

Cosmetic Health Services Complaints in NSW – Final report

Recommendations	Response
Reforming the HCCC's powers	
<p>Recommendation 1</p> <p>The Committee recommends that the Minister for Health reviews the powers and functions of the Health Care Complaints Commission to ensure the Commission is able to sufficiently protect patients using health services. In particular, the Committee recommends the Commission should have the powers:</p> <ul style="list-style-type: none"> a) to issue public warnings about specific health service providers and health organisations; b) to issue prohibition orders in relation to specific health organisations; and c) for search and entry to apply to all complaints and allow authorised persons to enter if the premises is a public place and the entry is made when the place is open to the public. 	<p>Supported in principle</p> <p>The Government supports the Health Care Complaints Commission (HCCC) having the legislative tools to enable it to properly investigate complaints and take appropriate action to protect the public. The Ministry of Health has begun consultation with the HCCC to determine whether any changes to the Health Care Complaints Act, or other legislation, are required to enable the HCCC to effectively exercise its functions.</p>
Titles of medical practitioners	
<p>Recommendation 2</p> <p>The Committee recommends that the Minister for Health continues to make representations to the COAG Health Council to protect or otherwise restrict the title 'cosmetic surgeon' at a national level under the Health Practitioner Regulation National Law.</p>	<p>Supported in principle</p> <p>The COAG Health Council released a consultation paper on the future of the regulation of health practitioners earlier in 2018. The paper, among other matters, sought submissions on whether the use of the titles "cosmetic surgeon" should be restricted. It is expected that the COAG Health Council will be considering any needed legislative action arising out of the consultation paper in the second half of 2019.</p>
<p>Recommendation 3</p> <p>The Committee recommends that, if the COAG Health Council does not protect or otherwise restrict the title 'cosmetic surgeon' within a reasonable timeframe, the Minister for Health considers whether separate legislation should be introduced in the NSW Parliament to place restrictions on the use of the title 'cosmetic surgeon' in relation to doctors practising in New South Wales.</p>	<p>Supported in principle</p> <p>Depending on the outcome of the COAG Health Council processes, the Minister for Health and Medical Research will consider whether any changes should be made to NSW specific legislation.</p>

<p>Recommendation 4</p> <p>The Committee recommends that the Minister for Health considers whether it is in the public interest to support protections and restrictions on the use of the title 'surgeon' either at a national level or for doctors practising in New South Wales.</p>	<p>Supported in principle</p> <p>The COAG Health Council consultation paper also sought submissions on whether the use of the titles and “surgeon” should be restricted. It is expected that the COAG Health Council will be considering any needed legislative action arising out of the consultation paper in the second half of 2019.</p>
<p>Informing the public</p>	
<p>Recommendation 5</p> <p>The Committee recommends that the Minister for Health and the Minister for Innovation and Better Regulation develop a targeted public education campaign to raise awareness about cosmetic health services, the risks involved in procedures and where to get relevant information.</p>	<p>Supported</p> <p>NSW Fair Trading, in consultation with the Ministry of Health and the HCCC, has already developed tools and educational materials to assist consumers of cosmetic and beauty services.</p>
<p>Recommendation 6</p> <p>The Committee recommends that the public awareness campaign use various forms of advertising, media (especially social media) and other resources to target the main demographics seeking cosmetic health services in terms of age, gender and cultural background.</p>	<p>Supported</p> <p>NSW Fair Trading, in consultation with the Ministry of Health and the HCCC, has already developed tools and educational materials to assist consumers of cosmetic and beauty services.</p>
<p>Recommendation 7</p> <p>The Committee recommends that the Minister for Health pursues with the COAG Health Council the establishment of a national one-stop shop website and advice service relating to cosmetic health services to:</p> <ul style="list-style-type: none"> a) provide relevant information about procedures, practitioners and facilities to individuals seeking these services, and b) direct individuals who are dissatisfied with a service or provider to appropriate complaint pathways including, for New South Wales, the Health Care Complaints Commission, NSW Fair Trading and NSW Health. 	<p>Supported in principle</p> <p>The Government supports consumers being properly informed of the risks of cosmetic health procedures prior to undertaking such procedures. The Government does not support a national one-stop shop at this time. However, the Ministry of Health and NSW Fair Trading will continue to work together to consider how best to ensure that consumers can be properly informed of the risks of cosmetic and beauty services. The Ministry will also consult with the Australian Health Practitioner Regulation</p>

