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CLINICAL

Gaining Informed Consent
for Toxin Treatments

ACADEMIC

Unit 6, Question 1.1

JOURNAL CLUB

"Protecting Yourself: Consent"

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GAINING INFORMED CONSENT FOR TOXIN TREATMENTS

Informed consent is a cornerstone of ethical practice across all healthcare sectors, particularly in aesthetic treatments like Botulinum Toxin. Ensuring patients fully understand the treatment, risks, benefits, and alternatives protects both the patient and the practitioner and ensures adherence to legal and regulatory standards.

Critical Components of Informed Consent

- **Understanding of the Procedure:** Patients must be fully informed about what the toxin treatment involves. This includes explaining how Botulinum Toxin works, the areas being treated, and expected outcomes. Simplified yet accurate explanations help patients make informed decisions. According to the guidance of the General Medical Council (GMC), all communication must be clear and tailored to each patient's needs (GMC, 2020).
- **Risks and Benefits:** Clear communication of benefits and the potential risks or complications is essential. While patients are often drawn to the positive effects, it is equally important that they are informed about possible side effects such as bruising, infection, or temporary asymmetry. As the General Dental Council (GDC) highlights, patients should be provided with sufficient information to make an informed choice, with a focus on understanding potential risks (GDC, 2014).

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- **Alternatives:** Patients must be informed about available alternatives. Other options might include dermal fillers, skin boosters, or non-invasive treatments. The Nursing and Midwifery Council (NMC) advises that all healthcare professionals present alternative treatment options when obtaining consent to ensure transparency and uphold patient autonomy (NMC, 2018).
- **Patient Autonomy and Voluntariness:** Consent must be voluntary, free from coercion, and must reflect the patient's wishes. Practitioners are responsible for assessing the patient's ability to provide consent. Regulatory guidance from the General Pharmaceutical Council (GPhC) further emphasises that consent must be informed, valid, and given voluntarily, without undue pressure (GPhC, 2021). In line with the legal precedent set by *Montgomery v Lanarkshire Health Board* (2015), practitioners must ensure patients are provided with all relevant information, empowering them to make informed decisions without external influence.
- **Documentation:** Thorough documentation of the consent process is vital for both legal protection and transparency. Consent forms should include explanations, potential risks, alternatives, and space for patients to ask questions. The GDC and GMC both stress the importance of accurately documenting the consent process, ensuring that the patient's understanding and agreement are recorded (GDC, 2014; GMC, 2020).

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Regulatory Standards and Ethical Practice

Regardless of their regulatory body, all healthcare professionals must adhere to high standards of practice when obtaining consent. The GDC, GMC, NMC, and GPhC provide clear guidance on the consent process, emphasising the need for informed, voluntary, and patient-centred decision-making. This approach ensures compliance with ethical obligations and legal requirements while safeguarding patient welfare.

The Importance of Communication

Effective communication is not just a tool for delivering information, but a means to ensure patient comprehension and comfort. Practitioners should encourage questions and foster an environment where patients feel at ease discussing concerns. Research has shown that clear, patient-centred communication can significantly reduce patient anxiety and enhance trust, thereby improving the overall patient experience (Carruthers & Carruthers, 2018).

Conclusion

Gaining informed consent for toxin treatments is an ongoing process that reflects best practice standards in aesthetics. By ensuring patients are fully informed of the procedure, its risks, benefits, and alternatives, and by maintaining clear communication, practitioners not only enhance patient satisfaction but also play a crucial role in adhering to legal and regulatory guidelines.

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Advice for some of your unit 6 questions

Question 1.1: Analyse the importance of of core values as applied to cosmetic practice.

Your answer could expand on the following:

- Acknowledgment of patient concerns and anxieties.
- Consider discussing the standards expected from the GMC, GDC and NMC.
- Confidentiality
- Providing full information to the patient.
- Training
- Communication with both the patient and other team members.

Question 1.2 Discuss the key principles of social responsibility in relation to cosmetic aesthetics.

Remember to include a definition of social responsibility in your answer. Your answer should then expand on business behaviours, values and practices.

- Transparency
- Infection control policies
- Equality
- Sustainability

To name a few.

Question 3.1: Examine the principles of clinical decision making in relation to cosmetic Aesthetics.

Your answer should discuss and expand on the principles of clinical decision making i.e. consultation, negotiation, co-operation. Considering patient autonomy/freedom of choice.

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Question 3.2: Analyse the importance of professional accountability in a clinical practice setting.

