



Only doctors with advanced surgical training to use the title “Surgeon”

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Recently, the word “surgeon” has been put under the operating light. Currently, all registered medical practitioners in Australia can use the title “surgeon”. The unrestricted ability to use the term has paved the way for doctors to use the informal title “cosmetic surgeon” even if they have not achieved surgical registration – which is only possible on the successful completion of postgraduate surgical training.

This may be misleading, as medical consumers are likely to assume that the title “surgeon” designates a level of training, experience and specialisation.

The National Law - which sets out the framework for Australia’s National Registration and Accreditation Scheme for health professions - protects the use of specialist titles, with a maximum \$60,000 penalty fine and/or three years’ imprisonment for their misuse. The individual term “surgeon” is not currently protected.

That is, to be able to use the term “Neurological Surgeon” (being a specialist title) under National Law, a medical practitioner must become a fellow of the Royal Australasian College of Surgeons (RACS). To become a fellow, that medical practitioner must successfully complete training in one of the nine surgical specialties for which RACS provides accredited training – in this case, Neurosurgery.

The public are unlikely to have knowledge of the specific medical training requirements and qualifications needed to be deemed a competent surgeon by RACS. In the absence of such knowledge, the public are unable to properly evaluate doctors who offer cosmetic surgery services before going “under the knife”. To this end, the unregulated use of “surgeon” means that people are facing avoidable and disproportionate risks due to the lack of education and training of their self-proclaimed “cosmetic surgeon”.

Recent media cases and exposures have highlighted the unnecessary damage that has occurred to patients, the lack of awareness and understanding of patients and the need to strengthen protections for patients. Some “cosmetic surgeons” have practiced without sufficient skill and care, and adopted an aggressive marketing approach to their work.

With regards to cosmetic procedures, there are currently specialties

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protected by National Law and recognised by RACS which cover the scope of what various “cosmetic surgeons” perform. These include:

- Plastic and Reconstructive Surgery
- Otolaryngology Head and Neck Surgery (Ear, Nose and Throat)
- Urology (includes genital surgery)

- General Surgery

Cosmetic surgery is not currently recognised as a distinct speciality by RACS or accredited by the Australian Medical Council (AMC).

Queensland’s legislative scalpel

Considering this discussion, Queensland has made the first incision by introducing the *Health Practitioner Regulation National Law (Surgeons) Amendment Bill 2023*, which aims to protect the title “surgeon”.

The Bill makes it an offence for a medical practitioner who is not a member of a defined *surgical class* to knowingly or recklessly:

- use the title “surgeon”;
- use another title, name, initial, symbol, word or description that could reasonably indicate the practitioner is in a surgical class; or
- hold themselves out as being a member of a surgical class.

Where an employer or other person falsely claims a medical practitioner is a “surgeon”, the Bill also makes it an offence for an employer or other person to knowingly or recklessly:

- use the title “surgeon” in respect of a medical practitioner that is not a member of a surgical class;
- hold a medical practitioner out as being a member of a surgical class when they are not; or
- use another title, name, initial, symbol, word or description that indicates a medical practitioner is a member of a surgical class when they are not.

The title offences will apply whether the word “surgeon” is used in isolation or in combination with other words. So, titles such as “cosmetic surgeon” and “aesthetic surgeon” will be subject to the same restrictions as the generic title “surgeon”.

Surgical class is defined to include medical practitioners holding specialist registration in three recognised medical specialties: surgery, obstetrics and gynaecology, and ophthalmology. To be registered in these specialties, a medical practitioner is required to have successfully undertaken significant AMC specialist surgical training (or equivalent international medical training).

Use of the title “surgeon” by a non-medical practitioner is already prohibited by section 113 of the National Law. However, as there are lawful circumstances in which a non-medical practitioner may use the title “surgeon”, the title will not be restricted for practitioners who are registered in a health profession other than the medical profession. For example, registered podiatrists who hold specialist registration in podiatric surgery may continue to refer to themselves as “podiatric surgeons”. Likewise, the titles “oral surgeon” and “dental surgeon” is approved for use by members of the dental profession who hold specialist registration in that field.

Queensland is the host jurisdiction for the National Law. The National Law is set out in the schedule to the *Health Practitioner Regulation National Law Act 2009* (Qld), and applied as a law of each participating jurisdiction, including Victoria and New South Wales. As such, Victoria, and New South Wales, are expected to follow Queensland’s lead regarding protection of the title “surgeon”.

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