

## Attachment - Additional information about regulation of medical practitioners and cosmetic surgery

### 1. Status of registration of Dr Daniel Lanzer

Dr Daniel Lanzer no longer appears on the online *Register of practitioners* as he surrendered his registration on 2 December 2021. This means he is no longer registered with immediate effect and cannot practise as a registered medical practitioner anywhere in Australia. Registered health practitioners may choose to surrender their registration at any time.

Dr Lanzer's decision to surrender his registration will not stop us from continuing our investigation. We are continuing our investigations into Dr Lanzer's conduct and performance and should they result in a regulatory outcome, this would be considered if he was ever to seek to reapply for registration in the future.

### 2. Status of registration of Dr Daniel Aronov

The Medical Board of Australia imposed conditions on Dr Daniel Aronov's registration on 26 November 2021. Conditions that restrict a practitioner's practise of the profession are published on the online [Register of practitioners](#).

#### Details of the conditions on Dr Aronov's registration

On 26 November 2021, the Medical Board of Australia imposed the following conditions on the registration of Dr Daniel Aronov under the Health Practitioner Regulation National Law.

#### Limitations on and supervision for practice

1. The practitioner must not practise unless supervised.
2. Even when supervised, the practitioner must only practice as a General Practitioner.

For the purposes of this condition, '**supervised**' is defined as:

*The Practitioner must consult and follow the directions of the supervisor about the management of each patient before care is delivered and must be directly observed by the supervisor who is physically present at the site of practice at all times.*

3. The Practitioner must not undertake any cosmetic medical and/or surgical procedures (major or minor) whether supervised or not.

For the purposes of this condition **cosmetic medical and/or surgical procedures** (major or minor) are defined as:

*a. Cosmetic medical and surgical procedures are operations and other procedures that revise or change the appearance, colour, texture, structure or position of normal bodily features with the dominant purpose of achieving what the patient perceives to be a more desirable appearance or boosting the patient's self-esteem.*

*b. Major cosmetic medical and surgical procedures ('cosmetic surgery') involve cutting beneath the skin. Examples include; breast augmentation, breast reduction, rhinoplasty, surgical face lifts and liposuction.*

*c. Minor (non-surgical) cosmetic medical procedures do not involve cutting beneath the skin, but may involve piercing the skin. Examples include: non-surgical cosmetic varicose vein treatment, laser skin treatments, use of CO2 lasers to cut the skin, mole removal for purposes of appearance, laser hair removal, dermabrasion, chemical peels, injections, microsclerotherapy and hair replacement therapy.*

4. Prior to resuming practice, the Practitioner must, on the approved form (HPN10), nominate a primary supervisor and at least one alternate supervisor to be approved by the Board/Ahpra. The Practitioner must ensure that each nomination is accompanied by an acknowledgement, on the approved form (HPNA10), from each nominated supervisor that they are willing to undertake the role of supervisor and are aware that Ahpra will seek reports from them.

- a. The practitioner must not resume practice until
  - i. the nominated supervisor and alternate supervisor have been approved by Ahpra and
  - ii. approval of the supervisor and alternate supervisor has been provided to the practitioner in writing.

b. In the event that no approved supervisor and alternate supervisor are willing or able to provide the supervision required the Practitioner must continue not to practice and must not resume practice until a new supervisor has been nominated by the Practitioner and approved by the Board/Ahpra.

5. Prior to resuming practice and within 7 days of the notice of imposition of these conditions,

a. the Practitioner must provide to Ahpra, on the approved form (HP7), acknowledgement that Ahpra may:

i. Seek reports from the Director of Medical Services or other as appropriate (the senior person) at each place of practice on at least a monthly basis or as otherwise required.

ii. Request and access from the senior person at each place of practice copies of rosters, pay slips, or the equivalent.

iii. Have contact with and access information from, where relevant, Medicare, private health insurers and/or practice billing data.

b. the Practitioner must provide to Ahpra, on the approved form (HPS7), acknowledgement from the senior person at each place of practice that they are aware Ahpra will seek reports from them.

c. the Practitioner is to provide to Ahpra, on the approved form (HP10) acknowledgement that Ahpra may:

i. obtain information from relevant authorities (such as but not limited to Medicare)

ii. obtain information and/or a report from the senior person at each place of practice on a monthly basis, and

iii. obtain a report from the approved supervisor on a monthly basis.

d. the Practitioner is to provide to Ahpra on the approved form (HPS10), acknowledgement from the senior person at each place of practice that Ahpra may seek reports from them.

#### **Social media use**

6. The Practitioner must remove any published material or information relating to cosmetic medical and/or surgical procedures on all social media platforms and must not publish any material or information about cosmetic medical and/or surgical procedures on any social media platform.

7. Prior to commencing at any location of practice, the Practitioner must

a. provide a copy of these conditions to the senior person, such as the Director of Medical Services, Director of Nursing, Senior Practice Manager, Senior Manager, Senior Partner, Proprietor, Owner, or equivalent (the senior person) at each place of practice.

b. provide to Ahpra, on the approved form (HPC), the contact details of the senior person at each location of practice.

8. From time to time, Ahpra will contact the senior person and confirm that the senior person has received a copy of the conditions from the practitioner.

9. All costs associated with compliance with the conditions on their registration are at the Practitioner's own expense.

The conditions are not time limited and will remain in place while the concerns about Dr Aronov are being investigated by Ahpra. The compliance of Dr Aronov with these conditions will be monitored by Ahpra.

