

Q1.

## Public consultation: Regulation of health practitioners who perform and who advertise non-surgical cosmetic procedures

### Introduction

The Australian Health Practitioner Regulation Agency (Ahpra) and the National Boards are reforming the regulation of registered health practitioners who work in the non-surgical cosmetic procedures sector in Australia to improve practice and standards, public safety, and provide opportunities for more informed consumer choice. Ahpra and the National Boards are consulting on three documents related to the regulation of registered health practitioners who provide and who advertise non-surgical cosmetic procedures:

1. Draft Guidelines for nurses who perform non-surgical cosmetic procedures (nurses practice guidelines - applies to nurses only)
2. Draft Guidelines for registered health practitioners who perform non-surgical cosmetic procedures (shared practice guidelines - excluding medical practitioners and nurses), and
3. Draft Guidelines for registered health practitioners who advertise non-surgical cosmetic procedures (advertising guidelines - applies to all registered health practitioners).

The three proposed draft guidelines are intended to set out what National Boards expect of registered health practitioners working and advertising in this sector and provide clarity for consumers considering non-surgical cosmetic procedures about the standards expected of practitioners.

As the three proposed draft guidelines are all related to non-surgical cosmetic procedures, Ahpra and the National Boards are consulting on all three guidelines together. Feedback is welcome on any or all of the three draft guidelines.

We welcome feedback from organisations, registered health practitioners and the public.

There are some initial demographic questions and then questions on each of the guidelines we are consulting on. All questions are optional, and you are welcome to respond to any you find relevant, or that you have a view on.

The consultation questions are different in some sections as National Boards are intentionally consulting on the questions most relevant to the professions they regulate.

Your feedback will help us to understand your views and help National Boards set clear standards for registered health practitioners in the non-surgical cosmetic procedures sector, for the protection of the public. It will take approximately 15 minutes to complete this survey if you answer all questions.

The submission deadline is close of business 1 March 2024 (consultation has been extended by 4 weeks)

### How do we use the information you provide?

The survey is voluntary. All survey information collected will be treated confidentially and anonymously. Data collected will only be used for the purposes described above.

We may publish data from this survey in all internal documentation and any published reports. When we do this, we ensure that any personal or identifiable information is removed.

We do not share your personal information associated with our surveys with any party outside of Ahpra except as required by law.

The information you provide will be handled in accordance with [Ahpra's Privacy Policy](#).

If you have any questions, you can contact [AhpraConsultation@ahpra.gov.au](mailto:AhpraConsultation@ahpra.gov.au) or telephone us on 1300 419 495.

## Publication of submissions

We publish submissions at our discretion. We generally [publish submissions on our website](#) to encourage discussion and inform the community and stakeholders about consultation responses. Please let us know if you do not want your submission published.

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 subject of the consultation. Before publication, we may remove personally identifying information from submissions, including contact details.

We can accept submissions made in confidence. These submissions will not be published on the website or elsewhere. Submissions may be confidential because they include published experiences or other sensitive information. A 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. Please let us know if you do not want us to publish your submission or if you want us to treat all or part of it as confidential.

**Published submissions will include the names of the individuals and/or the organisations that made the submission unless confidentiality is expressly requested.**

Please click on the ARROW below to start the survey.

Q145.

### Initial questions

To help us better understand your situation and the context of your feedback please provide us with some details about you.

Q146.

**Are you completing this submission on behalf of an organisation or as an individual?**

☒ Organisation

☐ Individual

Q147.

Please provide the name of the organisation.

New Zealand Optometrists and Dispensing Opticians Board (ODOB)

Q148.

If you are completing this submission as an individual, are you:

*This question was not displayed to the respondent.*

Q149.

Which of the following health profession/s are you registered in, in Australia?

You may select more than one answer.

*This question was not displayed to the respondent.*

Q101. Do you work in the cosmetic surgery/procedures sector?

- ☐ Yes
- ☒ No
- ☐ Prefer not to say

Q102. If yes, in what capacity do you work in the cosmetic surgery/procedures sector? *Please select all that apply*

*This question was not displayed to the respondent.*

Q150.

### Your details

Name:

Dr Phil Turnbull

Q151. Organisation name:

Optometrists and Dispensing Opticians Board

Q172. Email address:

[REDACTED]

Q152.

### Publication of your submission

Do you give permission for your submission to be published?

- ☒ Yes - publish my submission **with** my name/organisation name
- ☐ Yes - publish my submission **without** my name
- ☐ Yes - publish my submission **without** my organisation name
- ☐ Yes - publish my submission **without** both my name and organisation name
- ☐ No - **do not** publish my submission

Q187.

# Guidelines for nurses who perform non-surgical cosmetic procedures

The Nursing and Midwifery Board of Australia (the NMBA) is developing draft nurses practice guidelines (draft nurses practice guidelines) to enable the terminology in the guidelines to be nuanced for nurses, and to delineate the separate roles and scope of enrolled nurses, registered nurses and nurse practitioners in the non-surgical cosmetic procedures sector.

Q121.