Your answer needs to discuss communicating and behaving in a professional manner, and expanding on how this can be done i.e. referring issues to an emergency setting, continuing professional development and following the clinic's code of conduct.



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Protecting Yourself

Legal Issues in Aesthetic Medicine – Informed Consent, Discharge, and Lawsuits

Brian P. Hibler and Mathew M. Avram

*Dermatology Laser and Cosmetic Center, Massachusetts General Hospital, Harvard Medical School, Boston, MA, USA
Wellman Center for Photomedicine, Massachusetts General Hospital, Harvard Medical School, Boston, MA, USA*

Overview

This paper entitled "Protecting Yourself" addresses the legal and psychological challenges faced by aesthetic medical professionals. It highlights the increasing demand for cosmetic procedures and emphasises the importance of maintaining legal and ethical standards, particularly around informed consent, patient selection, and post-procedure care.

The text delves into common legal issues such as negligence and malpractice, stressing the significance of adhering to the standard of care. Additionally, it examines the risks associated with performing aesthetic treatments on patients with conditions like Body Dysmorphic Disorder (BDD), where psychological assessments may be crucial before proceeding with any cosmetic interventions.

Proper training, patient communication, and thorough documentation are key strategies to mitigate litigation risks and enhance patient outcomes in the realm of aesthetic medicine.



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Key Legal Terms

The "Key Legal Terms" section of the paper outlines important concepts related to legal issues in aesthetic medicine:

1. **Negligence:** Most legal claims in aesthetic medicine arise from negligence, defined as a failure to act with the level of care that an ordinarily prudent person would in similar circumstances. To prove negligence, four elements must be established: duty of care, breach of that duty, an injury suffered by the patient, and causation linking the injury to the breach.
2. **Standard of Care:** This refers to the expected level of care that a competent aesthetic provider should deliver. Providers from various medical backgrounds are held to the same standard, which is defined by the practices of the majority in the medical community. A poor treatment outcome alone does not constitute negligence, as long as the provider acted prudently and followed accepted methods.
3. **Expert Witnesses:** In malpractice cases, expert witnesses play a crucial role by providing testimony about the standard of care and evaluating whether it was breached. They help judges and juries, who may not have medical expertise, understand the nuances of the case.

These legal terms help practitioners navigate the risks of malpractice and ensure they meet the legal and ethical expectations in aesthetic medicine.

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Case Study

Case 17.1 Informed Consent

JG, a 30-year-old man, presents to your clinic for evaluation of deep furrows on his forehead and between his eyes, which he feels give him an “angry” appearance. In a particularly busy clinic day, Dr. Vessel discusses off-label treatment with a dermal filler to fill in the deep rhytides. While he sees his next patient, his assistant briefly counsels the patient regarding risks of the procedure, including bleeding, bruising, and infection. Believing other risks, such as intravascular occlusion and blindness, to be very rare, these are not discussed. Dr. Vessel returns from his other patient, asks the patient if he has any questions, and the consent form is signed. During the procedure, JG notes

intense pain with one of the injections. In the hours following the procedure, his pain increases and he notes a violaceous rash appearing on his forehead, along with diminished vision in his right eye. He returns to Dr. Vessel with retiform purpura in the distribution of the supratrochlear artery, and Dr. Vessel recognizes this as an intravascular complication. He treats the area with hyaluronidase, with improvement in the pain. Over the following weeks, the area on the forehead heals with atrophic scarring. John is now filing a lawsuit against Dr. Vessel, stating he would not have undergone this procedure if he had been informed of the risks of intravascular complications.

Key Points:

- Informed consent is crucial and should include all potential risks, even if they are rare (e.g., blindness).
- Relying on incomplete or rushed consent processes can lead to legal issues.
- The responsibility for obtaining comprehensive consent lies with the provider performing the procedure.
- Legal disputes can arise if patients feel they were not fully informed, especially in aesthetic treatments where patient expectations are high.

This case emphasises the importance of thoroughly discussing all risks to ensure patients make informed decisions about cosmetic procedures.

Case 17.4 Body Dysmorphic Disorder and the Law

A 34-year-old woman presents to your clinic for a cosmetic consultation stating “I dislike everything about my face.” She is bothered by her “wide” nose, “asymmetrical” smile, “flat” cheeks, “terrible” complexion, and multiple other perceived abnormalities. She has had prior rhinoplasties, dermal fillers, and laser procedures, some of which were repeated due to dissatisfied results. She states she spends hours each day obsessing over these imperfections. Prior to leaving the house, she excessively checks herself in the mirror, tries numerous different hairstyles, and finds herself comparing her appearance to that of others. She has become more socially isolated over the past two years and notes her obsession with her appearance has negatively impacted her performance at work. She believes, with your aesthetic eye, you can help “fix” her appearance with only a few more treatments.

