



Board of Laser Safety

CMLSO

Certified Medical Laser Safety Officer™

**Policies and Procedures Manual
May 2008 Revision**

**Board of Laser Safety[®] (BLS[®])
Certified Laser Safety Officer[™] (CLSO[™]) Program**

**Policies & Procedures Manual
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**Board of Laser Safety® (BLS®)
Certified Medical Laser Safety Officer™ (CMLSO™) Program**

Policies and Procedures

Introduction

Certification

As the use of lasers grows both in popularity and applications, there will be a growing demand for trained laser safety professionals. Board of Laser Safety (BLS) certification will enhance the credibility of a designated Laser Safety Officer, and demonstrate that individuals serving in the field of laser safety have agreed to adhere to high standards of safety and professional practice.

Certification demonstrates that an individual has met certain requirements of professional experience and has successfully completed an examination designed to test knowledge in the field of laser safety. Holders of BLS certification may identify themselves as a Certified Medical Laser Safety Officer or a CMLSO. **It should be emphasized that a certificate awarded by the BLS does not constitute a license to practice, nor does it guarantee that a CMLSO meets any federal, state, or other requirements related to the practice of laser safety.**

There are two steps involved in becoming a Certified Medical Laser Safety Officer. First, an individual must provide information demonstrating he or she meets certain educational pre-requisites and work experience. Second, the individual must pass an examination demonstrating his/her knowledge in the area of laser safety.

Certification and certification maintenance will identify and distinguish laser safety officers among those involved in laser safety practices.

Information on the Board of Laser Safety

The Board of Laser Safety (BLS) was incorporated in September 2002 as a nonprofit organization affiliated with the Laser Institute of America (LIA), a California nonprofit corporation.

The mission of the BLS is to provide a means for improvement in the practice of laser safety by providing opportunities for the education, assessment, and recognition of laser safety professionals.

The BLS achieves this purpose by: (1) offering examinations to individuals who have met the qualifications of education and experience; (2) acknowledging individuals who have passed the examination by issuing a certificate and allowing them to use the title of “Certified Medical Laser Safety Officer” and the CMLSO acronym after their name; (3) requiring each CMLSO to maintain their certification by obtaining certification

maintenance points in laser safety; and (4) maintaining and publishing a roster of CMLSOs for public knowledge.

All applications for CMLSO submitted to the BLS are reviewed without consideration of age, sex, religion, race, disability or national origin. BLS reserves the right to revise, update, and amend its applications, examinations, policies, and other material related to the certification program at any time.

Laser Safety and Laser Safety Officer

Laser Safety

Laser safety can be defined as optimizing the safe design and use of laser equipment to further the use of laser technology with minimum risk to safety and health.

Laser Safety Officer (LSO)

A person appointed by the administration to administer a laser safety program. The person is responsible for effecting the knowledgeable evaluation of laser hazards, and is authorized and responsible for the monitoring and overseeing the control of such laser hazards.

Responsibilities of an LSO

As background, listed below are specific responsibilities of an LSO as outlined in American National Standard ANSI Z136.3-2005 *Safe Use of Lasers in Health Care Facilities* standard. In addition to specific responsibilities listed here, additional recommendations are referenced in the ANSI Z136.1-2007 *Safe Use of Lasers* standard, Normative Appendix A. Note, however, that performing one or more of these responsibilities does not constitute eligibility for certification. Please see the application requirements on page four of this document. LSO responsibilities, as defined above, include:

- **Classification.** Ensure the correct classification of all lasers and laser systems in the HCF, in accordance with the Federal regulations.
- **Hazards Evaluation.** Effect a hazard analysis of laser treatment areas, including the NHZs as provided by the HCLS manufacturers' safety information, and a determination of their adequacy. The LSO or a designee shall immediately inform the surgeon of imminent danger from a laser hazard.
- **Control Measures.** Ensure that control measures as prescribed by the HCLS manufacturer or other sources are in effect; recommend or approve substitute or alternate control measures when the primary ones are not feasible or practical, and periodically audit the control measures in use.
- **Procedural Approvals.** Ensure that standard operating procedures (SOPs), alignment procedures, and other required procedures that may be a part of the requirements for administrative and procedural control measures are followed. These procedures should include, for example, maintenance, service, and perioperative checklists used by operating personnel.

