

Unveiling Hidden Risks In The Medi-Spa Industry

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Medical spas, often called medi-spas, combine cosmetic treatments with nonsurgical medical procedures to offer clients a variety of restorative skin therapies and personal aesthetic care services. These hybrid entities blend traditional beauty industry services, such as facials and waxing treatments, with more sophisticated medical procedures, such as collagen injections, microdermabrasions, chemical peels and hyaluronic acid treatments. By providing these types of moderately invasive procedures, medi-spas can become vulnerable to liability exposure arising from the risks and potential complications associated with these services. The informed medi-spa staff and its clientele, however, can work to minimize this risk and improve patient safety by shifting common misperceptions associated with the medi-spa industry.

Understanding Risks

Certain Cosmetic Treatments are Medical Procedures

Medical spas offer a variety of treatment options. These services can include Botox injections, which reduce wrinkles by paralyzing facial muscles, and laser hair removal services, which use superheated lasers to target melanin in the skin. These moderately invasive and sophisticated treatments should not be considered cosmetic treatments. Instead, they are medical procedures that involve inherent health risks and potentially severe complications.

For example, chemical peels are offered at many medi-spas. Chemical peels involve a risk of side effects and complications, including redness, color changes to the skin, crusting/scaling of the skin, edema, scarring, allergic reactions, infection or increased sensitivity to light. In rare cases, deep peels can cause more severe complications, including heart, liver or kidney failure.

Chemical peels are just one example of the types of medical treatments offered at medi-spas that involve harsh chemical compounds that penetrate patients' skin. These treatments are not simple beauty regimens that can be performed by anyone on anyone. Instead, they are sophisticated medical procedures that should only be administered by certified, trained medical technicians on appropriate prescreened patients.

Beauty Industry Consumers are Medical Patients in Medi-Spa Settings

Beauty industry clients who undergo these medical treatments should be treated as health patients in medi-spa settings. medi-spa staff should educate patients on proposed treatment plans and options, and engage in prescreening to determine if they are suitable candidates for the proposed procedure.

Many of the medical procedures offered at medi-spas vary based on a patient's age, skin type or skin condition and medical history. For example, laser hair removal treatments vary based on a patient's skin type and reaction to ultraviolet light. medi-spa professionals must determine the

appropriate laser settings, to be used on each specific client. This determination may prove complicated when the patient is tanned, or if he/she appears to have lighter skin, but his/her ethnic background requires different laser settings. Incorrect laser settings can cause irreversible damage in the form of hyperpigmentation, hypopigmentation, burning or scarring.

Laser treatments, in addition to numerous other procedures performed at medi-spas, necessitate client prescreening to determine proposed treatment eligibility. Open, honest dialogue between patients and medi-spa staff is critical in order to elicit accurate information about a client's medical history and other important information impacting treatment options. Once client suitability has been determined, medi-spa professionals must engage in patient education to inform the client about the procedure, including any potential risks or complications associated with the expected outcome. Patients must fully understand and agree to abide by applicable pretreatment procedures and post-treatment regimens aimed at reducing potential side effects and enhancing the healing process. In sum, medi-spa clients must become informed patients about to undergo a medical procedure, aware of treatment techniques, variables, inherent risks and potential complications.

Minimizing Risks

By shifting the beauty industry paradigm and conceptualizing medi-spas as providers of nonsurgical medical procedures to patients, medi-spas can guard against potential liability exposure. To support risk management, medi-spas should employ the following suggested best practices guidelines.

Consult State Law Governing Medical Spas

First, medi-spa operators should consult with an attorney regarding state laws and regulations related to licensure requirements for aestheticians and other personnel providing services and treatments at medi-spas. There are no national standards governing who can own or operate a medi-spa, what type of training and credentialing spa staff must have, who can perform certain types of treatments or what level of supervision is required for certain treatments. In most jurisdictions, including Maryland, Virginia and the District of Columbia, aestheticians must hold a current license to perform cosmetic procedures.[1] As a result, medi-spa owners and operators should hire licensed aestheticians and technicians, and ensure that all staff members have up to date licensure, training certificates and other credentialing for performing these procedures.

Additionally, some states, including Virginia and Maryland, require that certain procedures be performed or supervised by physicians or nurses, rather than aestheticians.[2] medi-spa staff should identify which procedures can be performed by an aesthetician or master aesthetician and which procedures must be performed or supervised by a medically trained professional.

Train and Educate Medi-Spa Staff

Second, medi-spas should ensure that all staff members receive proper education and training on the services and treatments they provide. This includes training on the operation and care of medical devices, such as lasers, in addition to training on how to perform these treatments. medi-

spa professionals should be aware of which clients are suitable for certain treatments, and carefully consider necessary variables before making these treatment determinations. They should thoroughly review a patient's medical history, reason(s) for seeking treatment and other necessary information with the patient, and discuss with them which factors may make the treatment suitable or not for them. If necessary, medi-spa staff should explain why a candidate is not right for a particular procedure and decline treatment to ineligible candidates when required.

Obtain Informed Consent From All Patients

Third, medi-spas should secure informed consent from all patients undergoing treatments. This should involve more than a boilerplate form that lists general risks and side effects of procedures. Instead, receiving informed consent from patients begins with an open discussion between treatment provider and patient. medi-spa staff should explain the procedure, including any pretreatment and post-treatment do's and don'ts. They should also review all inherent risks and/or complications, however remote, and answer any questions a patient may have involving their upcoming treatment. Once a patient has full knowledge and understanding of the possible risks (and benefits) of a procedure, he or she must give his/her permission to perform the treatment in written form, which should specifically list all known risks and side effects.

Monitor Patient Recovery

Fourth, medi-spa staff should provide follow-up appointments for patients after receiving nonsurgical treatments to monitor their healing process. At these appointments, medi-spa staff can evaluate a patient's recovery and overall health and determine if any additional services are required for the desired treatment outcome. They can also monitor any adverse side effects or medical complications that may have arose after the treatment session. This also provides an opportunity for the patient to ask any remaining questions or receive any additional information he or she may need to maximize the benefits of their treatment. For example, after undergoing certain procedures, a patient may be advised to remain out of the sun for a certain period of time. These follow-up appointments allow medi-spa staff to remind their patients about these precautionary measures and provide any follow-up care if the patient has not followed these instructions. Lastly, these additional appointments can help foster lasting relationships between patients and their providers so that patients may be more inclined to return for more treatments in the future.

Conclusion

The medi-spa industry is continuing to boom. By shifting paradigms and understanding medi-spas not as beauty spas, but as providers of aesthetic medical services to patients, medi-spa professionals can minimize potential liability exposure associated with performing these procedures.