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Aboriginal and Torres Strait  
Islander Health Practice  
Chinese Medicine  
Chiropractic  
Dental  
Medical  
Medical Radiation Practice  
Nursing and Midwifery  
Occupational Therapy  
Optometry  
Osteopathy  
Pharmacy  
Physiotherapy  
Podiatry  
Psychology

Australian Health Practitioner Regulation Agency

## Advertising Compliance and Enforcement

Consumer Health Regulators Group

Luisa Interligi

15 February 2018



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## Overview

1. Advertising: Resources for Compliance
2. Resources for Compliance : Self Assessment Tool
3. Review: Guidelines for advertising regulated health services
4. Testimonials – Decision-making framework



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## Responsible advertising in healthcare forum

Parkroyal, Melbourne Airport

9 August 2017

- Web:
  - News item
  - Videos
  - Full Report

### Outcomes: focus for future work

- More work with consumers
- Helping practitioners understand / identify non-compliant advertising – opportunities for joint work with associations
- How to deal with third party websites?



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## Advertising resources

### Advertising resources

**Publications and resources** ▼

- Corporate publications
- Advertising resources**
- The legislation, strategy and guidelines
- What consumers need to know
- What health practitioners and healthcare providers need to know
- Further information
- AHPRA FAQs and Fact Sheets
- Health Profession Agreements
- Accreditation publications
- AHPRA newsletter
- Procedures
- Legal Practice Notes
- Panel Decisions
- Court and Tribunal Decisions

### How can we help you?

- Find out about the legislation and guidelines
- What consumers need to know
- What health practitioners and healthcare providers need to know
- Further information on advertising and the National Law

### ■ [AHPRA Advertising resources page](#) -

Further updates planned :

- Self Assessment Tool
- Fact sheet – Evidence
- More profession specific examples

### Supporting the public to make informed choices

The National Registration and Accreditation Scheme (the National Scheme) has public safety at its heart.

To help the National Scheme protect the public the Health Practitioner Regulation National Law (the National Law) includes provisions about advertising regulated health services.

Supporting the public to make informed healthcare choices with the right information at the right time is extremely important and advertising can heavily influence a patient's decision-making around their healthcare needs.



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## New resource – Self Assessment Tool



A self-assessment tool to help you comply with the National Law over advertising regulated health services. The Australian public is entitled to accurate and honest information about healthcare services. Any person or business that provides a regulated health service has an obligation to make sure their advertising complies with the National Law. The self-assessment tool is one of the [advertising resources](#) that have been developed to help health practitioners and other applicants meet their professional and legal obligations. It also contains tips to help you assess your advertising and make it more compliant with the National Law. To help this tool work for you, make sure you read it with other resources available at [www.ahpra.gov.au/advertising](#). The introduction of the tool includes easy-to-follow web links to further information.

### The three steps to compliance – read, identify, review and change

<p><b>1. Read our resources</b></p> <p>All advertising resources, including National Law position statements, are published on the Australian Health Practitioner Regulation Agency (AHPRA) website. See the Advertising resources section at <a href="#">www.ahpra.gov.au/advertising</a> for a complete list of advertising resources. Regular updates are made to the advertising resources.</p> <p>These include:</p> <ol style="list-style-type: none"> <li><a href="#">Advertising resources</a></li> <li><a href="#">Advertising resources for regulated health services</a></li> <li><a href="#">Advertising resources for regulated health services</a></li> <li><a href="#">Advertising resources for regulated health services</a></li> <li><a href="#">Advertising resources for regulated health services</a></li> </ol>	<p><b>2. Identify the advertising you are responsible for</b></p> <p>After using ticklers, but is not limited to, any public permission of a regulated health service or service provider or otherwise, and/or to encourage the use of your health service.</p> <p>It includes online advertising including social media channels and all print advertising including fliers and business cards that is within your control.</p> <p>If you identify or are the principal health practitioner of a dental practice, you are responsible for advertising that is not within your control.</p>	<p><b>3. Review and change</b></p> <p>While claim verbs make an advertising message clear to you, they can be misunderstood by patients and consumers. Review your draft or published advertising using the tool below and make any necessary changes to ensure your advertising is not false, misleading or deceptive.</p>
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Remember, it's the consumer's perception and understanding of your **publicly** advertising that counts. Accurate information helps consumers make informed decisions about their healthcare.

### Am I in breach of the National Law? Answer these questions to find out.

that makes treatment or health claims about what you can do (i.e. what you can 'treat' or 'help with'), as well as general claims about the treatment.

<p>including: - making - selling - advertising</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unsure</p>	<p><b>Does it make a claim?</b></p> <p>Remember you should always make your advertising, if you make a claim, is not restricted to general health claims, but is available to all marketing for services and consumers and is not appropriate to include misleading.</p> <p>If you're unsure, remove the claim from your advertising. Advertising can be restricted to a substantiated <b>specific</b> claim. This may mean providing the details of the claim, such as the scientific evidence, to support the claim.</p> <p>One advertising claim is supported by accurate evidence. Find out whether your advertising is supported by accurate evidence. See <a href="#">www.ahpra.gov.au/advertising</a> for more information.</p>
<p>including: - making - selling - advertising</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unsure</p>	<p><b>Does it make a claim about a specific health service?</b></p> <p>Make sure your advertising makes a clear claim about a specific health service.</p> <p>When the claim relates to an advertised service of a regulated health practitioner, the claim must be supported by accurate evidence. The claim must be supported by accurate evidence and must be generally understood that it is a claim about a specific health service.</p>
<p>including: - making - selling - advertising</p>	<p><input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Unsure</p>	<p><b>Does it make a claim about a specific health service?</b></p> <p>Remember you should always make your advertising, if you make a claim, is not restricted to general health claims, but is available to all marketing for services and consumers and is not appropriate to include misleading.</p> <p>If you're unsure, remove the claim from your advertising. Advertising can be restricted to a substantiated <b>specific</b> claim. This may mean providing the details of the claim, such as the scientific evidence, to support the claim.</p> <p>One advertising claim is supported by accurate evidence. Find out whether your advertising is supported by accurate evidence. See <a href="#">www.ahpra.gov.au/advertising</a> for more information.</p>
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## Review: Guidelines for Advertising Regulated Health Services

- Guidelines due for scheduled review.
- The purpose of the review is to ensure the ongoing relevance, consistency, accuracy and accessibility of the Guidelines to help advertisers understand their obligations when advertising a regulated health service.

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## When are testimonials prohibited under National Law?

- Under section 133(1) (c) of National Law, a person cannot **advertise** a regulated health service in a way that uses a testimonial. This means that National Law does not allow the use of testimonials in advertising. A statement, view or feedback about a service received or provided is considered a testimonial if it includes recommendations or positive statements about clinical aspects of a regulated health service.





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Questions?

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