- **Protective Equipment.** Ensure that protective equipment to assure personnel safety, as recommended by the manufacturer or the LSO is available, in good working order, and is used correctly.
- **Signs and Labels.** Ensure that the wording on area signs and equipment labels is in accordance with 4.7 of ANSI Z136.3 *Safe Use of Lasers in Health Care Facilities*.
- **Facilities and Equipment.** Approve the HCLS installation and equipment prior to use to assure that it is consistent with the manufacturer's safety recommendations appearing in the manufacturer's labeling. Modification of existing facilities shall be reviewed by the LSO (or a safety consultant). Modification to the equipment shall meet FDA requirements, and have a safety analysis submitted by the user, the LSO (or a consultant), and a copy retained on file by the LSO. The LSO shall ensure that periodic maintenance and service is carried out by qualified technical assistants.
- **Training.** Ensure appropriate safety education and training is provided to all personnel associated with lasers such as staff, technicians, students, and other health care personnel (HCP).
- **Medical Surveillance.** Ensure that individual staff members' personnel categories for medical surveillance are established.

Board of Laser Safety Code of Professional Conduct

This code provides principles of professional conduct for Laser Safety Officers certified by the Board of Laser Safety. As a requirement of being certified, such persons act professionally, safely, and in accordance with this code.

Certified Medical Laser Safety Officers shall:

1. Practice the profession using their knowledge and skill for the enhancement of safety and health of people whose lives and well-being may depend on their professional judgment.
2. Strive to increase or improve their self-development, competence, professional knowledge and skills in the area of laser safety.
3. Perform services and assignments only in the areas of their competence.
4. Act in the best interests of public health and safety.
5. Avoid conflicts of interest.
6. Be honest and impartial and act responsibly to uphold the integrity of the profession while serving the public, employees, employers and clients with fidelity.
7. Counsel the public, employees, employers and clients regarding potential health and safety risks to avoid unsafe practices and injury.
8. Obey all federal and state laws applicable to the profession.

Application Requirements

In order for an individual to qualify to take the CMLSO examination, the following requirements must be met:

1. Candidates must have a 4-year degree from an accredited institution or be a licensed medical professional **or** they may have a 2 year AS degree or a high school diploma **and** advanced education and training in their individual area of practice.
2. One (1) year of experience with laser safety **or** acting as LSO, having performed the specific responsibilities outlined in ANSI Z136.3 *Safe Use of Lasers in Health Care Facilities* standard.
3. Two (2) reference statements or letters of recommendation from the applicant's supervisor and/or other knowledgeable person(s) stating that the applicant has performed the specific responsibilities of an LSO.
4. A certificate of completion of a Laser Safety Officer Course. (In special cases, this requirement may be waived by the BLS upon application with supporting documentation.)

Application Procedures

New Applicants

Each new application must be completed in full. If any part of the application is incomplete, the application will automatically be returned to the applicant. Applications may be obtained by contacting the BLS or by visiting www.lasersafety.org. A nonrefundable fee of \$50.00 must accompany the application. Any application submitted without the appropriate fee will not be processed and will be returned to the applicant.

The BLS will advise each applicant in writing of his/her eligibility to sit for the CMLSO exam.

During the application review process, the BLS may request further information from the applicant. All such requests will be made in writing and all such applications will be identified as pending. Pending applications will not be processed until all requests for additional information are addressed to the satisfaction of the BLS. In addition, BLS may independently verify or audit any information received.

Retaking the Exam

Within two years of notification of acceptance to sit for the exam, an applicant who wishes to retake the exam due to cancellation or failure must notify the BLS in writing. Applicants may only take the exam two (2) times in a two-year period. There is a \$100 fee to retake the exam. Written notification must be received within this two-year period.

