

**Dermatologist performing cosmetic
surgery did not warn of risk of scarring
(00HDC10159, 16 May 2003)**

Dermatologist ~ Cosmetic surgery ~ Standard of care ~ Information about risks ~ Written information ~ Scope of practice ~ Rights 4(1), 6(1)(b)

A 41-year-old woman complained that prior to performing a neck and chin lift procedure a dermatologist did not fully inform her of the associated risks and did not perform the surgery with appropriate care and skill, as she was left with baggy, sensitive, scarred skin. The dermatologist performed the same procedure again later, which was also unsuccessful. The patient also complained that the third procedure, which was to remove excess skin, was not performed with appropriate care and skill and left her with a visible scar.

The Commissioner held that the dermatologist provided sufficient information prior to the first liposculpture procedure, although the information disclosure process was less than optimal, and probably highlighted the positive benefits and significantly minimised the negative risks. It is generally not sufficient to provide written information about the risks of a procedure where the positive outcomes have been highlighted in discussion with the patient.

The dermatologist breached Right 6(1)(b) in failing to provide adequate information prior to the second procedure. While it may not be necessary to repeat all the risks involved where a second procedure is very similar to the first, any risks different from an initial procedure should be discussed and the patient's concerns addressed. The dermatologist did not provide any evidence that he answered the patient's questions.

The dermatologist also did not provide adequate information prior to the skin excision procedure. The consent form for the excision procedure was not adequate, as it was identical to the one for liposculpture, and in particular did not warn of the risk of scarring.

The dermatologist did not breach Right 4(1) in relation to the standard of his liposculpture surgery, as the two procedures were performed to an appropriate standard, even though they did not result in the cosmetic enhancement expected. However, he did breach Right 4(1) in excising the loose skin under the neck by vertical incision, which resulted in a hypertrophic scar, as this was not an appropriate clinical technique.

The Commissioner commented that any medical practitioners undertaking invasive cosmetic surgical procedures should explain to patients the extent of their registration and their relevant qualifications and experience, and let patients know that the Medical Council recommends that such procedures are undertaken by a plastic surgeon or reconstructive surgeon.