

# Cosmetic Procedures

One of the recent challenges for professionals and regulatory bodies is the proliferation of cosmetic treatments which are available. Medspas are a multi-billion dollar industry in the United States, and Canada appears to be rapidly catching up.

This article will address two primary issues:

- 1) What minimum standards should physicians meet to be qualified to provide such services? and,
- 2) Which services must be provided by physicians, and which can be performed by registered nurses or other professionals?

## Minimum Standards

Physicians and other professionals are providing a broad range of services that are outside the traditional practice of medicine. Some examples of the services provided are botox injections, use of laser for a number of purposes, fat and cellulite manipulation, hair transplants, etc.

There are no commonly-accepted best practices or minimum qualifications for many of these

procedures. Some physicians begin to perform procedures based upon a weekend course, often sponsored by the corporation that provides the product.

There are many examples in

North America where inadequately trained physicians have provided cosmetic services that have harmed patients. That can lead to significant consequences for the physicians involved.

Two maxims are relevant “Above all, do no harm”, and paragraph 15 of the Canadian Medical Association Code of Ethics “Recognize your

limitations and, when indicated, recommend or seek additional opinions and services”.

At some future time there may be standards set for physicians to participate in the delivery of such services.

Until that happens, the College would like to remind physicians that they should carefully consider whether they:

- 1) Fully understand all of the risks and benefits associated with the procedures and equipment;

- 2) Are aware of the possible complications and what is required to deal with such complications;
- 3) Can provide appropriate recommendations and counseling to patients considering those procedures; and,
- 4) Have the technical capacity to provide the service skillfully and safely.

Involving other professionals in providing services.

Both the College of Physicians and Surgeons of Saskatchewan (CPSS) and the Saskatchewan Registered Nurses’ Association (SRNA) are concerned that in some situations there is inadequate physician involvement in providing some of these services.

Saskatchewan legislation does not authorize physicians to delegate the practice of medicine to non-physicians.

The practice of medicine is broadly defined and includes acts which either diagnose a human condition or which treat a human condition. The services described in this article are the practice of medicine.

A specific example of concern is administering botox injections.

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The SRNA has expressed its opinion that:

- 1) Injecting botox based upon a physician's directions is within the scope of the practice of registered nursing;
- 2) Assessing a patient to determine whether the patient is an appropriate candidate for botox injections is not within the scope of the practice of registered nursing;
- 3) Making a decision whether or not to provide botox injections to a patient is not within the scope of the practice of registered nursing;

What follows from the SRNA's position is that a physician involved in providing botox treatments must assess the patient and provide the direction to the nurse to perform the botox injection.

The CPSS perspective is that, as a physician is not able to delegate the assessment or treatment decision to a RN, a RN who injects botox without

a physician's assessment or direction is engaged in the illegal practice of medicine. A physician who authorizes a RN to assess or treat a patient is a participant in the illegal practice of medicine.

If that happens, there are a number of significant risks for both the physician and the RN:

- 1) Both are potentially subject to prosecution in the courts for the practice of medicine without a licence;
- 2) The RN is potentially without malpractice protection and, if a patient sues for negligence, may be left to defend the action without malpractice coverage.

Physicians involved in providing services that are performed, at least in part, by other professionals should consider whether the services provided by other professionals fall within their scope of practice. If the services do not, there are significant risks to a physician who authorizes the person to perform the procedure.

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