An applicant who was originally accepted more than two years previously must follow the new applicant procedures, including payment of a new fee.

Policies

Application Deadlines

All application deadlines will be posted on the website www.lasersafety.org, as well as stated on the most recent CMLSO Exam Application.

Exam Dates & Delivery Method

Exam dates, locations and delivery method (pencil and paper, web, computer, etc.) are administrative decisions and will be at the discretion of the BLS staff. There will be a minimum of two pencil and paper exam dates per year, in the spring and fall. Other exam dates throughout the year may be added at the discretion of the BLS staff.

Confidentiality

In general, BLS employees, volunteers and contracted partners shall keep confidential and not release information contained in an individual's application, examination, and related material without the applicant's consent, or as provided below. Specifically, no BLS employees, volunteers or contracted partners are authorized to reveal the name of any individual who has applied to take the exam, except: 1) as designated by the individual in writing; 2) to necessary staff, legal consultants, or others with a need to know; 3) when verifying references provided by the applicant; 4) as required by law or these procedures; or 5) in the course of providing a list of examinees to exam site proctors. Names of certified individuals will be made publicly available.

Fees

Payment of Fees (US dollars only)

All fees and applications will be collected by the Board of Laser Safety. Fees are non-refundable except where stated.

Application \$50.00

An application processing fee of \$50.00 must accompany each application. An applicant whose application is not accepted may reapply within two years of the original application date without paying another fee. After the two-year period, if an applicant wishes to reapply he/she must once again submit an application fee with the application.

Examination \$150.00

Once an applicant has been accepted he/she will be notified by the BLS in writing as to when and where he/she is expected to take the examination. The applicant must submit the examination fee at least two weeks prior to the examination. Any applicant who has not paid will not be permitted to sit for the examination. An applicant may cancel or request to reschedule an examination. All such petitions must be in writing and received by the BLS at least 30 days prior to the applicant's scheduled examination date. In this case, the examination fee may be refunded or reapplied to a future examination. If an applicant cancels or reschedules less than 30 days prior to the next examination, he/she may reapply the fee to a future exam. No refunds will be issued in this case.

Recertification (every 3 years) \$150.00

A fee of \$150.00 is due upon becoming recertified. Recertification fees are due no later than February 1 after the 3rd year and must be accompanied by the Certification Maintenance forms and supporting documentation. Failure to submit the form and recertification fee will result in inactive status, as discussed in more detail below. A CMLSO who turns in his/her form after the February 1 deadline must also submit a \$50.00 late fee.

Rights and Privileges

Certified Medical Laser Safety Officer (CMLSO)

A person who is certified by the Board of Laser Safety will receive an individually numbered certificate. That person may then use the designations “Certified Medical Laser Safety Officer” or “CMLSO,” in accordance with policies that may be developed by the BLS so long as he/she is in good standing with the BLS.

A person who is not certified, who has let their certification expire, or is not in good standing may not use the designations “Certified Medical Laser Safety Officer” or “CMLSO”.

Disclaimer

Certification does not constitute a license to practice and is not a substitute for compliance with government, agency, or other requirements. BLS cannot and does not guarantee, warrant, endorse, or otherwise make representations with regard to an individual applicant or CMLSO’s ability or performance. BLS expressly disclaims any and all liability, costs, or damages, including but not limited to direct, indirect, or consequential damages that may result from the certification program or the actions of a BLS Certified Medical Laser Safety Officer.

Examination Information

Message to Examinees

This information can help you prepare for the CMLSO exam. However, use of this information by itself will not be adequate for preparation for the exam. A CMLSO Examination Reference Guide may be obtained by contacting the BLS or by visiting www.lasersafety.org.

Examination Procedures

Registration for the exam will begin promptly one hour prior to exam start time. For example, an exam that is scheduled to begin at 9:00 am local time will start registration at 8:00 am local time. Exam times will be posted on the website and included in the attendee's letter of admission. Each examinee must provide a picture ID such as a driver's license or a state identification card, in addition to bringing his or her letter of admission from the BLS.

