

Government still seems to want to deregulate the non-surgical use of Class 3B and Class 4 lasers

This is the response (dated 22 May 2009) that has been published by the Prime Minister's Office to an ePetition against the proposed de-regulation:

The ePetition:

"We the undersigned petition the Prime Minister to reject the Department of Health's proposals to de-regulate the use of lasers and pulsed light treatments in view of their known dangers in the hands of unregistered and untrained operators."

Details of Petition:

"The Department of Health has decided that the use of lasers and intense pulsed light (IPL) systems in anything but hospital settings does not carry risks that require regulation. The use of lasers in hospitals apparently is dangerous and requires regulation (even though the same lasers are used inside and outside hospitals). Government is proposing that anyone should be able to buy lasers and use them on anyone (including children) without any requirement to show that they are fit to do so. Those involved in the laser industry do not agree and think that lasers should be controlled so that they are used in proper facilities by people who are trained to use them. In the DoH consultation document it is nowhere mentioned that lasers can actually blind you, more commonly, lasers can burn and scar skin. Of course lasers do not cause damage if used properly and it is this fact that keeps the damage low. We believe that ceasing regulation is unwise and will cause a significant, avoidable increase in adverse events, and should be opposed which is the purpose of this petition."

The Government's response:

Last year, the Department of Health launched a consultation on Regulations covering private and voluntary healthcare, which proposed the deregulation of non-surgical use of class 3B and class 4 lasers and intense pulsed light equipment.

In response to feedback, further work has been carried out on collecting and analysing available information. This included taking advice from other regulatory bodies, and considering the risks and the extent to which regulation by the Care Quality Commission (CQC) could mitigate these risks. This has enabled the Department of Health not only to assess relative risks to people using services, set against the costs of regulation, but also to consider which type of regulation (if any) would bring the most benefit. The Department's conclusion is that system regulation under the CQC is not the most appropriate approach to regulation in this area. Firstly, although these procedures pose some risks, based on the evidence available the risks do not appear to be high. Secondly, the people who use these procedures are less vulnerable than those accessing many other services, particularly in that they have more freedom to choose whether to use the service or not. Thirdly, the main risks to people undergoing non-surgical laser and light procedures arise principally from the provider's competence, or otherwise, in operating the equipment appropriately. Although system regulation could reduce this risk to a degree, by checking that appropriate training had been undertaken, most of the other registration requirements that apply across health and social care provision would be irrelevant, which makes system regulation a heavy-handed approach in this field.

The Department of Health does not therefore intend to include non-surgical use of lasers and intense pulsed light procedures within the scope of registration under the new system introduced by the 2008 Act. Instead, the Department will work with the sector and representative bodies on an alternative approach that better targets the specific risks associated with these activities.