	Agency, which is responsible for the regulation of registered health practitioners nationally, about these matters.
<p>Recommendation 8</p> <p>The Committee recommends that, if the COAG Health Council does not agree to establishing a one-stop-shop website and advice service for cosmetic health services, the Minister for Health looks at the NSW Government establishing the service.</p>	<p>Supported in principle</p> <p>While the Government does not support a national one-stop shop at this time, the Ministry of Health and NSW Fair Trading will continue to work together to consider how best to ensure that consumers can be properly informed of the risks of cosmetic and beauty services.</p>
<p>Recommendation 9</p> <p>The Committee recommends that NSW Health research behaviours of, and influences on, consumers seeking cosmetic health services to inform future policy, regulation and education programs in this area. The Minister for Health could recommend to the COAG Health Council that it consider this as a priority for research funded through the National Health and Medical Research Council (NHMRC).</p>	<p>Supported in principle</p> <p>In relation to undertaking research into the behaviours of, and influences on consumers seeking cosmetic health services, this is an area best considered nationally as consumers pursue treatment and services interstate and overseas. As such, the Ministry of Health will work with the Commonwealth and other jurisdictions regarding the prioritisation of research in this area.</p>
Protecting the public	
<p>Recommendation 10</p> <p>The Committee recommends that the Minister for Health pursues the issue of national regulation of the use of intense pulsed light devices and laser devices for cosmetic health service procedures with the COAG Health Council.</p>	<p>Supported in principle</p> <p>In respect of the regulation of the use of IPL devices and laser devices for cosmetic and beauty services, in NSW the regulation of radiation (which would include IPL) is generally administered by environmental authorities. In December 2018 the Australian Health Ministers' Advisory Council agreed to refer the issue of the regulation of IPL and laser devices to the Australian Radiation Protection and Nuclear Safety Agency.</p>

<p>Recommendation 11</p> <p>The Committee recommends that the Minister for Health examines whether legislation should be introduced in New South Wales to regulate the use of intense pulsed light devices and laser devices used for cosmetic health services.</p>	<p>Supported in principle</p> <p>The issue of the regulation of IPL and laser devices has been referred to the Australian Radiation Protection and Nuclear Safety Agency.</p>
<p>Recommendation 12</p> <p>The Committee recommends that the Minister for Health and the Minister for Innovation and Better Regulation consider whether individuals providing cosmetic health services, and employees of those persons, should be required to disclose any commissions, incentives or other payments they receive for encouraging patients to agree to procedures, more of the same procedure or additional procedures.</p>	<p>Supported in principle</p> <p>In respect of incentives and commissions, the Better Business Reforms package passed NSW Parliament on 24 October 2018. These reforms include a general requirement for traders to disclose the existence of financial incentives for providing or referring goods or services. The new laws will require traders to take reasonable steps to ensure the consumer is aware of the existence of these fees and commissions before the consumer engages with the trader. While not specifically aimed at cosmetic health service providers, the Minister for Health and Medical Research and Minister for Better Regulation and Innovation will consider this recommendation in implementing the Better Business Reform package.</p>
<p>Recommendation 13</p> <p>The Committee recommends that the Minister for Health raises with the COAG Health Council the issue of whether patients seeking invasive cosmetic surgery be required to consult their General Practitioner and pursue national consultation on this issue.</p>	<p>Supported in principle</p> <p>In considering how best to ensure that consumers can be properly informed of the risks, the Ministry of Health will consider how to ensure patients and consumers receive appropriate advice from general practitioners, or other relevant professionals, prior to receiving a cosmetic health service.</p>
<p>Recommendation 14</p>	<p>Supported in principle</p>

<p>The Committee recommends that, as part of the New South Wales public education campaign about cosmetic health services, the Minister for Health encourages patients considering invasive cosmetic surgery to seek advice from a General Practitioner.</p>	<p>The Ministry of Health and NSW Fair Trading will consider the Medical Board of Australia's <i>Guidelines for registered medical practitioners who perform cosmetic medical and surgical procedures</i> to determine if they remain suitable or whether the Medical Board of Australia should be asked to review the guidelines.</p>
<p>Recommendation 15</p> <p>The Committee recommends that the Minister for Health and the Minister for Innovation and Better Regulation review whether the cooling off periods provided for in the Medical Board of Australia's <i>Guidelines for registered medical practitioners who perform cosmetic medical and surgical procedures</i>, 1 October 2016, are sufficient to protect consumers in New South Wales.</p> <p>The Ministers should also consider whether it would be appropriate to require and regulate cooling off periods for some cosmetic health services provided by non-registered practitioners.</p>	<p>Supported in principle</p> <p>The Ministry of Health and NSW Fair Trading will consider whether cosmetic health services provided by non-registered health practitioners should be subject to a cooling off period.</p>
<p>Recommendation 16</p> <p>The Committee recommends that the Minister for Health considers the feasibility of collecting data on revision surgery in the public health system, to correct cosmetic health procedures, to inform future policy and decision-making in this area.</p>	<p>Supported in principle</p> <p>In relation to the collection of data on revision surgery in the public system to correct cosmetic health procedures, the Ministry of Health will investigate whether this information can be accurately captured and reported to inform policy.</p>