The exam is made up of 100 multiple-choice questions. The questions are grouped into areas of practice. Each question has four possible answers from which to choose. The total allotted time to take the exam is three hours.

All exam booklets, answer sheets and number 2 pencils will be provided at the time of the exam. Personal computers are not permitted in the exam. Books, manuals, notes or other reference materials may not be brought into the exam room.

Materials will be inspected on site, and proctors can refuse to allow examinees to bring certain calculators or other materials into the examination room. If you have any questions about what types of calculators or other materials are permitted, please contact the BLS in advance.

Examination Content

There are eight areas of practice on the subject matter of laser safety. Each area of practice is broken down into tasks needed to be performed by an LSO. To assist you in understanding the subject matter the areas of practice and their tasks are provided here.

Area of Practice I – Lasers & Optics Fundamentals – 13%

- Task 1 – Definitions
- Task 2 – Properties of Laser Light
- Task 3 – Laser Output
- Task 4 – Laser Types & Wavelengths
- Task 5 – Electromagnetic Spectrum
- Task 6 – Laser Components & Delivery Systems
 - a. How Lasers Work

Area of Practice II – Laser Tissue Interactions – 13%

- Task 1 – Photoacoustic (Electromechanical)
- Task 2 – Photoablative
- Task 3 – Photothermal
- Task 4 – Photochemical

Area of Practice III – Laser Beam Hazards of Eye & Skin – 16%

- Task 1 – Effects on the Eye
 - a. Structure and Function of the Human Eye
 - b. Optical Gain of the Eye
 - c. Parameters Needed to Determine Maximum Permissible Exposure (MPE)
 - d. Retinal Effects
 - e. Corneal Effects
- Task 2 – Effects on the Skin
- Task 3 – Specular and Diffuse Reflections

Area of Practice IV – Non-beam Hazards Associated with Lasers – 11%

- Task 1 – Laser Generated Airborne Contaminants (LGAC)
- Task 2 – Compressed Gasses
- Task 3 – Laser Dyes and Solvents
- Task 4 – Electrical Hazards
- Task 5 – Fire Hazards
- Task 6 – Explosion Hazards

Area of Practice V – Regulations and Standards – 15%

- Task 1 – Knowledge of ANSI Z136.1 “Safe Use of Lasers” Standard
- Task 2 - Working knowledge of ANSI Z136.3 “Safe Use of Lasers in Health Care Facilities” Standard
- Task 3 – Regulatory Agencies
 - a. 1040.10 - 21 CFR Subchapter J – Federal Laser Product Performance Standard (FLPPS)
 - b. Occupational Safety & Health Administration (General Duty Clause)
 - c. Joint Commission on Accreditation of Healthcare Organizations (JCAHO)/Accreditation Association for Ambulatory Health Care (AAAHC)
- Task 4 – IEC 60825-1 Safety of Laser Products

Area of Practice VI – Laser Hazard Classification & Controlled Areas – 13%

- Task 1 – Laser Hazard Classification
- Task 2 – Nominal Hazard Zone
- Task 3 – Laser Treatment Control Area (LTCA)

Area of Practice VII – Procedural Control Measures – 12%

- Task 1 – Personal Protective Equipment (PPE)
- Task 2 – Controlled Access
 - a. Laser Warning Signs & Labels
 - b. Laser Protective Barriers and Curtains
 - c. Authorized Personnel
- Task 3 – Test Firing/Calibration
- Task 4 – Control of Fire Hazards
- Task 5 – Standby and Emergency Off Controls
- Task 6 – Footpedal Controls
- Task 7 – Key Control
- Task 8 – Smoke Evacuation
- Task 9 – Electrical Hazard Controls

Area of Practice VIII – Administrative Control Measures – 7%

- Task 1 – Policies and Procedures
 - a. Airway Management Protocols
 - b. Service and Maintenance
- Task 2 – Education & Training
- Task 3 – Laser Audits
- Task 4 – Accident Investigation
- Task 5 - Documentation
- Task 6 – Duties and Responsibilities of an LSO

Scoring/Grading

Each examinee will be notified in writing within (15) fifteen business days whether or not he/she passed the exam. Examinees receive an individual score and the pass/fail status. The score to pass the exam is established by the BLS and CASTLE Worldwide. Scores may be nullified in the event that the BLS determines that cheating or other irregularities have occurred.

