

## Progress update November 2022

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### Independent review of the regulation of medical practitioners who perform cosmetic surgery

#### Overview

This is a progress update from the Medical Board of Australia (MBA) and the Australian Health Practitioner Regulation Agency (Ahpra) on how we have progressed the recommendations from the report *Independent review of the regulation of medical practitioners who perform cosmetic surgery*.

The review made 16 recommendations for action that Ahpra and the Medical Board can take to improve patient safety, within our responsibilities and under the current legislative framework. All 16 recommendations have been accepted by both the MBA and Ahpra.

#### Establishment of the Ahpra Cosmetic Surgery Enforcement Unit

The new Ahpra Cosmetic Surgery Enforcement Unit commenced operations on 5 September 2022. The unit includes two investigation teams, an advertising compliance team along with legal, clinical and administrative support. More than 20 additional positions have been created to staff this unit. The unit manages all notifications related to cosmetic surgery, all advertising complaints and our targeted audit of cosmetic surgery advertising.

The unit is currently managing over 220 notifications; 150 of these notifications related to 14 practitioners, who all have either suspended or surrendered registration or have significant restrictions on practice.

#### Dedicated hotline

A dedicated Cosmetic Surgery Hotline commenced operation on 5 September 2022, staffed by regulatory facilitators who are trained to work with notifiers. The hotline is available for members of the public and practitioners, and can take confidential or anonymous notifications, where necessary. 13 new investigations have been launched following calls to the hotline.

Where the alleged surgery or conduct occurred in NSW or Queensland, we have worked with our co-regulatory authorities to ensure smooth transition of the matters, where needed.

#### Cosmetic Surgery Hub published

On 6 October 2022, a new [Cosmetic Surgery Hub](#) was launched on the Ahpra website. The hub provides a single-entry point for the public and practitioners with information about cosmetic surgery practice, including the hotline, how to make a complaint, resources for the public to support safer choices, and resources for practitioners to support safer practice. The hub will also host all our implementation work and updates.

#### Development of new practitioner education materials

New cosmetic surgery specific guidance about significant departure from accepted professional standards in the form of case studies and FAQs has been developed and uploaded to the new [Cosmetic Surgery Hub](#). Additional education materials will follow, including materials relevant to other professions.

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Ahpra and the National Boards regulate these registered health professions: Aboriginal and Torres Strait Islander health practice, Chinese medicine, chiropractic, dental, medical, medical radiation practice, midwifery, nursing, occupational therapy, optometry, osteopathy, paramedicine, pharmacy, physiotherapy, podiatry and psychology.

## Letter sent to every doctor in Australia

A letter from the Chair of the Medical Board of Australia was sent to every medical practitioner in Australia in October 2022, encouraging them to speak up for patient safety. This is complemented by new additional resources on the hub, such as FAQs and case studies.

## Industry-specific proactive advertising audit

A proactive and targeted audit of cosmetic surgery advertising commenced on 5 September 2022.

Strong enforcement action and/or prosecutorial action will be taken where appropriate. This first audit will inform future and ongoing proactive audits.

To support the proactive audit, further guidance on cosmetic surgery advertising obligations under the National Law has been developed and published. The guidance reinforces existing obligations and explains what classifying cosmetic surgery advertising as 'high risk' now means for advertisers.

## New National Special Issues Committee (NSIC) – Cosmetic Practice Matters

A national committee focused on Cosmetic Practice Matters has been established by the MBA and held its first meeting on 18 October 2022. The committee is chaired by Dr Anne Tonkin and will lead national decision making in relation to cosmetic practice notifications within our jurisdiction.

## New independent Cosmetic Surgery Oversight Group announced

Australian Consumer and Competition Commission Deputy Chair, Ms Delia Rickard has agreed to chair a new Cosmetic Surgery Oversight Group which will provide oversight of the wide-ranging cosmetic surgery reforms being undertaken by the MBA and Ahpra.