## Question 1 of 24

Is the guidance in the draft nurses practice guidelines appropriate? Why/Why not?

Generally yet, but the definitions to differentiate the differences between a surgery and procedure may not capture the nuances of certain cosmetic procedures. For example, use of the word 'skin' would exclude mucous membranes, 'beneath' would seem to permit surface procedures, and the word 'cutting' may then permit alternative surgical techniques like LASER (e.g. photoablation), which can be minor modifications of the non-surgical techniques.

Q142.

## Question 2 of 24

Does the guidance in the draft nurses practice guidelines sufficiently inform **nurses** about the NMBA's expectations of nurses (including enrolled nurses (EN), registered nurses (RN) and nurse practitioners (NP)) who perform non-surgical cosmetic procedures in Australia? If yes, how? If no, what needs to be changed?

Yes

Q143.

## Question 3 of 24

Does the guidance in the draft nurses practice guidelines sufficiently inform the **public** about the NMBA's expectations of nurses (including enrolled nurses (ENs), registered nurses (RNs) and nurse practitioners (NPs)) who perform non-surgical cosmetic procedures in Australia?

Yes

Q144.

Question 4 of 24

In **section 4.2**, the draft nurses practice guidelines propose that *'the registered nurse and/or the nurse practitioner must consider the clinical appropriateness of the cosmetic procedure for a person who is under the age of 18 years. The NMBA considers that botulinum toxin and dermal fillers should not be prescribed for persons under the age of 18 for cosmetic purposes.'*

Is this information clear? If not, why not?

Somewhat. The ambiguity between 'must consider the clinical appropriateness', then 'should not be' is unresolved, with no suggestion on what mitigating criteria could be. It could be improved by adding clarification under what circumstances it could be permissible, or what extra steps are required. The statement on 'should not be' seems unbalanced against the other points in section 4 which are permissive.

Q173.

Question 5 of 24

Is there anything further you believe should be included in section 4?

The statement on 'should not be' in 4.2 seems unbalanced against the other points in section 4 which are more permissive.

Q145.

Question 6 of 24

In **section 8.1**, the draft nurses practice guidelines propose *'the RN/NP is responsible for ensuring that any other person/s participating in the person's care or treatment have appropriate education, training and competence, and is adequately supervised as required.'*

Is this a reasonable requirement? If yes, why? If not, why not?

No. This is the job of an accrediting agency, not a sole practitioner, and the liability should lie with the individual assisting with care, not a RN/NP. The obligation should be for RN/NP to report suspected 'inappropriate' care.

Q146.

Question 7 of 24

In **section 16.1**, the draft nurses practice guidelines propose *'that RNs first practise for a minimum of one-year full-time equivalent post initial registration, to consolidate the foundational skills and knowledge as an RN in a general or specialist area of nursing practice (not in the area of non-surgical cosmetic procedures). RNs who perform non-surgical cosmetic procedures are required to undertake detailed assessment and planning of care, have complex anatomical and physiology knowledge as well as decision-making relating to pharmacodynamics and pharmacokinetics.'*

Is the guidance proposed a reasonable requirement? If not, why not?

Yes, although there seems to be two distinct clauses in 16.1, and "RNs who perform non-surgical cosmetic procedures are required to undertake detailed assessment and planning of care, have complex anatomical and physiology knowledge as well as decision-making relating to pharmacodynamics and pharmacokinetics." could be its own bullet.

Q147.

Question 8 of 24

Is there any further detail that needs to be included in the draft nurses practice guidelines to ensure public safety? If yes, please provide details.

Q150.

**Guidelines for registered health practitioners who perform non-surgical cosmetic procedures**

The proposed draft shared practice guidelines will apply to all registered health practitioners, except for medical practitioners (who are already subject to the Medical Board of Australia's (the MBA) *Guidelines for*

registered medical practitioners who perform cosmetic surgery and procedures) and nurses (who will be required to comply with the draft *Guidelines for nurses who perform non-surgical cosmetic procedures*, if approved).

Q148.

Question 9 of 24

Is the guidance in the draft shared practice guidelines appropriate? Why/why not?

Generally yet, but the definitions to differentiate the differences between a surgery and procedure may not capture the nuances of certain cosmetic procedures. For example, use of the word 'skin' would exclude mucous membranes (like the conjunctiva), 'beneath' would seem to permit surface procedures, and the word 'cutting' may then permit alternative surgical techniques like LASER (e.g. photoablation), which can be minor modifications of the non-surgical techniques.

Q152.

Question 10 of 24

Does the guidance in the draft shared practice guidelines sufficiently inform **registered health practitioners** about National Boards' expectations when performing non-surgical cosmetic procedures in Australia? Yes/No. If no, what needs to be changed?

Yes

Q153.

Question 11 of 24

Is the guidance in the draft shared practice guidelines useful for the **public** to understand National Boards' expectations of registered health practitioners who perform non-surgical cosmetic procedures in Australia? Yes/No. If no, what would be more helpful?

Yes, though with additional understanding of the regulatory space.

Q154.

Question 12 of 24

Is there anything you believe should be added to or removed from the definition of non-surgical cosmetic procedures as it currently appears in the draft shared practice guidelines?