Examination Preparation/Strategy

This examination is multiple choice consisting of 100 questions. Each question has a possibility of 4 answers. A listing of reference materials and suggested readings can be obtained by contacting the BLS. Here are a few issues to consider prior to beginning the examination:

1. Allow yourself time to answer all questions.
2. Answer the questions you are sure of first, then go back and answer the remaining ones. Do not allow yourself to be tied up on a few difficult questions.
3. Answer all questions even if you are unsure of the answer. An educated guess is better than no guess at all.
4. If you are unsure of an answer, your first instinct is usually the correct one.

Maintaining Certification

Certification Maintenance (CM)

After an individual has passed the certification examination he/she will be sent a certificate, roster of active CMLSOs, a CMLSO wallet card and a form for certification maintenance. Maintaining certification is an important and vital part of becoming a CMLSO. As the industry and technology changes, so must the knowledge of a CMLSO.

Details of Certification Maintenance Points (CM Points)

- 10 CM Points must be obtained over a 3-year period.
- The CM cycle starts on January 1 of the year following the year in which the individual passed the exam and ends on December 31 of the 3rd year.
- An updated list of courses and activities eligible for CM Points will be maintained by the BLS. You can obtain a listing by contacting the BLS or visiting the website at www.lasersafety.org.

CM Point Categories

1. Laser Safety Experience - maximum of 3 CM Points total. 1 CM Point per year for professional practice of laser safety to be certified in writing by the CMLSO's supervisor. Refer to page 2 of this manual for specific duties of an LSO.
2. Attendance* and successful completion of laser safety specific education and training - maximum of 6 CM Points total. For example 2 hours = .25 CM Point, over 2 hours up to 4 hours = .5 CM Point, over 4 hours up to 5 hours = .75 CM Point, 6 hours and over = 1 CM Point.
3. Writing of laser safety articles published external of your organization in the form of peer review journals, proceedings, periodicals, books and book chapters - maximum of 1 CM Point per article, 3 CM Points total.
4. Teaching laser safety courses or laser safety in a course external from your organization - maximum of 3 CM Points total. For example 2 hours = .25 CM

Point, over 2 hours up to 4 hours = .5 CM Point, over 4 hours up to 5 hours = .75 CM Point, 6 hours and over = 1 CM Point.

5. Membership in Laser Safety Related Professional/Technical Organizations or societies - 1 CM Point given per year of membership, maximum of 3 CM Points total.
6. Active Participation in Laser Safety Standards or Regulations Committees external of your organization - maximum of 3 CM Points total. For example, a CMLSO could earn 1 CM Point per year for being an active member of an ANSI Z136 committee or subcommittee.
7. Attendance at laser safety or applications professional conferences or meetings - maximum of 4 CM Points total. For example, a CMLSO could earn 1 CM Point for each day of attendance at the International Laser Safety Conference.
8. Presentations or poster papers at laser safety professional conferences or meetings – maximum of 2 CM Points total. .5 CM Point given per presentation.
9. Writing CMLSO Exam questions – ¼ point awarded for each accepted question, maximum of 2 CM Points total.

A current list of sample conferences ancillary to laser safety and a list of laser related professional/technical organizations and societies may be obtained by contacting the BLS or visiting the website www.lasersafety.org.

*Attendance means online, electronic or in person.

