



Comments on the Medical Board of Australia consultations on draft supplementary guidelines on cosmetic medical and surgical procedures for "Good Medical Practice: a code of conduct for doctors in Australia"

The Office of the Health Services Commissioner (OHSC) was created by the *Health Services (Conciliation and Review) Act 1987 (Vic)* (HSCRA).

The OHSC is established to:

- Deal with user's complaints; and
- Suggest ways in which the guiding principles may be carried out; and
- Help service providers to improve the quality of health care.

The Guiding Principles promote:

- Quality health care, given as promptly as circumstances permit; and
- Considerate health care; and
- Respect for the privacy and dignity of persons being given health care; and
- The provision of adequate information on services provided or treatment available, in terms which are understandable; and
- Participation in decision making affecting individual health care; and
- An environment of informed choice in accepting or refusing treatment or participation in education or research programmes.

The OHSC also administers the health privacy legislation in Victoria, the *Health Records Act 2001 (Vic)* (HRA). The HRA does this by promoting fair and responsible handling of health information by –

- (a) protecting the privacy of an individual's health information that is held in the public and private sectors; and
- (b) providing individuals with a right of access to their health information; and
- (c) providing an accessible framework for the resolution of complaints regarding the handling of health information.

The OHSC promotes the parties to a grievance resolving the complaint between them by mediation and conciliation.

Introduction:

The Health Services Commissioner (HSC) agrees with the proposed supplementary guidelines on cosmetic medical and surgical procedures in so far as they go. It is necessary for additional supplementary guidelines in this area of practice because of the large number of concerns that are raised about them. It is an area of practice in which, in HSC's experience, there is the tendency by some practitioners, to exaggerate benefits and minimise risks. This is contrary to the law of informed consent and should not be permitted.

HSC is also deeply concerned about advertisements for cosmetic procedures which we believe are deceptive and misleading. In particular the use of "before and after" shots which cannot be validated in any way. The aggressive marketing of cosmetic procedures including the use of agents, the offers of loans and the increasing number of young people who are requesting cosmetic medical or surgical procedures are of concern and the supplementary guidelines have addressed this in part. HSC agrees that a cooling off period is necessary and the involvement of a general practitioner who does not themselves provide the

procedure, should be encouraged and the words "who does not themselves provide" should be included. HSC also supports the proposal for an appropriately qualified health professional, ie psychiatrist, psychologist or specialist counsellor, to assess people under 18 years of age seeking these procedures.

HSC strongly supports the supplementary guidelines in relation to cosmetic medical and surgical procedures concerning protocols and pathways in place to cover all aspects of post-operative care. We have heard of many cases where people were sent home or told to go to the nearest Emergency Department if things went wrong. The supplementary guidelines should be of assistance in preventing this lack of duty of care.

Providing good patient care

The current standards say practitioners should recognise and work within the limits of their competence and scope of practice. Unfortunately not all practitioners are able to accurately judge what their limitations are. There may need to be some thought given to guidance from other qualified practitioners.

The supplementary guidelines talk about appropriate training, expertise and experience and necessary training, expertise and experience but they do not spell out what these actually are. HSC supports the idea of a performance assessment required by the Board where there is reason to believe competence may be deficient.

Working with patients

The HSC agrees there are additional supplementary guidelines required in relation to cosmetic medical or surgical procedures in the area of informed consent. HSC supports 1. a) to 1. i), however under 1. i) it simply says there should be information displayed advising patients there is a complaints process available. There is no requirement that practitioners provide information about the Medical Board of Australia or the health complaints entities. This should be added.

Professional behaviour

HSC agrees financial inducements to agents should be prohibited and financing schemes or loans should be banned.

I have no further comment on these documents. Thank you for the opportunity to comment.



Beth Wilson
Health Services Commissioner

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