What changes do you propose and why?

Yes, the explicit permission of piercing is helping in the definition, as well as mention of injections.

Q155.

Question 13 of 24

The draft shared practice guidelines propose a set of consistent requirements for practitioners practising in this sector.

Do you think it's appropriate for consistent requirements to apply to all practitioners practising in this sector regardless of their profession? Or do you think there are variations, additions or exclusions required for a particular profession or professions?

What changes do you propose and why?

This is best set by respective Boards as scopes shift.

Q156.

Question 14 of 24

While it is acknowledged that many people who seek non-surgical cosmetic procedures do not have an underlying psychological condition such as body dysmorphic disorder (BDD), the Medical Board of Australia's practice guidelines and the Nursing and Midwifery Board of Australia's proposed guidelines require medical practitioners and nurses who perform the cosmetic procedure or prescribe the cosmetic injectable, to assess their patients for underlying psychological conditions, such as BDD.

Is this a reasonable requirement of other registered health practitioners performing cosmetic procedures as well? If yes, why? If not, why not?



No, because the same could be said for any medical treatment. Could instead have requirements or conditions for when there is doubt about a patient's state of mind, and/or have regulations about taking action when there are doubts. (e.g. similar to 2.5)

Q157.

Question 15 of 24

Is there any further detail that needs to be included in the draft shared practice guidelines to ensure public safety? If yes, please provide details.

Q151.

## Guidelines for registered health practitioners who advertise non-surgical cosmetic procedures

The proposed draft advertising guidelines will apply to all registered health practitioners who advertise non-surgical cosmetic procedures.

Q149.

Question 16 of 24

Is the guidance in the draft advertising guidelines appropriate? Why/why not?

Yes.

Q158.

Question 17 of 24

Does the guidance in the draft advertising guidelines sufficiently inform **registered health practitioners** about National Boards' expectations when advertising non-surgical cosmetic procedures? Yes/No. If no, what

needs to be changed?

Could there be clarification of the responsibility of a health practitioner when there is misattribution of a claim or statement or practice, when the claim is being made by a 3rd party? E.g an unsolicited testimonial.

Q159.

**Question 18 of 24**

Is the guidance in the draft advertising guidelines useful for the **public** to understand National Boards' expectations of registered health practitioners who advertise non-surgical cosmetic procedures in Australia? Yes/No. If no, what would be more helpful?

Yes

Q160.

**Question 19 of 24**

Is there any further detail that needs to be included in the draft advertising guidelines to ensure public safety? If yes, please provide details.

No

Q161.

**Definition of 'non-surgical cosmetic procedures'**

The definition of 'non-surgical cosmetic procedures' in the draft advertising guidelines includes examples of what are considered non-surgical cosmetic procedures and includes procedures that are restricted to the practice of registered health practitioners as well as procedures that may be performed by people who are not registered health practitioners. This decision was made to promote consistency between the various guidelines which regulate both the practice and advertising of non-surgical cosmetic procedures and cosmetic surgery.

Q162.

**Question 20 of 24**

Is the definition of 'non-surgical cosmetic procedures' in the draft advertising guidelines appropriate when setting standards for the advertising of non-surgical cosmetic procedures by regulated health practitioners? Why/why not?

Yes

Q163.

**Question 21 of 24**

Is there anything you believe should be added to or removed from the definition of 'non-surgical cosmetic procedures' as it currently appears in the draft advertising guidelines?

What changes do you propose?

Q164.

**About IV infusion treatments**

Ahpra and the National Boards are aware of concerns about the advertising of IV infusion treatments and have issued previous statements in relation to this. IV infusions, like non-surgical cosmetic procedures, are invasive procedures with inherent health and safety risks for patients.

While IV infusion treatments are not strictly a non-surgical cosmetic procedure, many advertisers quote their patients as looking or feeling better after an infusion. Ahpra takes the view that there is little or no accepted evidence to support such generalised claims, and that claims about general improvements in health, wellness, anti-ageing or appearance are therefore misleading and in breach of the National Law. As with any regulated health service claims made about the benefits of IV infusions must be accurate and not misleading. This is because consumers are likely to rely on purported scientific claims and be significantly influenced by such claims, when making health care choices.

While these draft guidelines are focused on the advertising of non-surgical cosmetic procedures, we welcome feedback on whether separate guidelines should be developed in relation to the advertising of IV infusion treatments.

Q165.

**Question 22 of 24**

Do you support the development of separate guidelines in relation to the advertising of IV infusion treatments? Why/why not?

No, consolidation of health advertising standards is simpler. The requirements and standards for advertising remain the same no matter the 'treatment'.

Q166.

Question 23 of 24

If you support the development of separate guidelines in relation to the advertising of IV infusion treatments, what do you believe should be contained within these guidelines?

Q170.

## Additional feedback

Question 24 of 24

Do you have any other feedback about the draft practice guidelines and draft advertising guidelines for non-surgical cosmetic procedures?

Q168.

**Please press 'submit' for your feedback to be considered by Ahpra and the National Boards.**