Reviewing Certification Maintenance

It is the responsibility of the CMLSO to submit CM forms and recertification fees on time. Notices will be sent out via email and posted at www.lasersafety.org only as a reminder to turn them in. All forms must be postmarked by February 1 after the 3rd year. Failure to submit the form and recertification fee will result in inactive status. A CMLSO who turns in his/her form after the February 1 deadline must also submit a \$50.00 late fee. CM forms should be submitted with any supporting documentation. The BLS may or may not ask for additional supporting documentation when reviewing a CM form. Once a CM form has been reviewed and accepted by the BLS, a letter stating certification has been maintained will be sent. In the case there is a problem with the CM form, a letter will be sent out to the CMLSO stating the problem. The CMLSO then has 60 days to rectify the situation with the BLS. If the situation is not resolved, the CMLSO will go to inactive status. If the situation is resolved, a letter stating that certification has been maintained will be sent.

Applying for CM Credit

Organizations or individuals may apply for CM credits.

If an organization believes it offers products and services that are beneficial to the continuing education of CMLSOs, it may submit its offerings to the BLS for consideration.

If an individual attends a training course, or participates in an activity that is currently not listed for CM Points, he/she may submit the information to the BLS for points toward Certification Maintenance.

CM forms may be downloaded from www.lasersafety.org or obtained by contacting the BLS. Completed forms should be sent directly to the BLS with any supporting documentation for consideration. Approval of CM Points will be approximately a 1-month process. Only activities that contribute to continuing education in the area of lasers and laser safety will be considered. If an activity is approved by the BLS for CM Points, it will be assigned a unique BLS approval code and the number of CM Points assigned.

Change in CMLSO Status

CMLSO

Active CMLSOs maintain certification every 3 years by earning 10 CM Points, and by paying the recertification fee. Notices will be sent out via email and posted at www.lasersafety.org only as a reminder to turn them in. All forms must be postmarked by February 1 after the 3rd year. Failure to submit the form and recertification fee will result in inactive status. Current mailing address/contact information is the sole responsibility of the CMLSO.

Inactive Status

Inactive status means a CMLSO may no longer use the rights and privileges outlined by the BLS in this document until he/she has obtained active status again. An inactive CMLSO may become active again by retaking the exam or by submitting the CM form with all dues and late fees before June 1 after the 3rd year.

Revocation of Certification

The BLS may revoke certification if there is evidence of intent to deceive on an application or CM form, exam fraud, recertification process, violation of the responsibilities of an LSO, or violation of the law. Any person for whom such action is contemplated shall have the right to appear before the BLS Commission.

Disciplinary Procedures for Revocation of Certification

The Board of Laser Safety (BLS) was incorporated as a nonprofit organization affiliated with the Laser Institute of America for the evaluation of individuals who wish to enter, continue and/or advance in the profession of laser safety through the certification process.

Those certified (referred to as "CMLSOs") have successfully completed the required certification process, which includes meeting certain educational requirements, passing a certification test, verifying professional knowledge, and demonstrating experience in the profession. BLS CMLSOs subscribe to a Code of Professional Conduct established by the BLS.

Successful candidates are granted certification by the BLS and may hold themselves out to the public as such. In order to maintain and enhance the credibility of the BLS certification program, the BLS has adopted these Administrative Procedures to allow consumers and others to bring complaints concerning CMLSOs' conduct to the BLS. In the event of a violation of the Code of Professional Conduct or of other substantive requirements of the certification process by a CMLSO, the BLS Commission may reprimand or suspend the CMLSO, or revoke the CMLSO's certification. The grounds for sanctions under these Procedures are as follows:

1. Conviction of a felony or other crime of moral turpitude under federal or state law in a matter related to the practice of, or qualifications for, professional activity.
2. Gross negligence or willful misconduct in the performance of professional services, or other unethical or unprofessional conduct based on demonstrable and serious violations of the Code of Professional Conduct.
3. Fraud or misrepresentation in the application or maintenance of association membership, professional accreditation, or other professional recognition or credential.

