



Consultation

Date released for consultation: 22 March 2012

Draft supplementary guidelines on cosmetic medical and surgical procedures for “Good Medical Practice: A code of conduct for doctors in Australia”

Summary

This consultation paper seeks feedback on draft supplementary guidelines on cosmetic medical and surgical procedures for “Good Medical Practice: A code of conduct for doctors in Australia”.

Background

From 1 July 2010, the Medical Board of Australia (the Board) has been responsible for the registration and regulation of medical practitioners under the *Health Practitioner Regulation National Law Act* (the National Law), as in force in each state and territory.

The Board received a referral from the Australian Health Workforce Ministerial Council (Ministerial Council). The Australian Health Ministers’ Conference (AHMC) recently endorsed a report titled *Cosmetic Medical and Surgical Procedures – A National Framework*. The report was developed in response to a request from AHMC to investigate a national approach to regulating cosmetic surgery.

The full report can be accessed at http://www.health.nsw.gov.au/pubs/2012/cosmetic_surgery.html

The report contains a number of key recommendations directed to the Medical Board about medical practitioners who perform cosmetic medical and surgical procedures. One of these recommendations is that the Board includes specific provisions relating to undertaking cosmetic medical and surgical procedures in supplementary guidelines to its code ‘Good Medical Practice’. The Cosmetic Surgery Working Group of the Clinical Technical and Ethical Principal Committee for the Ministerial Council that prepared the report has drafted supplementary guidelines. The Board is consulting on these guidelines.

Submissions

Section 39 of the National Law empowers the Board to develop guidance for the profession. Section 40 of the National Law requires the Board to ensure that there is wide-ranging consultation about any codes or guidelines that the Board develops.

The Board is now seeking feedback on these draft guidelines and is interested in comments from a wide range of stakeholders.

Please provide written submissions by email, marked “Consultation - cosmetic medical and surgical procedures” to medboardconsultation@ahpra.gov.au by close of business on **22 May 2012**. Submissions by post should be addressed to the Executive Officer, Medical, AHPRA, GPO Box 9958, Melbourne 3001.

The Board publishes submissions on its website to encourage discussion and inform the community and stakeholders. We will not place on our website, or make available to the public, submissions that contain offensive or defamatory comments or which are outside the scope of the reference. Before publication, we may remove personally identifying information from submissions.

The views expressed in the submissions are those of the individuals or organisations who submit them and their publication does not imply any acceptance of, or agreement with, these views by the Board.

The Board also accepts submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include personal or other sensitive information. Any request for access to a confidential submission will be determined in accordance with the *Freedom of Information Act 1982* (Cth), which has provisions designed to protect personal information and information given in confidence.

Draft supplementary guidelines

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Draft supplementary guidelines on cosmetic medical and surgical procedures for “Good Medical Practice: A code of conduct for doctors in Australia”

Purpose of these Guidelines

These guidelines outline the additional standards expected of doctors who perform cosmetic medical and surgical procedures in Australia. They should be read in conjunction with the *Good Medical Practice: A Code of Conduct for Doctors in Australia*, and are supplementary to the standards of ethical and professional conduct set out in that Code. Relevant extracts of the Code are quoted prior to outlining the supplementary guidelines.

Definition of cosmetic medical and surgical procedures

Cosmetic medical and surgical procedures are operations and other procedures that revise or change the appearance, colour, texture, structure or position of normal bodily features with the sole intention of achieving what the patient perceives to be a more desirable appearance or boosting the patient’s self-esteem.

Providing good care

In clinical practice, the care of your patient is your primary concern. Providing good patient care includes –

- *Assessing the patient, taking into account the history, the patient’s views, and an appropriate physical examination. The history includes relevant psychological, social and cultural aspects.*

Supplementary guidelines in relation to cosmetic medical or surgical procedures –

In relation to adults -

1. The first consultation should be with the operating doctor, not with an agent/ patient adviser.
2. Assessment should include:
 - a) An exploration of why the surgery/procedure is requested. Both external reasons (eg a perceived need to please others) and internal reasons (eg strong feelings about appearance) should be explored.
 - b) An exploration of the person’s expectations of the requested surgery/procedure to ensure they are realistic
3. If there are indications that the person has self-esteem or mental health problems, the person should be referred to a GP or an appropriately qualified health professional (eg psychiatrist, psychologist or specialist counsellor) for review.
4. Informed written consent should be obtained at a pre-procedure consultation within a reasonable time period before the day of the procedure and reconfirmed on the day of the procedure.
5. A cooling-off period between the initial consult and performance of the procedure is encouraged.

