



Questions and Answers

Consultation Regulation Impact Statement: Use of the title 'surgeon' by medical practitioners

OFFICIAL

Q: Why are health ministers consulting on medical practitioners' use of the title 'surgeon'?

Health ministers are concerned that use of the title 'surgeon' by medical practitioners may be confusing for the public. A focus of this concern is the practice of cosmetic surgery where practitioners use the informal title 'cosmetic surgeon'.

Consultation will help determine if there is widespread belief among the general public that cosmetic surgery, and the title 'cosmetic surgeon', are regulated in the same way as other fields of surgery, and that all 'cosmetic surgeons' are understood – mistakenly – to have the same qualifications and training as surgeons in accredited specialties.

Health ministers would also like to know if the practice of cosmetic surgery and use of the informal title 'cosmetic surgeon' is associated – perhaps disproportionately – with risks and harm to the public.

Q: How are medical practitioners and students registered to practice?

The Medical Board is responsible for registering medical practitioners and students and approving accreditation standards and accredited courses of study. It also oversees the conduct of medical practitioners and develops standards, codes and guidelines for the medical profession.

Q: What are 'protected titles' and 'specialist titles' under the National Law?

Titles protected under the Health Practitioner Regulation National Law (National Law) are professional and legal titles that health practitioners can use if they hold registration with the National Board that regulates their profession. Title protection is a key public protection measure in the National Registration and Accreditation Scheme (National Scheme) which covers 16 health professions across Australia.





Titles should and generally do provide clarity for consumers and confidence that the practitioner is qualified and has met and is maintaining national standards for registration. Protected titles include, but are not limited to, 'medical practitioner', 'nurse' and 'paramedic'.

Specialist titles are designated by health ministers and are reserved for health practitioners who have completed additional specialist training and qualifications in their profession and hold registration as a specialist with the relevant National Board.

Q: Who can use a protected or specialist title?

Registered health practitioners can use a protected title or specialist title when they acquire the requisite qualifications certified by accreditation authorities in each profession, and are registered by the relevant National Board. All registered health practitioners have successfully completed a program of study and gained the qualifications needed for national registration.

Specialist medical practitioners have obtained additional qualifications and are registered as specialists by the relevant Board.

Only three professions have approved specialties: medical practitioners, dental practitioners and podiatrists. Each of these specialties have associated specialist titles that can be used by practitioners once they have obtained the requisite qualifications.

Q: How do protected and specialist titles protect the public?

Title protection ensures that only registered and qualified health practitioners can describe themselves as a registered practitioner in a given field. This means, for example, that only nurses that are registered by the Nursing and Midwifery Board of Australia can call themselves a nurse and practice as a nurse.

It is an offence for a person to use a restricted professional title that is reserved for a registered profession or for a person to hold themselves out as being qualified to practice that profession if they are not registered. For example, if a person uses the title or describes themselves as a 'dentist' and provides a dental service while not holding registration as a dentist in Australia, then they may be committing an offence under the National Law which carries significant penalties.

Q: What are other benefits of the National Law's title protection scheme?

'Holding out' rules are designed to provide clarity for consumers, promote public confidence in registered health professions, and uphold professional values and standards. They may also protect practitioners from unfair and unlawful competition.

Q: Is the title 'surgeon' a protected or specialist title?

No, 'surgeon' as a stand-alone term is neither a protected or specialist title.



For the medical profession, the title of ‘medical practitioner’ is the only protected title under the National Law. Medical practitioners who are also registered specialists can use the relevant specialist title for a specialty practice. Health ministers must approve the list of specialties for the profession and specialist titles for the specialties. There are 10 fields of specialty practice with 11 associated specialist titles. These can be found on the Medical Board of Australia’s website: <https://www.medicalboard.gov.au/registration/types/specialist-registration/medical-specialties-and-specialty-fields.aspx>.

Several other specialist surgical titles are recognised by the National Law. For example, a medical practitioner who has obtained accredited specialist qualifications in neurosurgery (brain and cranial surgery) and is registered as a specialist neurosurgeon with the Medical Board can use the title ‘specialist neurosurgeon’. A medical practitioner who has obtained accredited specialist qualifications in orthopaedic surgery (treatment of bones, joints, ligaments, tendons and muscles) and is registered as a specialist orthopaedic surgeon by the Medical Board can use the title ‘specialist orthopaedic surgeon’.

Q: Why is the title ‘cosmetic surgeon’ different from other titles?

The title ‘cosmetic surgeon’ is not a protected title under the National Law. This is because the Medical Board and the Australian Medical Council (AMC) – the independent national standards body for medical education and training – do not recognise cosmetic surgery as a medical speciality, because it does not treat disease. This means that no medical practitioner can be certified as a cosmetic surgical specialist under the National Law.