The BLS will ensure that information concerning the complaint process as developed by the BLS will be available to consumers and the public at appropriate locations. These Administrative Procedures apply to all complaints or inquiries received about a BLS CMLSO.

It should be emphasized that actions taken under these Procedures do not constitute enforcement of the law, although referral to appropriate federal, state, or local government agencies may be made about the conduct of the CMLSO in appropriate situations. Individuals initially bringing complaints are not entitled to any relief or damages by virtue of this process, although they will receive notice of the actions taken.

I. BLS Commission

The BLS Commission is responsible for the implementation of these Procedures. The BLS Commission is composed of eight individuals elected or appointed in accordance with the BLS Bylaws.

The BLS Chairman presides at all meetings of the BLS Commission and is specifically responsible for ensuring that these Administrative Procedures are implemented and followed.

All BLS volunteers, staff, and other individuals engaged in investigations or decisions with respect to any complaint under these Procedures may be indemnified and defended by the BLS against liability arising from BLS related activities to the extent provided by law.

II. Complaints

Complaints may be transmitted in any manner by any individual or entity, but must be in writing. Inquiries or submissions other than complaints may be reviewed and handled by the BLS Commission at its discretion.

Upon receipt and preliminary review of a submission involving the BLS certification program or the Code of Professional Conduct, the BLS Chairman may conclude, in the his/her sole discretion, that the submission: (1) contains unreliable or insufficient information, or (2) is patently frivolous or inconsequential. In such cases, the BLS Chairman may determine that the submission does not constitute a valid and actionable complaint that would justify bringing it before the BLS Commission for investigation and a determination of whether there has been a violation of the Code of Professional Conduct or other substantive requirements of the certification process. If so, the submission is disposed of by notice from the BLS Chairman to its submitter, if the submitter is identified. All such preliminary dispositions by the BLS Chairman are reported to the BLS Commission and the BLS Executive Director.

If a submission is deemed by the BLS Chairman to be a valid and actionable complaint, the BLS Commission shall see that written notice is provided to the CMLSO whose conduct has been called into question and to that individual's employer, if applicable. The BLS Chairman also shall ensure that the individual submitting the complaint receives notice that the complaint is being reviewed by the BLS Commission.

IV. Review of Complaint

For each submission involving an alleged violation of the Code of Professional Conduct that the BLS Chairman concludes is a valid and actionable complaint, the BLS Commission authorizes an investigation into its specific facts or circumstances to whatever extent is necessary in order to clarify, expand, or corroborate the information provided by the submitter.

Both the individual submitting the complaint and the CMLSO who is the subject of the investigation (or his or her employer) may be contacted for additional information with respect to the complaint. The time for providing such additional information shall be established by the BLS Commission. The BLS Commission may at its discretion contact such other individuals who may have knowledge of the facts and circumstances surrounding the complaint.

All investigations and deliberations of the BLS Commission are conducted in confidence, with all written communications sealed and marked "Personal and Confidential," and they are conducted objectively, without any indication of prejudice. An investigation may be directed toward any aspect of a complaint which is relevant or potentially relevant. Formal hearings are not held and the parties are not expected to be represented by counsel, although the BLS may consult their own counsel.

V. Determination of Violation

Upon completion of an investigation, the BLS Commission should make a determination if there has been a violation of the Code of Professional Conduct or of other substantive requirements of the certification process. If the BLS Commission finds a violation, they should impose an appropriate sanction. If the BLS Commission determines that a violation has not occurred, the complaint is dismissed with notice to the CMLSO, the CMLSO's employer, and the individual or entity who submitted the complaint; a summary report is also made to the BLS Commission and the BLS Executive Director.

In certain circumstances, the BLS Commission may consider that the CMLSO who has violated the Code of Professional Conduct should be offered an opportunity to submit a written assurance that the conduct in question has been terminated and will not recur. If such an offer is extended, the CMLSO at issue must submit the required written assurance within thirty days of receipt of the offer, and the assurance must be submitted in terms that are acceptable to the BLS Commission. If the BLS Commission accepts the assurance, notice is given to the CMLSO's employer and to the submitter of the complaint, if the submitter agrees in advance and in writing to maintain the information in confidence.