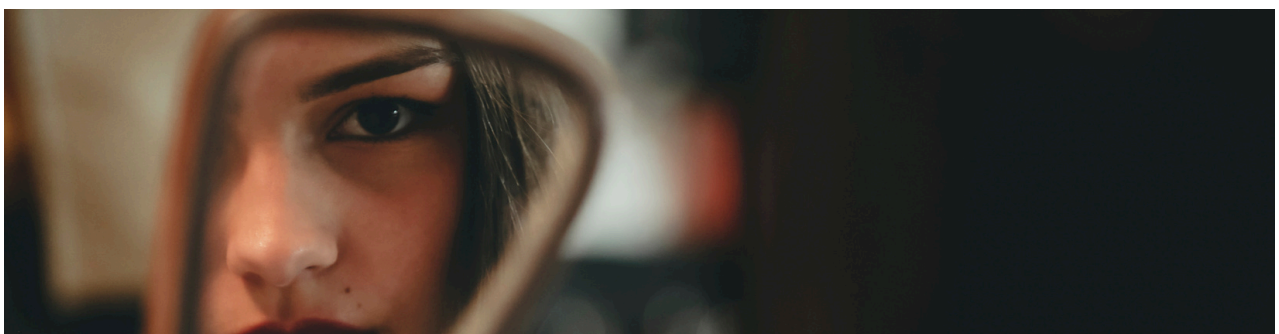
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Key Points:

- **BDD Signs:** Patients may exhibit obsessive fixation on perceived physical defects that are not noticeable to others, often leading to dissatisfaction with cosmetic outcomes.
- **Risk of Poor Outcomes:** Patients with BDD are unlikely to be satisfied with cosmetic procedures and may continue to perceive defects or shift their focus to other areas of their body.
- **Legal Risks:** Patients with BDD may pose a higher risk for litigation or threats toward providers, with 40% of aesthetic providers reporting such experiences with BDD patients.
- **Informed Consent:** There is concern that individuals with BDD may lack the capacity to provide informed consent due to the mental impairment associated with their condition, making them poor candidates for elective cosmetic procedures.
- **Screening for BDD:** Providers are advised to screen for BDD using questionnaires and consider psychological evaluations before proceeding with treatments, helping avoid legal and ethical dilemmas.

This case highlights the importance of recognising and addressing BDD in aesthetic practice to avoid poor patient outcomes and potential legal consequences.



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Conclusion:

The conclusion of the paper emphasises the importance of understanding and addressing legal issues in aesthetic medicine to mitigate the risk of litigation. Key strategies include careful patient selection, thorough informed consent, proper training and oversight for procedures, and ensuring patient compliance with post-treatment care. Providers should be aware of common malpractice claims and maintain a high standard of care. Additionally, physicians must understand specific laws regarding the delegation of cosmetic procedures, as they may be held liable for the actions of their staff. Maintaining strong provider-patient relationships is crucial, as patient perceptions of this relationship often influence whether they pursue legal action.

In essence, the conclusion stresses the importance of legal awareness, patient communication, proper training, and adherence to regulatory guidelines to minimise risks in aesthetic practice.



EVENT RUNDOWN

UPCOMING COURSES

Don't miss our exciting lineup of courses this summer! Enhance your skills and stay ahead in the field with our specialised training sessions. Here's what's coming up:

- Saturday 12th October 2024 - Foundation - Manchester
- Sunday 13th October 2024 - Advanced - Manchester
- Saturday 26th October - Foundation - London
- Sunday 27th October - Advanced - London



PARTICIPATION IN ACQUISITION AESTHETICS RESEARCH & DEVELOPMENT

Please help us by filling out a short survey about your experience on the diploma. This should take no more than 3-5 minutes.

Answers are confidential and will be anonymised.

Participants will be entered into a draw for a chance to win a £100 Amazon voucher.



How to Participate

Access the Questionnaire: Link - <https://forms.gle/GpCr8NqtWrTtbPwo6> click the link to access the online survey.

Thank you for your participation and for contributing to the future of aesthetic medicine. We look forward to your valuable insights!