

## Cosmetic Botulinum Toxin and Filler Injection Issues

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### **Purpose of risk management recommendations**

OMIC regularly analyzes its claims experience to determine loss prevention measures that our insured ophthalmologists can take to reduce the likelihood of professional liability lawsuits. OMIC policyholders are not required to implement risk management recommendations. Rather, physicians should use their professional judgment in determining the applicability of a given recommendation to their particular patients and practice situation. These loss prevention documents may refer to clinical care guidelines such as the American Academy of Ophthalmology's *Preferred Practice Patterns*, peer-reviewed articles, or to federal or state laws and regulations. However, our risk management recommendations do not constitute the standard of care nor do they provide legal advice. Consult an attorney if legal advice is desired or needed. Information contained here is not intended to be a modification of the terms and conditions of the OMIC professional and limited office premises liability insurance policy. Please refer to the OMIC policy for these terms and conditions.

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Cosmetic botulinum toxin and/or filler injections are frequently administered in ophthalmology practices. Sometimes, ophthalmologists are asked to provide them at a spa or "botulinum toxin and/or filler party" at a private home. These risk management recommendations are designed to promote patient safety and reduce the physician's liability exposure.

- Administer botulinum toxin and/or filler injections in an appropriate medical setting.
  - Spas are generally not an appropriate setting unless they have the medical personnel and equipment necessary to safely observe patients, deal with potential complications, and provide for the proper disposal of medical waste as required by OSHA.
  - A spa may be acceptable if:
    - The physician has a private room to take histories, provide consent, and perform the treatment.
    - The environment closely approximates the clinical setting of a medical office.
  - Injecting botulinum toxin and/or filler in someone's home, a hotel banquet room, or other public place presents additional liability problems and is discouraged.
- Perform and document basic history and examination on each patient.
  - This should include allergies and medications, review of current medical problems pertinent to the use of botulinum toxin and/or filler (such as pregnancy, facial trauma, neuromuscular

disorders and diseases, etc.), and a description of the physical/anatomical findings pertinent to the cosmetic use of botulinum toxin and/or filler.

- Obtain and document the patient's informed consent and clarify if the consent is for a planned series of injections. The consent should be updated annually or if the patient's risk/benefit ratio changes.
- Generate and keep a medical chart for each botulinum toxin and/or filler patient.
- Do not offer incentives for patients to recruit other patients seeking botulinum toxin and/or filler treatments.
- Advertisements must be reasonable and appropriate and must not imply guarantees or make misleading statements. See "Advertising Medical Services" and "Advertising Review Form" in the Risk Management Recommendations section of the OMIC website at [www.omic.com](http://www.omic.com) for more information.

**OMIC's policyholders are encouraged to contact our confidential Risk Management Hotline for assistance by calling 1.800.562.6642, option 4 or emailing us at [riskmanagement@omic.com](mailto:riskmanagement@omic.com).**