VI. Sanctions

Any of the following sanctions may be imposed by the BLS Commission upon a CMLSO whom the BLS Commission has determined to have violated the Code of Professional Conduct, although the sanction applied must reasonably relate to the nature and severity of the violation, focusing on reformation of the conduct of the member and deterrence of similar conduct by others:

- (1) written reprimand to the CMLSO;
- (2) suspension of the CMLSO for a designated period; or
- (3) termination of the CMLSO's certification from the BLS.

For each of these three sanctions, a summary of the determination and the sanction with the CMLSO's name is published by the BLS.

Reprimand in the form of a written notice from the BLS Chairman normally is sent to a CMLSO who has received his or her first substantiated complaint. Suspension normally is imposed on a CMLSO who has received two substantiated complaints. Termination normally is imposed on a CMLSO who has received two substantiated complaints within a two-year period, or three or more substantiated complaints. The BLS Commission may at its discretion, however, impose any of the sanctions, if warranted, in specific cases.

CMLSOs who have been terminated shall have their certification revoked and may not be considered for BLS certification in the future. If certification is revoked, any and all certificates or other materials requested by the BLS must be returned promptly to the BLS.

VII. Appeal

Within thirty days from receipt of notice of a determination by the BLS Commission that a member violated the Code of Professional Conduct, the affected CMLSO may submit to the BLS in writing a request for an appeal. Upon receipt of a request for appeal, the BLS Chairman establishes an appellate body consisting of at least three, but not more than five, individuals. This Appeal Board may review one or more appeals, upon request of the BLS Chairman. The Appeal Board may be composed of CMLSOs, but must include at least one individual who is not. No current members of the BLS Commission may serve on the Appeal Board; further, no one with any personal involvement or conflict of interest may serve on the Appeal Board.

The Appeal Board may only review whether the determination by the BLS Commission of a violation of the Code of Professional Conduct was inappropriate because of: (1) material errors of fact, or (2) failure of the BLS Commission to conform to published criteria, policies, or procedures. Only facts and conditions up to and including the time of the BLS Commission's determination as represented by facts known to the BLS Commission are considered during an appeal. The appeal shall not include a hearing or any similar trial-type proceeding. Legal counsel is not expected to participate in the appeal process, unless requested by the appellant and approved by the BLS Commission. The BLS and Appeal Board may consult BLS legal counsel.

The Appeal Board conducts and completes the appeal within ninety days after receipt of the request for an appeal. Submissions are made according to whatever schedule is reasonably established by the Appeal Board. The decision of the Appeal Board either affirms or overrules the determination of the BLS Commission, but does not address a sanction imposed by the BLS Commission. The decision of the Appeal Board, including a statement of the reasons for the decision, is reported to the BLS Commission and the BLS Executive Director. The Appeal Board decision is binding upon the BLS, the CMLSO who is subject to the termination, and all other persons.

VIII. Resignation

If a CMLSO who is the subject of a complaint voluntarily surrenders his or her BLS certification at any time during the pendency of a complaint under these Procedures, the complaint is dismissed without any further action by the BLS Commission, the BLS, or an Appeal Board established after an appeal. The entire record is sealed and the individual may not reapply for certification by the BLS. However, the BLS may communicate the fact and date of resignation, and the fact and general nature of the complaint which was pending at the time of the resignation, to or at the request of a government entity engaged in the administration of law. Similarly, in the event of such resignation, the CMLSO's employer and the person or entity who submitted the complaint are notified of the fact and date of resignation and that BLS has dismissed the complaint as a result.

References

A CMLSO Examination Reference Guide may be obtained by contacting the BLS. A copy of this guide can also be downloaded from www.lasersafety.org. Any individual who has been accepted to sit for the CMLSO exam will be sent the CMLSO Examination Reference Guide.