Having championed consumer protection for a decade at the ACCC, Delia Rickard will bring a strong voice to help ensure that everyone who chooses cosmetic surgery has the information they need to make safer choices.

Ms Rickard will take up this chairing role when she completes her term as Deputy Chair of the ACCC in late January 2023.

## Consultation on a new standard and new and revised guidelines to begin in November

In November, the MBA will start consulting on new and strengthened regulatory requirements for medical practitioners who provide cosmetic surgery across Australia.

These are:

1. Draft *Registration standard: Endorsement of registration for cosmetic surgery for registered medical practitioners*
  - a. endorsement will be visible on the public register and make it clear if a doctor has met cosmetic surgery standards set by the Australian Medical Council (AMC) and the MBA. The AMC will develop and consult on accreditation standards and graduate outcomes required to gain endorsement.
2. Draft revised and strengthened *Guidelines for medical practitioners who perform cosmetic medical and surgical procedures*
  - a. updating the MBA's 2016 guidelines currently in place
3. New draft *Guidelines for medical practitioners who advertise cosmetic surgery*
  - a. expanding existing guidance on advertising in the MBA's 2016 Cosmetic Guidelines.

## Background

The *Independent review of the regulation of medical practitioners who perform cosmetic surgery* was commissioned by Ahpra and the MBA in November 2021, in the wake of media reports that raised significant concerns about the alleged conduct and performance of some medical practitioners in the sector.

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Mr Andrew Brown (former Queensland Health Ombudsman) was appointed as the Independent Reviewer, alongside an Expert Panel comprising Conjoint Professor Anne Duggan (Chief Medical Officer, Australian Commission on Safety and Quality in Health Care), Mr Alan Kirkland (CEO, CHOICE) and Ms Richelle McCausland (National Health Practitioner Ombudsman).

The review included a public consultation which resulted in 249 written submissions and 595 survey responses. Further targeted consultation was undertaken through the establishment of a Technical Advisory Group (which included for example representatives of specialist plastic surgeons, specialist general surgeons, specialist dermatologists, specialist anaesthetists, specialist general practitioners and cosmetic surgeons) and a Consumer Reference and Advisory Group (which included consumer representatives and experts in relevant fields), as well as consumer focus groups, and meetings with many individual stakeholders.

The review focused on the existing system of health practitioner regulation and what is possible under the current provisions of the Health Practitioner Regulation National Law (the National Law).

The final report of the independent review and the joint Ahpra and the MBA response were released on 1 September 2022. Ahpra and the MBA accepted all 16 recommendations.

### Review recommendations

Recommendations included the use of an 'endorsement' process under the National Law to establish expectations about minimum qualifications for medical practitioners wishing to perform cosmetic surgery. An 'endorsement' recognises that a person has an extended scope of practice in a particular area because they have obtained a specific qualification that has been approved by the Medical Board. The education program(s) leading to the qualification must also be accredited for endorsement by the Australian Medical Council. An endorsement in cosmetic surgery will allow consumers to more easily identify whether a doctor is appropriately qualified.

Other recommendations include:

- improving the way in which Ahpra and the Medical Board manage cosmetic surgery notifications (including through developing training and guidance material for staff specific to cosmetic surgery notifications to ensure they are consistently and appropriately managed and the risk assessment methodology is rigorously applied)
- undertaking a targeted education campaign directed at health practitioners to address the significant underreporting of safety issues in the sector
- strengthening the advertising guidelines and taking stronger enforcement action against practitioners who breach the regulations including on social media, and
- enhancing guidelines to set clearer practice expectations for medical practitioners who perform cosmetic surgery (including in such areas as preoperative screening, informed consent and post-operative care).

### Useful links

- [Cosmetic Surgery Hub](#)
- [Independent review of the regulation of medical practitioners who perform cosmetic surgery.](#)
  - [FAQs](#)
  - [Submissions](#)
- [Ahpra and the MBA's response](#)