

Is it a Beauty or Medical Facility?

By Shona Anne Thomas



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The beauty industry is a lucrative market, as its rapid upward trajectory will attest. Thanks to social media, not only is there pressure to look good to the point of obsession, but it has also become a lot easier to market cosmetic and beauty-enhancing procedures and services.¹ In fact, Malaysia is a hotspot for cosmetic procedures and surgeries due to competitive pricing, among others.

Cosmetic surgeries are part of aesthetic medical practice, which is defined as “*an area of medical practice which embraces multidisciplinary modalities dedicated to create a harmonious physical and psychological balance through non-invasive, minimally invasive and invasive treatment modalities which are evidence-based*”.² Aesthetic medical practice is to be carried out by registered medical practitioners under the Medical Act 1971.

Beauty centres, taking advantage of our vanity, have gleefully seized the opportunity to leverage on society’s obsession with appearance. They have not only mushroomed all over the country, but some of these establishments have also expanded their range from basic services to more intrusive treatments and procedures that should be done only by medical personnel. Although some “medical spas” and “beauty clinics” are properly certified and managed by qualified practitioners, it is reported that there are equally as many, if not more, unregistered establishments that are run by self-proclaimed doctors.³

The danger of this was widely reported by the media just last month, when a young bride-to-be died on the operating table while undergoing liposuction at a beauty centre in Cheras.⁴ According to police investigation, the beauty centre did not have the proper licence to carry out medical procedures such as liposuction although it was legally registered.⁵

In this regard, the Private Healthcare Facilities and Services Act 1998 states –⁶

- *“No person shall establish or maintain any of the following private healthcare facilities or services without approval being granted under paragraph 12(a) or operate or provide any of such facilities or services without a licence granted under paragraph 19(a):*

(a) *a private hospital;*

¹ Nuffield Council of Bioethics, “Cosmetic Procedures: Ethical Issues”

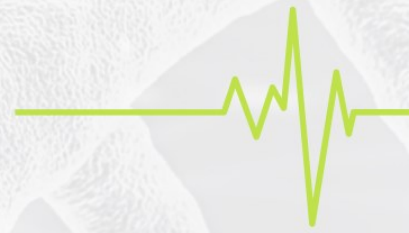
² Ministry of Health, “The Guidelines on Aesthetic Medical Practice for Registered Medical Practitioners”

³ Tasnim Lokman, “The ugly side of beauty industry” *New Straits Times* (26 August 2019) <https://www.nst.com.my/news/nation/2019/08/516015/ugly-side-beauty-industry>

⁴ Farik Zolkepli, “Owners of beauty centre detained over death of client” *The Star Online* (19 October 2020) <https://www.thestar.com.my/news/nation/2020/10/19/owners-of-cheras-beauty-centre-detained-over-death-of-client>

⁵ Safik Affendy Razali, “Dua beranak ditahan susulan wanita maut dapatkan rawatan kecantikan” *Berita Harian* (19 October 2020) <https://www.bharian.com.my/berita/kes/2020/10/743623/dua-beranak-ditahan-susulan-wanita-maut-dapatkan-rawatan-kecantikan>

⁶ Private Healthcare Facilities and Services Act 1998, ss 3 and 4



- (b) a private psychiatric hospital;
- (c) a private ambulatory care centre;
- (d) a private nursing home;
- (e) a private psychiatric nursing home;
- (f) a private maternity home;
- (g) a private blood bank
- (h) a private haemodialysis centre;
- (i) a private hospice;
- (j) a private community mental health centre;
- (k) any other private healthcare facility or service or health-related service as the Minister may specify, from time to time, by notification in the Gazette; and
- (l) a private healthcare premises incorporating any two or more of the facilities or services in paragraphs (a) to (k)."

- "No person shall establish, maintain, operate or provide a private medical clinic or private dental clinic unless it is registered under section 27."

It has been reported⁷ that between the years 2016 and 2019, eight establishments were charged and fined (between RM60,000 and RM160,000) for offering aesthetic medical procedures that could only be carried out by registered medical practitioners with the Malaysian Medical Council at registered and licensed private health facilities.

Unfortunately, clamping down on such beauty facilities is a tricky issue, given that they are not a "medical facility" in the strict sense and would not fall under the purview of the Ministry of Health. That being said, regulations by the Ministry of Health require any medical device used to be regulated and certified under the Medical Device Act 2012. This creates a certain degree of confusion which has yet to be resolved.

As cosmetic surgery is not without risk, anyone contemplating such a move must have confidence that those carrying out the procedure have the necessary skills and competence to do so safely.⁸ The Malaysian Society of Plastic and Reconstructive Surgery has advised that those interested in undergoing cosmetic surgery should refer to the list of medical practitioners who are licensed to offer medical aesthetic services in Malaysia. The list can be accessed [here](#).

Conclusion

Given the growing popularity of cosmetic procedures and surgeries (especially among the younger generation), it is the author's opinion that the grey area of confusion needs to be resolved quickly by regulators in order to better protect the public.

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⁷ *Supra* n 3

⁸ Dominic Hughes, "Social media pressure is linked to cosmetic procedure boom", *BBC News* (22 June 2017) <https://www.bbc.com/news/health-40358138>