BYELAWS RELATING TO ACUPUNCTURE

Byelaws for the purposes of securing the cleanliness of premises registered under section 15 of the Local Government (Miscellaneous Provisions) Act 1982 and fittings in such premises and registered persons and persons assisting them and cleansing and, so far as appropriate, sterilization of instruments, materials and equipment used in connection with the business of acupuncture made by Wealden District Council in pursuance of section 15 (7) of the Act.

Interpretation

1. a. In these byelaws, unless the context otherwise requires –

   "The Act" means the Local Government (Miscellaneous Provisions) Act 1982;

   "Client" means any person undergoing treatment;

   "Operator" means any person giving treatment;

   "Premises" means any premises registered under part VIII of the Act;

   "Proprietor" means any person registered under part VIII of the Act;

   "Treatment" means any operation in the practice of acupuncture;

   "The treatment area" means any part of the premises where treatment is given to clients.

   b. The Interpretation Act 1978 shall apply for the interpretation of these byelaws as it applies for the interpretation of an Act of Parliament.

2. For the purpose of securing the cleanliness of premises and fittings in such premises a proprietor shall ensure that –

   a. All internal walls, doors, windows, partitions, floors and floor coverings, and ceilings are kept clean and in such good repair as to enable them to be cleaned effectively;

   b. The treatment area is used solely for giving treatment;

   c. All waste materials and other litter, arising from the treatment, are placed in a leak proof liner bag contained within a covered receptacle which is washable and leak proof. The liner bag shall be changed at least once every working day or more frequently as necessary and shall be sealed prior to disposal;

   d. All needles intended for disposal are placed in disposable needle boxes designed for the purpose. The boxes shall be disposed of safely. All needles intended for re-use shall be placed in leak proof and washable containers capable of being sterilized. The containers shall be emptied at least once every working day or more frequently as necessary and the needles and the containers sterilized for re-use;

e. All furniture and fittings in the premises are kept clean and in such good repair as to enable them to be cleaned effectively;

f. All tables, couches and seats used by clients in the treatment area, and any surface on which the items specified in 3b are placed immediately prior to treatment, have a smooth impervious surface which is disinfected immediately after use and at the end of each working day;

g. Where tables and couches are used, they are covered by a disposable paper sheet which is changed for each client;

h. No eating or drinking or smoking is permitted in the treatment area and a notice or notices reading “No Eating or Drinking” is prominently displayed within the treatment area;

i. No pets or animals are permitted in the treatment area, with the exception of guide dogs or other service animals. A notice to be prominently displayed within the treatment area.

3. For the purpose of securing the cleansing and so far as is appropriate, the sterilization of instruments, materials and equipment used in connection with the treatment –

a. An operator shall ensure that, before use in connection with treatment, any gown, wrap or other protective clothing, paper or other covering, towel, cloth or other such article used in the treatment –

i. is clean and in good repair and, so far as is appropriate, sterile;

ii. has not previously been used in connection with any other client unless it consists of a material which can be and has been adequately cleaned and, so far as is appropriate, sterilized;

b. An operator shall ensure that any needle, metal instrument, cup or other item of equipment, used in treatment or for handling instruments and needles used in the treatment is in a sterile condition and kept sterile until it is used;

c. A proprietor shall provide –

i. adequate facilities and equipment for the purpose of sterilization (unless pre-sterilized items are used) and of cleansing, as required in pursuance of these byelaws;

ii. sufficient and safe gas points and/or electrical socket outlets to enable compliance with these byelaws;

iii. an adequate constant supply of clean hot and cold water readily available at all times on the premises;

iv. adequate storage for all items mentioned in byelaw 3a and b above, so that those items are properly stored in a clean and suitable place so as to avoid, as far as possible, the risk of contamination.

4. For the purpose of securing the cleanliness of operators –

a. An operator shall ensure that –

i. his/her hands and nails are clean and finger nails are short;

ii. any operator wears disposable examination gloves not previously used with any other client if
- the client is bleeding or has an open lesion on an exposed part of his body; or
- the client is known to be infected with a blood borne virus; or
- the operator has an open lesion on his hand; or
- the operator is handling items that may be contaminated with blood or other body fluids;

iii. any operator wears a gown, wrap or protective clothing that is clean and washable, or alternatively a disposable covering that has not previously been used in connection with any other client;

iv. any operator keeps any open boil, sore, cut or open wound on an exposed part of his body effectively covered by an impermeable dressing;

v. any operator does not consume food or drink in the treatment area;

vi. if any operator is a known or suspected Hepatitis “B” Surface Antigen Carrier, a clean face mask and clean disposable surgical gloves are worn;

b. A proprietor shall provide –

i. suitable and sufficient washing facilities for the sole use of operators, including hot and cold running water, soap or detergent and a nailbrush;

ii. suitable and sufficient sanitary accommodation for operators;

iii. suitable first aid materials.

These byelaws were confirmed by the Department of Health on 3rd September 2018
To be effective from 3rd October 2018

NOTE – THE FOLLOWING DOES NOT FORM PART OF THE BYELAWS

A. Proprietors must take all reasonable steps to ensure compliance with these byelaws by persons working on the premises. Section 16(9) of the Act provides that a registered person shall cause to be prominently displayed on the premises a copy of these byelaws and a copy of any certificate of registration issued to him under Part VIII of the Act. Registered operators must prominently display on the premises or on their person a copy of their photographic identification badge as issued by Wealden DC.

B. Section 16(2) of the Local Government (Miscellaneous Provisions) Act 1982 provides that any person who contravenes any of these byelaws shall be guilty of an offence and liable on summary conviction to a fine not exceeding level 3 on the standard scale. If a person registered under Part VIII of the Act is found guilty of contravening these byelaws the Court may instead of or in addition to imposing a fine, order the suspension or cancellation of his registration and of the registration of the premises in which the offence was committed if such premises are occupied by the person found guilty of the offence. It shall be a defence for the person charge under sub-sections (1), (2), (8) or (10) of Section 16 to prove that he took all reasonable precautions and exercised all due diligence to avoid commission of the offence.

C. Nothing in these byelaws extends to the practice of acupuncture by or under the supervision of a person who is registered as a medical practitioner such as Doctor or Dentist. Nor does it apply to premises in which the practice of acupuncture is carried on by or under the supervision of such a person.

D. Wealden DC recommends that when choosing an acupuncture practitioner to consult the British Acupuncture Council's accredited register of practitioners as these have been vetted and approved by the Professional Standards Authority, http://www.acupuncture.org.uk/

E. Before treatment the operator should inform the client how the process is conducted and any risks during and after treatment. The operator should record the client's details; name, address, date of birth, nature of treatment, medical history, health assessment, name of treating operator and a signed consent form. These records must be kept securely to comply with Data Protection legislation but must be made available to an authorised officer of Wealden DC on request.