

Aboriginal and Torres Strait Islander Health Practice Chinese Medicine Chiropractic Dental Medical Medical Radiation Practice

occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Pockatry
Psychology

Australian Health Practitioner Regulation Agency

Nursing and Midwifery

# Advertising Compliance and Enforcement

Consumer Health Regulators Group

Luisa Interligi 15 February 2018

#### 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

# Released under FOI Responsible advertising in

healthcare forum

Parkroval, Melbourne Airport

#### 9 August 2017

- Web:
  - News item
  - Videos
  - Full Report

# **Outcomes: focus** for future work

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



# Advertising resources

#### Advertising resources





#### How can we help you?





What consumers need to know



What health practitioners and healthcare providers need to know



Further information on advertising and the National Law

#### 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.

# AHPRA Advertising resources page -

#### Further updates planned:

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



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# **Existing Resources**

#### Words to be wary about

Some words have more potential to mislead or deceive when used in advertising, so it is carefully.

#### 1. The word 'cure'.

The unqualified use of the word 'cure' could breach section 133 unless there is acceptal a condition. It is often not possible to establish a causal connection between providing patient improvement. This is because not all improvement in a condition can necessaril many intervening factors, relapses frequently occur and the response to treatment variendividual. Wording about the potential to reduce the severity of symptoms is often safemay be able to reduce the severity of the symptoms'.

#### 2. The words 'can help/ improve/treat' or 'effectively treats'.

When there is acceptable evidence that a health service can help certain conditions, it n like 'x treatment or x approach can help/improve these conditions'. When there is limite treatment can help certain conditions, it is unacceptable to claim or suggest that it can I in these cases, it can still be misleading to state that treatment or a particular approach conditions unless the advertisement is clear about the limited or inconclusive evidence.

#### 3. The word 'safe'.

When a treatment is generally considered safe based on acceptable evidence, it may be treatment is generally considered to be safe but occasionally may be associated with p cases. It is potentially misleading to state that treatment or a particular approach is saf forms of treatment have the potential for adverse reactions.

#### 4. The word 'effective'.

When there is acceptable evidence that a health service can healt treatment or approach has been shown to be effective for the transcription in the inconclusive evidence that treatment has been shown to be effective reasonable to state something like 'there is mixed and/or inconclusive effective in the management of certain conditions'.

#### Related information



Abongino and Torres Sira Islandier Health Practice Chinese Medicine Chimprochic Denital Medical Medical Radiation Practice accupanonal Therap actionerry actionally tharmacy frysotherapy foolatry hychology National Law: Your advertising obligations



The destration public is a stelled to receive good quoisty information about their healthcare services. Health practitioners, as travial professionals, have regulative publications when advertising a regulate backlin services. These requirements are somewhealth below and do not replace the <u>Guidelines for</u> of military for a destribute a resulted to fall.

5. Advortising must not be false, minimating or deceptive, or likely to be minimating or



that thee

have had about advertising regulated health services.

If this information does not provide you with what you are looking for, please contact



Advertising is actions by people or businesses to draw attention to their services. The promote services are almost limitless and include all forms of printed and electronic

#### These include:

- any public communication using television, radio, motion pictures, newspapers, representations, designs, mobile communications or other displays
- professional websites, the internet or directories, and
- business cards, announcement cards, office signs, letterhead, telephone director directory listings and similar professional notices.

The focus is on the promotional quality of advertising, it also includes situations in winformation for media reports, magazine articles or advertorials, including where this on particular products or services, or about other health practitioners.

What does 'regulated health service' mean?

Use the examples below to check and correct your advertising

Simply choose an option below to read guidance on how advertising can be corrected.



Examples common to all regulated professions

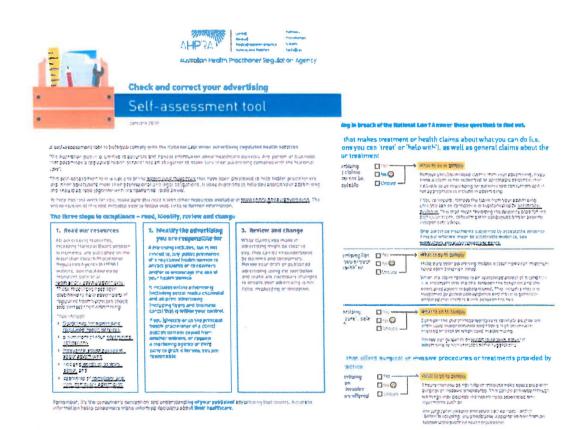


Chiropractic examples



Osteopathy examples

### New resource - Self Assessment Tool





Chinese Medicine Components Denkot

Hedical Rodathon Practice Hurting and Midwlery

Occupanional Therapy

Optomerry Орвараму Pharmacy

POCKSTY

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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.



# 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.



When are testimonials prohibited under **National Law?** 





# **Questions?**

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