

# WILL YOU WIN THE GAME?

## Medical & Skin Issues

*by Susan Preston*

Many people take life as it comes, flying by the seat of their pants. While this approach might make life more exciting, this is not a really good option if you are in business for yourself especially if you are doing a laser service. There are many things in life that should not be left up to chance – protecting your assets is one of them.

Once you lay your hands on another human being or work on the body with a laser or other light device, having a corporation is not going to necessarily protect your personal assets from lawsuits. The best way to cover your assets and protect your income is with insurance.

Whether or not you elect to get insurance, there are good ways to reduce the chance of having unhappy clients, which could lead to a lawsuit. There are two keys to being successful in the laser industry - the skills of the operator and the issues around the client.

This article is not going to deal with the skills of the operator. That is best left up to the laser manufacturers and other educators in the laser industry. From an insurance point of view, understanding the character of the client getting the laser service is crucial.

### SKIN

No one should be working on lasers without good knowledge of skin types. The Fitzpatrick scale is the benchmark for skin analysis. As a reminder, here is a basic outline of the Fitzpatrick Skin Types. It runs counter-intuitive, but the darker the skin, the more likely it is to be damaged by a laser. Not all insurance programs cover Skin Types V & VI because there is too much potential for damage. If you are going to work on these darker skin types, the Yag is FDA cleared for V & VI. Even with FDA clearance, that work is riskier than working on fair, Northern European type of skin.

### FITZPATRICK SKIN TYPES

- Type I:** *Always burns, never tans*  
Skin: pale  
Hair: light, strawberry blondes and red-heads
- Type II:** *Always burns, sometimes tans*  
Skin: pale  
Hair: light browns, blondes
- Type III:** *Sometimes burns, will tan*  
Skin: medium  
Hair: dark blonde, brown

**Type IV:** *Always tans, but may burn occasionally*

Skin: olive

Hair: brown/black

**Type V:** *Prone to hyper-pigmentation*

Skin: Dark Skin

Hair: black

**Type VI:** *Prone to hyper-pigmentation*

Skin: Black Skin such as African American

Hair: black

## **CONSULTATION**

The consultation is an important part of having a successful laser practice. This is the time to get to know the client to be sure they are an appropriate candidate for laser services. The goal is to determine if they are mentally and physically a good candidate for your services. Use a medical history form to as the basis of your discussions.

There are some things that are contra-indicated for laser work. First and foremost, never work on anyone who is pregnant. If that baby turns out deformed, you will get a lawsuit. That is why gynecologists have some of the highest medical malpractice rates in America. Even if the mother is a drug addict, a deformed baby = lawsuit. Don't go there. They can come get laser services when they are through nursing the baby.

Another contra-indication to laser work is anyone who is on Accutane or any other drug that might photo-synthesize with a light source. If they have been on Accutane within a few months, they will have to be turned down for the laser service.

If you are going to perform a service anywhere in the lip area, it is important to know if they have a history of cold sores. If so, have them go see their doctor and get an anti-viral medication before starting the laser process. Tell them in writing –oral instructions do not count. A laser brings trauma to the skin so it will trigger a herpes outbreak if the person has ever had cold sores.

On the medical history form, ask in general if they are receiving treatment from their doctor for any health condition. If you are not sure if laser work is contra-indicated, send them to a supporting doctor for a consultation or have them go to their own doctor and get a release authorizing them to use your service.

It is important to inquire as to what medications the laser client is on. There are some situations that should send up a red flag. One is when a person is on many prescription medications. With so many medications on the market, often the person is getting them from more than one doctor and no one is clear how the medications are reacting with each other. Over-medicating could say that the person is either in bad health or has a hard time mentally coping with their life. In any of the above instances, the laser technician should ask themselves if they really want to take this person on. If so, be sure they can be controlled.

One essential question on a medical history form is if the person is on any mood altering or anti-depression medication. If so, this might be a reason to turn the person down. Most people will work with the laser technician if they have a problem and are in a rational frame of mind. Lawsuits often arise from clients who can't cope or are unhappy with life. One way to tell if there could be possible mental issues is from the use of mood altering medication.

Finally, be sure the client is willing to cooperate with everything you ask them to do. If there is a form they won't fill out or if they won't let you take their picture, then this is a good reason to turn them down. No one should ever take a client who does not respect them as a professional.

Turn down people if you don't think you can do a proper service on them. It is best to say you don't have the skills or even the proper laser to do the service they need even though your reason is their attitude or outlook. Act like you are the problem not them. It is much easier to protect yourself and win the game if you turn down situations that are high risk.

Stay tuned for the next issue where we will discuss the consent form and critical requirements to win that game.

## **SUSAN PRESTON**

Susan Preston is President of her own insurance agency, Professional Program Insurance Brokerage and Face and Body Professionals, both located in Novato, CA. She has provided insurance and supplies to the permanent cosmetic and beauty industries for over sixteen years. She has worked with states and other governing bodies to develop industry regulations and served as an advisor to the National Environmental Health Association. In 2003 she started insuring lasers/IPLs for hair removal after studying the industry for 6 months and working with doctors and laser experts to get underwriting guidelines. In 2005 medispa services including Botox, dermal fillers and medical peels were added to the program. In 1990 Ms. Preston co-founded the Society of Permanent Cosmetic Professionals, a non-profit association setting standards for the permanent makeup industry. Her articles on beauty and medical issues have been published by national publications including *Les Nouvelles Esthetique* magazine, *Skin, Inc.* the *Advanced Dermatologic News*, and the *Woman's Guide*.

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