

Botox Usage and Legal Implications

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A plastic surgeon faced a Professional Standards Committee Hearing in NSW because a nurse working for him provided unsupervised injections of restricted drugs including Botox. The scripts were provided to patients under the surgeon's name without consultation with the surgeon prior to treatment. The nurse's registration was cancelled for three months.

Inappropriate medical practice can lead to a practitioner being liable for civil action and/or answerable to the State Drugs & Poisons Units and the Medical Board. It is timely for any members involved in the practice of cosmetic medicine to refresh their understanding of the relevant law and appropriate practice guidelines.

Good Medical Practice: A code of conduct for doctors in Australia

Providing good care states "In clinical practice, the care of your patient is your primary concern. Providing good patient care includes:

1. Assessing the patient, taking into account the history, the patient's views, and an appropriate physical examination. The history includes relevant psychological, social and cultural aspects."

Under Australian law, most cosmetic injectables are classified Schedule 4 restricted medicines by the Therapeutic Goods Administration. They can only be supplied on the written prescription of a medical practitioner.

Protocols provide limitations to the use of S4 drugs for cosmetic procedures by nurses. The practice of dispensing S4 drugs is legislated and applies in some States; generally each state or territory has some requirement for supervision. That is, a medical consult with the patient discussing risks, benefits and treatment options and then if appropriate to prescribe the S4 medications. Non-medical practitioners cannot independently prescribe or use a medical practitioners name to procure or administer S4s.

The Cosmetic Physicians Society of Australia (CPSA) in a recent media release reminded practitioners of the "Protocol for Delegated Cosmetic S4 injections" which provides a framework for cosmetic medical practitioners on how to appropriately delegate procedures to ensure patient safety. The NSW Medical Board stated the protocol is consistent with AHPRA's code of professional conduct.

All members should follow the minimum standards of this protocol and to be aware of the personal and professional exposure of practising outside acceptable clinical standards. The protocol can be obtained from the CPSA.

Each patient should be fully assessed and evaluated clinically before a nurse injector can commence to administer controlled substances and only under a written treatment plan.

Reference: [Good Medical practice: a code of conduct for doctors in Australia](#)

Any queries in relation to your practice or appropriate membership category can be directed to the Membership Committee via info@mips.com.au
