

MEDICAL AND LEGAL: BRIDGING DIVIDES

In an ideal world, we would all practice medicine with fewer regulatory restraints and legal concerns than we currently encounter. Indeed, minding legal matters is necessary to safeguard our practices and livelihoods, but the reality remains that the mere mention of the word “legal” sends shivers down the spines of many physicians.

Attempting to responsibly navigate the legal maze of practicing aesthetic medicine can be a headache; however, for better or worse, it is a critical part of the clinician’s job. Moreover, how we approach and engage legal challenges is key. Malpractice risk management courses usually focus on missed diagnoses or missed communications, but aesthetic physicians’ concerns go well beyond these traditional issues.

For example, some clinicians are justifiably wary about responsibility for the mistakes of prior providers. In fact, many doctors think twice before agreeing to treat someone who is disgruntled from previous “bad work.” If the disappointed patient decides to sue their original physician, the risk of getting dragged into it is substantial. Some chronically unsatisfied “doctor shoppers” may be potential liabilities. Such emotionless calculations are ordinary in today’s medicolegal environment; some would argue they are required. In aesthetic medicine, we offer patients a service, and success is often more influenced by a patient’s happiness than by the objective result.

The unsettling reality is that we can be hit by law-suits at any time and for anything, and not just by patients. Physicians should also be cognizant of usual business practices, including legal implications of/from employment agreements or purchase terms and conditions, none of

which are covered in medical school curricula. The amount a practice can spend in legal bills due to Human Resources issues can be astounding. Add in other regulatory restraints that may require legal help, such as OSHA compliance and HIPAA, and suddenly you may quickly be treading water in some very choppy legal currents.

This edition of *Modern Aesthetics* offers unique perspective on some legal challenges facing aesthetic clinicians. The articles herein take on a range of issues, from how to administer informed consent to patient privacy, as well as confronting issues of embezzlement. One common theme you might detect in these articles is an emphasis on patients and our relationships with them. We may understandably be predisposed to see patients as potential liabilities, but perhaps the best approach to maintaining good legal standing with our patients (and also staff members) is to be attentive and continually survey whether the expertise you offer will be the right fit with their wishes and desires.

Considering how routinely we read about widespread malpractice suits and other unsettling realities of legal aspects of our profession, it is easy to become cynical. However, with an emphasis on building relationships, you may not only decrease the likelihood of legal action but also potentially increase the happiness of both your patients and yourself. ■



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