Children and young people -

Caring for children and young people brings additional responsibilities for doctors.

Supplementary guidelines in relation to cosmetic medical or surgical procedures –

In relation to a person under 18 years of age, the 5 provisions immediately above regarding adults should be supplemented or replaced (where the intent is inconsistent) by the following:

1. If the requested surgery/procedure has no medical justification there must be a 'cooling off' period of 3 months, followed by a further consultation during which the request is further explored. The requested surgery/procedure should not be scheduled at the initial consultation.
2. The person should be encouraged to discuss their desire for the surgery/procedure and any concerns with their general practitioner during the cooling off period.
3. The person should be assessed by an appropriately qualified health professional (e.g. psychiatrist, psychologist or specialist counsellor).

Providing a suitable patient management plan

Good patient care includes –

- *Formulating and implementing a suitable management plan (including arranging investigations and providing treatment and advice).*
- *Facilitating coordination and continuity of care*
- *Referring a patient to another practitioner when this is in the patient's best interests*

Supplementary guidelines in relation to cosmetic medical or surgical procedures -

1. There should be protocols and pathways in place to cover all aspects of postoperative care, including the full range of complications, and arrangements with specific hospitals and staff to be involved in care should the patient unexpectedly require it.
2. There should be monitoring of patients receiving injectable opiates and use of narcotic medication generally.
3. The operating doctor is responsible for all aspects of pre-operative, operative and post-operative care. Delegation of care must be appropriate and arranged in advance of any procedure and these arrangements should be made known to the patient.
4. Documented post-operative instructions should be provided to patients to take home after the procedure.
5. On discharge, a patient must be provided with written information which tells them
 - a) How to contact the doctor if complications arise
 - b) Details of who they can contact if the doctor is not available
 - c) The usual range of post-operative symptoms
 - d) Where to go if the patient experiences unusual pain or symptoms
 - e) Appropriate instructions for medication and self care
 - f) Details of dates for follow up visits.

Providing good patient care

Maintaining a high level of medical competence and professional conduct is essential for good patient care. Good medical practice involves -

- *Recognising and working within the limits of your competence and scope of practice*
- *Ensuring that you have adequate knowledge and skills to provide safe clinical care*

Supplementary guidelines in relation to cosmetic medical or surgical procedures –

1. Treatment should only be provided if you have the appropriate training, expertise and experience in the particular cosmetic procedure being performed to deal with all routine aspects of care and any likely complications.
2. You are responsible for ensuring that you have the necessary training, expertise and experience to perform a particular cosmetic procedure with reasonable care and skill.

If you do not comply with this requirement, you may be subject to a performance assessment required by the Board if there is reason to believe that your competence may be deficient.

Working with Patients

Relationships based on openness, trust and good communication will enable you to work in partnership with your patients. Patient's rights to make their own decisions must be recognised and respected.

Informed consent -

Informed consent is a person's voluntary decision about medical care that is made with knowledge and understanding of the benefits and risks involved.

Supplementary guidelines in relation to cosmetic medical or surgical procedures -

1. At the initial consultation, the person must be provided with written information in easily understood language about:
 - a) What the surgery/procedure involves
 - b) The range of possible outcomes of the surgery/procedure
 - c) The risks and possible complications associated with the surgery/procedure
 - d) Recovery times and specific requirements during the recovery period
 - e) Information about your qualifications and experience
 - f) Total cost
 - g) That any deposits taken, be refunded fully or partly at any point prior to when the procedure is undertaken
 - h) Other options for addressing the person's concerns
 - i) Information should be displayed at the doctor's premises advising patients that there is a complaints process available and how to access it, beginning with approaching the operating doctor.

Professional behaviour

In professional life, doctors must display a standard of behaviour that warrants the trust and respect of the community. This includes observing and practising the principles of ethical conduct. Good medical practice involves –

- *Not offering inducements to colleagues, or entering into arrangements that could be perceived to provide inducements*
- *Avoiding financial involvement, such as loans and investment schemes, with patients*

Supplementary guidelines in relation to cosmetic medical and surgical procedures –

1. You should not provide or offer to provide financial inducements to agents for recruitment of patients (e.g. payment of a commission for patients recruited).
2. You should not offer financing schemes to patients (other than credit card facilities), either directly or through a third party, such as loans, as part of your cosmetic medical or surgical services.