



# Advertising regulated health services in Australia

Alison Bell, Charles Flynn and Jill Humphreys

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# Overview

- Recap of Australia's regulatory framework
- The National Law's requirements re advertising
- Risks of advertising regulated health services
- New advertising compliance strategy
- What are the penalties?
- Some examples

# National Law

- National Law protects titles, not scope of practice
- Part 7 of the National Law refers to statutory offences. Advertising breaches are statutory offences
- AHPRA manages statutory offences, not national boards (unless the offence spills over to become a conduct issue)
- Law covers *all* advertisers, not only registered health practitioners

# What are the risks of advertising regulated health services?

- False, misleading or deceptive
- Offers a gift or discount – (without the small print)
- Testimonials
- Unreasonable expectation of beneficial treatment
- Indiscriminate use of health services

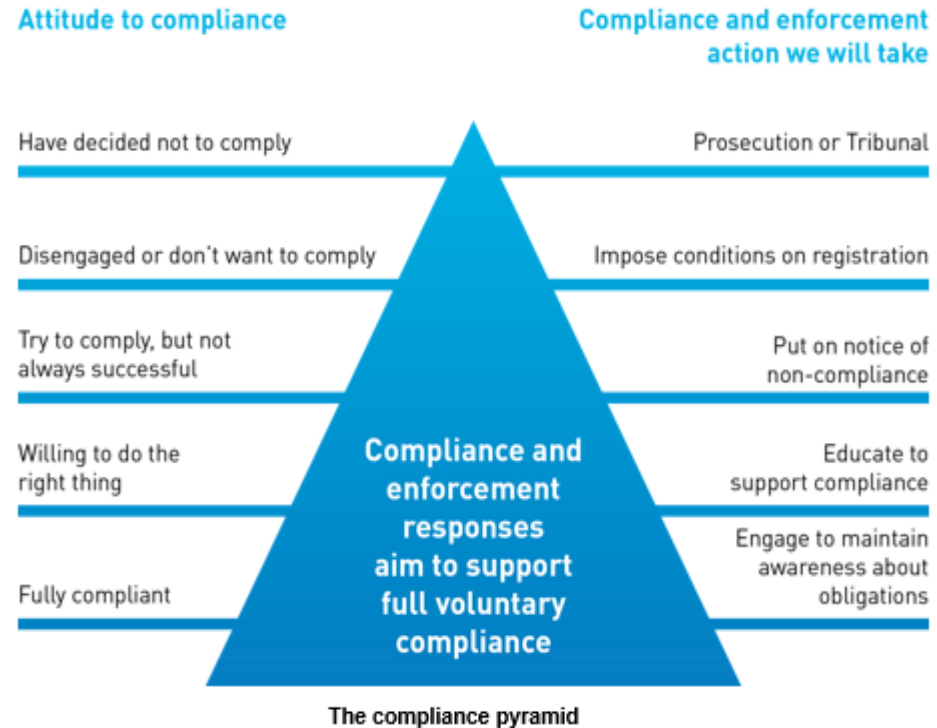
# Advertising qualifications and memberships

- The National Law protects titles not scopes of practice
- ‘Specialist’ is protected
- Advertisers need to ensure they do not mislead by using words such as ‘specialises in’
- ‘Doctor’ is not protected but profession must be clear when used

# How do we administer the law?

## Principles

- Risk-based
- Targeted
- Proportionate
- Transparent
- Engaged



# What are the penalties?

- Prosecution by a court to pay a \$5,000 penalty per offence (for an individual) or a \$10,000 penalty per offence (for a body corporate)
- Decision about concerns about the practitioner's conduct – action can include placing restrictions on registration which may affect their ability to practise
- Other legislation applies



# Examples of unacceptable advertising

The information below provides examples of unacceptable statements in the advertising of regulated health services and the reasons why. This information may be updated in the future with new examples.

Section of the National Law	Examples of unacceptable statements in advertising	Why are the statements unacceptable
s133(1)(a) - misleading and deceptive advertising	<p>Research shows that our care helps to relieve back pain for up to 85% of pregnant women.</p> <p>And now it can't be disputed. Our care works and now we know why it's better than pain-killing drugs with side effects.</p>	<p>This statement is not supported by acceptable evidence and may mislead consumers to believe that a health service is more effective than stated.</p> <p>This is a comparative advertising statement. Advertising services must not mislead, either directly, or by implication, or by use of emphasis, comparison, contrast or omission.</p>
s133(1)(b) – offers and gift, discounts or inducement without terms and conditions	<p>As an incentive to my existing patients to introduce their friends and family to our work, I am offering a \$20 discount on the first visit! Just fill in forms on our new website, present forms to reception and get a \$20 discount!</p>	<p>The offer is not accompanied by any terms and conditions and does not contain information about all costs involved and out of pocket expenses or variables to the advertised price.</p>
s133(1)(c) uses testimonials or purported testimonials	<p>Best health practitioner south of the Dividing Range. I'm more comfortable in a few months of my health practitioner's treatment than any others in the last four years.</p>	<p>Testimonials or purported testimonials are prohibited under the National Law when advertising regulated health services.</p>



# Resources

- [www.ahpra.gov.au/publicationsandresources](http://www.ahpra.gov.au/publicationsandresources)
- Advertising guidelines – [www.physiotherapyboard.gov.au/codesandguidelines](http://www.physiotherapyboard.gov.au/codesandguidelines)