



August 29, 2011

Prosecutors want disgraced cosmetic surgeon to lose licence

By ANNA MEHLER PAPERNY
From Tuesday's Globe and Mail

Behnaz Yazdanfar was found guilty of misconduct, incompetence

Prosecution lawyers for Ontario's College of Physicians and Surgeons argue the conduct of a disgraced physician and cosmetic surgeon was so egregious, the College should strip her of her medical registration - the most serious penalty in its arsenal.

But even if the disciplinary committee agrees, it will still be legal for Ontario doctors to practise cosmetic surgery if they aren't trained surgeons.

A College disciplinary committee found Behnaz Yazdanfar guilty in May of professional misconduct and incompetence regarding her treatment of multiple former patients between 2005 and 2007. Among them was Krista Stryland, who died in September, 2007 after undergoing liposuction at Dr. Yazdanfar's clinic.

Dr. Yazdanfar's lawyers argued Monday that it would be sufficient for the College to let her continue to practise under the restricted terms put in place after the May ruling.

College prosecutors, however, argued that not only public safety, but public confidence in the medical profession itself, rest on the College's ability to take decisive action in this case.

Some doctors say they're already seeing that trust shaken. They argue the problem lies more in a growing, lucrative field of medicine that's gone largely unregulated.

"When patients talk about liposuction, they say to me, 'I'm scared of that because I've heard you can die from it,' " plastic surgeon Lawrence Tong said. "Having [untrained] physicians perform this surgery can cause harm to patients. It also can sort of give a black eye to plastic surgeons in general."

On Monday, College prosecutors read from victim-impact statements of several of Dr. Yazdanfar's former patients, including Ms. Stryland's family.

"The horrific events that occurred on the day of Krista's death haunt us to this day," her parents and siblings wrote in a joint statement.

Dr. Yazdanfar's lawyer, Mary Thomson, brought forward several witnesses who knew Dr. Yazdanfar personally and attested to her compassion and conscientiousness.

"This is a physician who takes education and retraining seriously," Ms. Thomson said. "Revocation should be reserved for repeat offenders and the most serious cases of misconduct."

Revoking a doctor's licence is as serious a penalty as the College can mete out. Between 2003 and 2010, the College revoked 32 certificates of registration. College prosecutors also asked for a formal reprimand and for costs,

which will be submitted Tuesday morning.

The College has tightened up its cosmetic surgery rules since 2007. It now has more power to inspect out-of-hospital premises, requires physicians to notify them if they want to expand the scope of their practice and assessing non-specialists performing high-risk procedures.

But the problem, some doctors argue, is that these non-specialists are still performing high-risk procedures in the first place.

In its 352-page ruling in May, the disciplinary committee made clear it has no desire to wade into the murky territory of medical certification: "This case is about one doctor and the medical care she provides to her patients," the ruling reads.

For Dr. Tong, that's not enough. He's one of five doctors at a University of Toronto clinic that train surgical residents in an aesthetic surgery fellowship. But that's a year-long fellowship and a five-year surgical residency - far more than the 850 hours Dr. Yazdanfar's lawyer says she took to study cosmetic surgery and make the switch from her family practice.

Some provinces have more stringent rules. In B.C., you can't call yourself a cosmetic surgeon unless you're a certified surgeon. While general practitioners can inject Botox and perform basic laser procedures, anything more invasive requires formal training and certification.

While Dr. Tong calls the College's recent change in regulations a step in the right direction, he argues cases like this should spur much more urgent and drastic action.

"A cosmetic surgeon should have the same skill set as a plastic surgeon," he said. "Patients are being harmed. That's the bottom line."

The Globe and Mail, Inc.



The Globe and Mail Inc. All Rights Reserved.. Permission granted for up to 5 copies. All rights reserved.

You may forward this article or get additional permissions by typing http://license.icopyright.net/3.8425?icx_id=/icopyright/?artid=2145905 into any web browser. The Globe and Mail, Inc. and The Globe and Mail logos are registered trademarks of The Globe and Mail, Inc. The iCopyright logo is a registered trademark of iCopyright, Inc.