

**Hypertrophic scar after tattoo removal
with radiosurgical technique
(01HDC02274, 28 August 2002)**

*General practitioner ~ Tattoo removal ~ Standard of care ~ Informed consent
~ Wound care ~ Past history of complaints and findings ~ Rights 4(1), 6(1)(b),
7(1)*

A patient complained that: (1) her GP failed to adequately explain the risks of surgery before removing a tattoo from her shoulder, as he said that the risks of scarring were minimal; (2) she would not have agreed to proceed with the surgery if she had known of these risks; and (3) the postoperative care was inadequate.

The patient had a tattoo removed by radiofrequency ablation. The GP claimed he told the patient that scarring was quite possible from the method and that she could be referred on for laser removal. The patient signed a consent form. She had undergone a test patch removal to see how her skin would react. The GP advised the patient to wait several months, but she wanted to proceed. She was left with a keloid scar.

The Commissioner reasoned that:

- 1 the patient needed to be told the options for removing her tattoo, the benefits and risks of each option and, because this was a cosmetic procedure, to be given some indication about how her arm would look after her tattoo was removed, to enable her to decide whether the likely results would meet her expectations;
- 2 hypertrophic scarring is a very strong possibility when a tattoo is removed from the upper arm, especially with non-laser techniques;
- 3 the GP was not required to comply with the patient's wishes if, in his clinical judgement, it was not advisable to do so; and
- 4 written consent does not prove that adequate information has been given to a patient.

It was held that the GP:

- 1 breached Right 6(1)(b) as the patient was not given all the information she could reasonably expect to receive, including that the risk of keloid scarring was significant;
- 2 breached Right 7(1) as the patient did not make an informed choice about the best method to remove her tattoo and, consequently, was unable to give informed consent — she would not have consented to the treatment if she had known that removing the tattoo would leave a large keloid scar; and
- 3 did not breach Right 4(1) of the Code as there was no evidence to indicate that the GP failed to exercise reasonable care and skill in his follow-up care, as the keloid scarring was not caused by the postoperative treatment.

The Commissioner commented that the GP had been subject to seven other complaints and that he was concerned by the recurrent pattern evident from the complaints and his investigation findings.