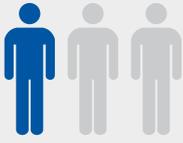


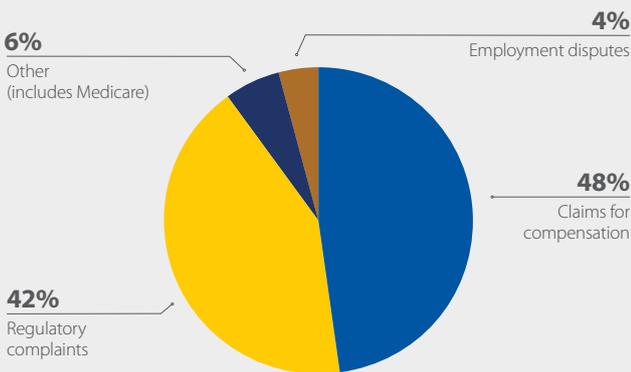
Claims and complaints insights

Plastic, reconstructive and cosmetic surgeons



One in three Avant plastic, reconstructive and cosmetic surgeon members had a matter raised about the provision of their care in FY2019-20. Matters were primarily compensation claims and regulatory complaints.

Doctors sometimes have allegations made against them even though they provided appropriate care. The types of matters Avant assists plastic, reconstructive and cosmetic surgeons with include*:



*Data source: matters indemnified FY2017-FY2020

Our data analysis

The following retrospective review is of routinely collected and coded data and is based on over 300 matters involving Avant plastic, reconstructive and cosmetic surgeon members from across Australia. The analysis excludes cosmetic practitioners (not followed with RACS). All matters were closed over the four-year period from July 2016 to June 2020.

Common claims and complaints

The majority of medico-legal matters were compensation claims and regulatory complaints. These related to:



Procedural/surgical issues: types of procedures

The most common types of procedures associated with allegations of procedural/surgical issues were:

- Augmentation mammoplasty
- Liposuction and lipectomy
- Reduction mammoplasty

- Procedures involving removal or adjustment of breast prosthesis or tissue expander
- Excision of lesion(s) of skin and subcutaneous tissue
- Rhinoplasty
- Facelift, necklift and browlift.

Procedural/surgical issues: stage of care

The stage of care during which procedural/surgical issues occurred:

19% **pre-operative issues** (e.g. allegations of improper selection of procedure/surgical approach; inadequate examination; or failure to perform procedure).

66% **intra-operative issues** (e.g. allegations of poor surgical performance/skill/competence; failure, misuse or improper insertion of implant; or a different procedure performed than planned).

15% **post-operative issues** (e.g. allegations of poor performance during follow-up; or delay/failure to diagnose a complication).

Practitioner behaviours

10% of claims and complaints were related to practitioner behaviours. These included issues regarding advertising/external communication, communication with patients and boundary transgressions.

Consent issues

10% of claims and complaints were related to issues regarding the consent process such as the provision of information to patients e.g. allegations that risks were not adequately discussed; or failure to provide a clear explanation of procedure/test.

Are doctors meeting standards?

When a medico-legal evaluation of expected standards of care was conducted, the doctor was considered to have met the standard in over half of cases.



Key points

1. One in three plastic, reconstructive and cosmetic surgeons had a medico-legal matter in FY2019-20.
2. Doctors were considered to have met the expected standard of care in over half of cases.
3. Procedural/surgical issues were the most common type of allegation.

Key insights and implications for practice

According to our analysis, claims and complaints against plastic, reconstructive and cosmetic surgeons are common. In over half of cases analysed, the doctor's care was found to meet the standard expected. However, experiencing a medico-legal matter is often stressful, even if your care is appropriate. Cases can often be prolonged due to regulatory and legal processes and can take years to resolve.

It is not surprising procedural/surgical issues were the main type of allegation, though we also identified other issues that can give rise to claims and complaints, such as communication and consent. In our experience, paying attention to communication with patients and a thorough consent process can help to reduce the likelihood of experiencing a claim or complaint.

These insights may help you better understand and manage your medico-legal risks and optimise the quality and safety of your care.

Resources

For more information on communicating with patients and a wide range of other topics, visit the [Avant Learning Centre](#) where you will find articles, case studies, podcasts, webinars, videos, factsheets and many other resources.

If you receive a claim or complaint contact us on **1800 128 268** for expert medico-legal advice on how to respond – available 24/7 in emergencies.

Glossary

- Claims refers to claims for money, compensation and civil claims.
- Complaints relates to formal complaints to regulators.
- Matters include claims, complaints, coronial cases and other matters such as employment disputes and Medicare.
- Employment disputes are matters where Avant defends members against complaints or supports members to resolve employment issues.

For any queries on this analysis, please contact us at research@avant.org.au

*IMPORTANT: Avant routinely codes information collected in the course of assisting member doctors in medico-legal matters into a standardised, deidentified dataset. This retrospective analysis was conducted using this dataset. The findings represent the experience of these doctors in the period of time specified, which may not reflect the experience of all doctors in Australia. This publication is not comprehensive and does not constitute legal or medical advice. You should seek legal or other professional advice before relying on any content, and practise proper clinical decision-making with regard to the individual circumstances. Persons implementing any recommendations contained in this publication must exercise their own independent skill or judgement or seek appropriate professional advice relevant to their own particular practice. Compliance with any recommendations will not in any way guarantee discharge of the duty of care owed to patients and others coming into contact with the health professional or practice. Avant is not responsible to you or anyone else for any loss suffered in connection with the use of this information. Information is only current at the date initially published [October 2020]. © Avant Mutual Group Limited 2020. MJN-478 10/20 (DT-1655)

For more information or immediate **medico-legal advice**, call us on **1800 128 268**, 24/7 in emergencies.