



LEGAL CHANGES

It's been an eventful year for the cosmetic industry. We break down the amendments and reviews of legislations regarding cosmetic treatments.

Arguably one of the fastest growing and yet most controversial treatments in the cosmetic industry is the administration of anti-wrinkle injections and fillers. Due to several severe complications and even deaths resulting from the treatment in recent times, the Australian government is cracking down on unlicensed and unqualified practitioners.

Earlier this year, an Australian woman was left permanently blind in one eye after having a cosmetic filler injected at a Sydney beauty clinic. It was the first reported case of blindness resulting from filler in Australia, but it wasn't the only filler-related complication.

After 35 year-old Jean Huang died in September 2017 due to having undergone a botched breast augmentation with fillers, the Health Department released a report in April 2018 making recommendations for safer practices in the cosmetic industry.

The review of regulation included:

- A new offence for medical practitioners who carry out certain cosmetic services and treatment in an unlicensed private health facility.
- Tighter regulations for the prescribing, use, storage, access, and administration of medicines commonly used in procedures.
- Additional regulations on extreme body modification procedures which are carried out by non-medical practitioners.

At the moment, medical practitioners and registered nurses can inject muscle relaxants and fillers under the supervision of a doctor, however, it is not necessary for the doctor to be physically present at the time of treatment, a quick Skype consult with the patient beforehand suffices.

While the majority of practitioners are adhering to laws and regulations, there is an influx of dodgy 'backstreet' injectors offering their services through social media channels and often using unregulated products whose ingredients and resulting side effects can be dangerous, as well as not having the required qualifications to inject. The review of legislation aims to increase fines for anyone practising illegally or under risky circumstances.

According to Health Minister Brad Hazzard "there will be tailored rules around the storage, access and use of cosmetic medicines that could see lax operators fined as much as \$110,000."

Currently under review are further regulations which could be introduced to develop best practice standards for the possession, manufacture, supply, use, prescription, administration, storage and disposal of anti-wrinkle injections and dermal fillers.

The health minister's proposal includes a new classification of injectables, which would make it illegal for cosmetic nurses to inject without a doctor being on site. This move could see a mass loss of jobs nationwide for Cosmetic Nurses that operate in clinics and practices without a resident Doctor, and has sparked a petition that aims to oppose the amendment, in favour of Cosmetic Nurses that operate safely, diligently and within regulatory practices.

Several organisations have been contacted by Hazzard directly in relation to the proposal, including the Cosmetic Physicians College of Australasia. "The CPCA has responded to a request from Minister Hazzard to answer certain questions regarding aesthetic and cosmetic medicine," says CPCA Vice President, Dr David Kosenko. "The CPCA places patient safety first and has highlighted instances that fall short of Best Practice including nurse injectors without medical oversight and short comings with regards to many telehealth consultations."

Another issue that's currently being consulted on is the use of the term 'cosmetic surgery', which, as it stands, is not a recognised specialty in Australia and the title of 'cosmetic surgeon' is not protected under the Health Practitioner Regulation National Law. Consumers should therefore be mindful that medical practitioners using the title 'cosmetic surgeon' do not necessarily hold a specialist qualification.

The public was invited to provide preliminary comments on the above topics before September 17; the law amendments are currently under consultation. 🌸