.302 (m)(2).

Alternate Language

In accordance with 289.302(i)(13)(B) and (m)(2), 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 listed in 289.302(m)(6); 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 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

In accordance with 289.302(i)(13)(C) and (m)(1), the LHR Facility and the Consulting Physician agree that emergency consultation will be in accordance with 289.302(m)(1).

Alternate Language

In accordance with 289.302(i)(13)(C) and (m)(1), 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

In accordance with 289.302(i)(13)(D) and (m)(1), 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 289.302(m)(1).

Alternate language:

In accordance with 289.302(i)(13)(D) and (m)(1), the LHR Facility and the Consulting Physician agree that _____ (name) M.D./D.O. is the Designated Physician and 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.

Signed: _____

Title: _____

LHR Facility

Dated: _____

Signed: _____

Consulting Physician

Dated: _____

Note: in reference to the items in paragraph 2, Specific Protocols, the contract must address each protocol. It is not sufficient for the contract to say that the protocols will be in accordance with 289.302 (m)(6). The protocols may be included in an Attachment to the contract but they must be referenced in and be part of the contract.

Note: The consulting physician has duties under 289.302(m)(3), to make records of the audit and (m)(4), to review all adverse events. Under 289.302(i)(13), these duties do not have to be included in the contract submitted to obtain a facility registration. However, the consulting physician and the LHR facility must comply with all requirements of 289.302(m), Responsibilities of a Consulting Physician. Failure to comply may result in violations and fines being assessed against the LHR facility.