If a National Board decides the conditions are no longer needed to protect the public, they are removed from the practitioner's registration and no longer published. A practitioner can also appeal restrictions to an independent Tribunal. You can read more information on the Ahpra website (<https://www.ahpra.gov.au/Support/Glossary.aspx#>).

#### **4. Correspondence with state and territory health authorities about wider issues highlighted by the Four Corners program in relation to each of their licensing responsibilities for these facilities**

State and territory health authorities have a major regulatory role in licensing facilities and day procedure centres in which cosmetic surgery occurs.

In mid-November, Ahpra contacted the Victorian Department of Health and New South Wales Ministry of Health to confirm the appropriate contact to enable the sharing of information that is relevant to our respective regulatory roles. We have shared information with both Departments about the registration status of both Dr Lanzer and Dr Aronov. We have also, with their consent, provided witness contact details to the Victorian Department to assist their investigations and have received information from the NSW Ministry following their unannounced visit to Lanzer Clinics in Sydney.

On 15 December 2021, formal correspondence was sent to the Victorian Department of Health and the New South Wales Ministry of Health disclosing further information under s219 of the National Law obtained in the course of our investigation.

Ahpra has also had contact with the Australian Competition and Consumer Commission (ACCC) since 17 November 2021 about the concerns raised in the Four Corners program about social media and false or misleading advertising. We have agreed to disclose relevant evidence as requested and expect ongoing discussions as both investigations progress.

On 29 November 2021, Mr Martin Fletcher, CEO Ahpra wrote to state, territory and the Commonwealth Health Chief Executives ahead of announcing that Ahpra and the Medical Board of Australia were commissioning a review into our regulation of registered health practitioners providing cosmetic surgery. Each state and territory health authority has a significant regulatory role in licensing the facilities and day procedure centres in which much cosmetic surgery is being performed. Issues raised in recent media

reports, such as infection control, hygiene standards, practitioner credentialing and clinical infrastructure, are the responsibility of those authorities who ensure compliance and enforcement of these licensing laws, including regular inspections and removal of licences for those found to be significantly breaching standards. Ahpra advised we would continue to provide information to those authorities where we identify concerns and that the independent review will also look at ways in which we can strengthen our work with other regulators to ensure clear roles and responsibilities and information flows.

The independent review of patient safety issues in the cosmetic sector commissioned by Ahpra and the Medical Board of Australia will also look at how to improve communication and cooperation between agencies involved in the current system of checks and balances.

## **5. Information about how people can let Ahpra and the National Boards know about their concerns including patient safety issues, procedures for managing notifications and whistleblower protocols.**

Ahpra has provided the Committee with detailed information about our processes for receiving and managing notifications (complaints). Information is also provided on our ['concerns about practitioners'](#) webpage. Any person or organisation can raise a concern/s about a registered health practitioner or student. The National Law provides protection from civil, criminal and administrative liability for people who make a notification in good faith.

We report on [notifications](#) – including improvements in managing notifications and a vignette on investigating a notification about a general surgeon – in our *Annual Report for 2020/21*.<sup>1</sup>

Our published information includes information for registered health practitioners about when they need to notify us about concerns that a health practitioner may be putting the public safety at risk (ie making a [mandatory notification](#)). One of the terms of reference for the independent review of patient safety issues in the cosmetic sector commissioned by Ahpra and the Medical Board of Australia is to consider the best means available to strengthen the safety reporting culture within cosmetic surgery to address barriers to health professionals raising concerns when a practitioner has practised in ways that depart from accepted professional standards.

The [Regulatory Guide](#) is a comprehensive guide on how we manage notifications about the health, performance and conduct of practitioners. The Guide was first published in July 2020 and revised in May 2021 when Chapter 12 was included.

The [Regulatory principles for the National Scheme](#) underpin the work of the National Boards and Ahpra in regulating Australia's registered health practitioners, in the public interest and were first introduced in 2014. They shape our thinking about regulatory decision-making and have been designed to encourage a culturally safe and responsive, risk-based approach to regulation across all professions. The regulatory principles consider community expectations and reflect ministerial directions and were last updated in September 2021.

There are a number of ways people may make a complaint about Ahpra or a Board. [Administrative complaints](#) relate to concerns about the service delivery, policies, procedures and decisions of Ahpra, National Boards and Committees, and the Agency Management Committee. Ahpra aims to listen to the concerns that people raise, respond to complaints promptly, empathetically and fairly, and to learn from the issues raised. We report on [administrative complaints](#) in our *Annual Report for 2020/21*.<sup>2</sup>

Further, Ahpra's *Public Interest Disclosure (Whistleblower) Policy* ([Ahpra's Whistleblower Policy](#)) is for use by Ahpra staff as well as members of the public. If a person wishes to raise a concern alleging corruption or serious misconduct by an Ahpra staff member or a Board member, they are encouraged to report the concern to either Ahpra (contact details of appointed Public Interest Disclosure Officers are available in the policy) or to the independent, external hotline set up to receive such reports. Ahpra has arranged for an external contractor, Deloitte, to operate an Independent Whistleblower Hotline to receive public interest disclosures. People may choose to remain anonymous and the person's identity will not be disclosed to Ahpra.

---

<sup>1</sup> Refer to annual report pages 68 to 70 for this information. Notifications data is provided on pages 63 to 67; and pages 71 to 81.

<sup>2</sup> Refer to annual report pages 110 to 111.