However, because the title ‘surgeon’ is not a protected title, all medical practitioners, with levels of surgical training that can vary from entry-level to advanced, can use the title by itself and in combination with the word ‘cosmetic’. Any registered medical practitioner can therefore provide cosmetic surgery and procedures and use the title ‘cosmetic surgeon’. Different medical practitioners using the title ‘cosmetic surgeon’ may have very different levels of surgical expertise and qualifications. Some have advanced surgical qualifications that have been certified by an accreditation authority recognised by the Medical Board and others do not.

Q: Can health ministers just go ahead and protect the title ‘cosmetic surgeon’?

No. The title ‘cosmetic surgeon’ cannot be not protected by the National Law because the Medical Board and AMC do not recognise cosmetic surgery as a medical speciality.

Q: Are there are different professional standards for cosmetic surgeons compared with other surgical practitioners?

All medical practitioners must be registered by the Medical Board of Australia to use a protected title under the National Law and are expected to practice within their scope of training. They are also required to comply with approved registration standards, codes and guidelines set by the Medical Board, regardless of what area of medicine they practice in. This includes the Medical Board’s Code of Conduct as well as guidelines for advertising and the performance of cosmetic procedures.



Q: Which practitioners might regularly perform cosmetic surgical procedures?

Specialists in several disciplines regularly perform cosmetic surgical procedures. This includes surgical specialists, such as plastic and reconstructive surgeons. It also includes specialists who have completed surgical training additional to that provided in an entry-level medical degree, such as dermatologists and specialist GPs. Some medical practitioners who have completed an entry-level degree, such as a Bachelor of Medicine/Bachelor of Surgery (MBBS) may also perform cosmetic surgery and call themselves 'cosmetic surgeons'.

Q: Why is the issue of medical practitioners using the title 'surgeon' important?

Ministers want to know if the public understands the significance of title protection particularly when the titles are used by medical practitioners. Health ministers have heard reports that the public consults medical practitioners who call themselves 'cosmetic surgeons' believing that they have completed surgical training and obtained qualifications equivalent to other practitioners with specialist surgical qualifications.

Ministers want to know if the association between cosmetic surgery and risks and harm is stronger than these associations are in recognised surgical specialties.

Q: What options are being proposed in the consultation process to address this issue?

Health ministers are proposing four main reform options for responding to issues relating to public understanding of medical practitioner use of the title 'surgeon', and how this may be leading to and/or exacerbating risks and harm, particularly in relation to cosmetic surgery.

These options comprise:

1. maintaining the status quo and existing regulatory and other tools
2. alternatives to amending the National Law, such as undertaking major public information campaigns and/or increasing provider liability for non-economic damages
3. strengthening the existing regulatory framework, through administrative rather than legislative mechanisms
4. restricting the title 'surgeon' under the National Law, with feedback sought on which practitioners should be eligible to use the title.

Respondents will help health ministers determine which option will best address issues with the current regulatory framework.

Q: Who can respond to the consultation process?

The consultation process is available to all stakeholders and members of the public.



Q: How do I provide a submission and when is it due?

Stakeholders are invited to provide feedback on the questions outlined in the Consultation RIS. Responses to each question should include substantial evidence where possible.

As the information provided as part of the consultation may be classified as sensitive, the public can take part in a survey about their experiences, conducted by an expert consumer organisation. All information provided by members of the public will remain anonymous and the privacy of participants will be protected.

In addition, submissions can be made directly to the Victorian Department of Health by professional organisations and individual practitioners. Virtual information sessions for interested professional organisations will also be held and information about these sessions will be provided during the consultation period.

All respondents must consider the relevant collection notices before completing a submission.

Details on how to provide a response to the consultation can be found at <https://engage.vic.gov.au/medical-practitioners-use-title-surgeon-under-national-law>. The consultation process for all stakeholders opens on Tuesday 21 December 2021.

Responses/submissions to this Consultation RIS should be provided as follows:

- individual members of the public must provide responses via this survey link to ensure that the privacy and anonymity of consumer respondents is protected: <https://cosmeticsurgeryaus.questionpro.com.au>
- workforce organisations, individual health practitioners and other entities are to provide direct submissions to the NRAS Review Implementation Project Team at NRAS.Consultation@health.vic.gov.au.

All submissions should be provided by Friday 1 April 2021.

Q: Who should I contact if I have questions?

For any queries regarding the consultation process, contact the NRAS Review Implementation Project Team at NRAS.Consultation@health.vic.gov.au.

To receive this document in another format, phone (03) 9500 4392, using the National Relay Service 13 36 77 if required, or [email the NRAS Review Implementation Project Team](mailto:NRAS.Consultation@health.vic.gov.au), <NRAS.Consultation@health.vic.gov.au>.

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Available at [Medical practitioners' use of the title surgeon under the National Law, Engage Victoria](https://engage.vic.gov.au/medical-practitioners-use-title-surgeon-under-national-law)

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