

## Note from the Chair

The Chiropractic Board of Australia (the Board) and AHPRA have noted that there continues to be a high number of complaints made about chiropractors' advertising; and the Board is concerned about the ongoing issues and confusion about advertising guidelines. We are devoting this newsletter to issues related to advertising by chiropractors to further clarify matters.

In 2014 the Board presented a series of seminars around Australia to explain the [Guidelines for advertising regulated health services](#) and to provide additional information and answer questions about advertising. These presentations were well received and the Board was able to provide clarification and answer questions from members of the profession about specific advertising issues.

The Board will continue to work with AHPRA and inform chiropractors of their responsibilities, as outlined in the advertising guidelines, in order to improve chiropractors' compliance with the guidelines and the advertising provisions of the National Law.<sup>1</sup>

## Registration renewal and CPD requirements

I would also like to take this opportunity to remind all chiropractors that your registration is due for renewal by 30 November 2015. AHPRA will be sending out reminder emails in the coming months. Your registration renewal reminder includes all the information you need for easy online renewal. The renewal process takes less than 30 minutes and BPAY and credit or debit card payment methods are accepted.

All registered chiropractors must meet the Board's registration standards and make a declaration of their compliance with the standards on their registration renewal application. The continuing professional development (CPD) registration standard requires all practising chiropractors to complete at least 25 hours of CPD per annual registration period.

At least 50 per cent of these hours (a minimum 12.5 hours) must be formal learning activities.

The balance may be formal or informal learning activities.

All practitioners must hold a current Senior First Aid (Level 2) certificate or equivalent.

First aid certificates need to be renewed every three years to remain current.

<sup>1</sup> The Health Practitioner Regulation National Law, as in force in each state and territory

To get maximum benefit, it is important to undertake CPD in a planned and purposeful manner. It is helpful to start planning your CPD now to avoid a late rush before you are due to renew your registration in November. Please refer to the [registration standards](#) and [codes and guidelines](#) on the Board's website for advice about what constitutes formal and informal learning.

Audits of compliance with registration standards, including the CPD registration standard, are conducted throughout the year. To demonstrate your compliance with this standard, you need to keep your CPD documentation for seven years.

The registration fees for the 2015/2016 period have been set by the Board. The Board has been able to limit the increase to the national consumer price index (CPI) of 1.3%. The fee has been set at \$403 for NSW based practitioners and \$552 elsewhere.

## Outgoing and new Board members

Finally, I must express my gratitude for all the effort and work that the outgoing members, Dr Amanda Kimpton, Dr Mark McEwan and Ms Margaret Wolf, have contributed towards the Board's work throughout their terms of appointment. As inaugural members of the National Board their contribution has been critical to all of the Board's achievements since it started. Their contribution will be missed.

I am also pleased to note the ministerial appointment of two new practitioner members, Dr Ailsa Wood and Dr Anna Ryan, and one new community member, Mr Frank Ederle. I look forward to working with them and building on the foundations laid by the current Board.

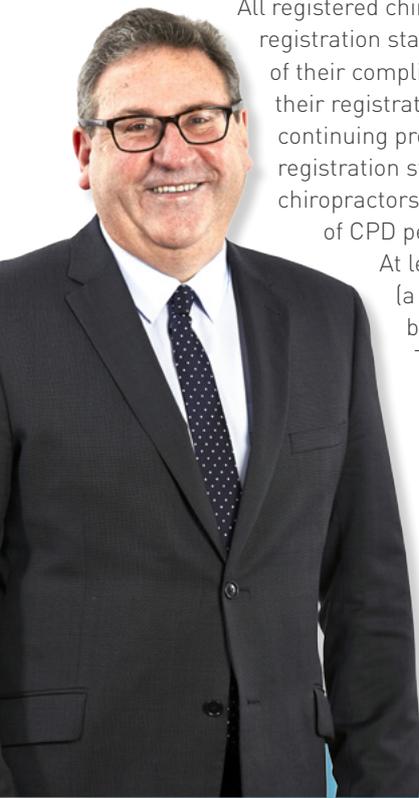
### Dr Wayne Minter AM

Chiropractor  
Chair, Chiropractic Board of Australia

## Advertising by chiropractors

Chiropractors are reminded that advertising found to be non-compliant with the requirements of the National Law, and therefore not in line with the Board's advertising guidelines, may result in a court prosecution. Consequently, advertising matters are usually referred to AHPRA's statutory offences unit, which deals with these matters on behalf of National Boards.

The National Law expressly prohibits certain sorts of advertising, including: false or misleading advertising; offering gifts, discounts or inducements without disclosure of terms and conditions; using testimonials; creating an unreasonable expectation of beneficial treatment and encouraging the indiscriminate or unnecessary use of health services.



Practitioners who breach the guidelines and/or the National Law will initially receive a letter from AHPRA asking them to amend or remove their advertising so as to comply with Part 7 of the National Law and the advertising guidelines. If, following correspondence from AHPRA, the practitioner fails to amend or remove their advertising the matter will be referred to the statutory offences unit, to consider whether it is appropriate for prosecution or disciplinary action by the Board.

### Misleading and deceptive advertising

Under section 133 of the National Law, it is an offence to advertise regulated health services in a way that is false, misleading or deceptive or is likely to be misleading or deceptive.

The Board holds ongoing concerns about advertising by the profession that may be seen as misleading and deceptive. In particular, there have been a number of concerns raised about chiropractors' advertising that indicates that there may be a lack of understanding of evidence and evidence-based practice.

The National Board has provided clear guidance throughout many of its codes and standards by directing practitioners towards an evidence-informed approach. The number of advertising offences and issues arising as part of the notifications process clearly indicate that there are some practitioners who are not conducting their practice in this manner.

### Evidence-based practice

In relation to misleading or deceptive statements, it is important for practitioners to understand that a high level of evidence is required to reasonably support a claim made in advertising. This is because a bare statement may be easily misinterpreted or de-contextualised and become misleading to members of the public.

The National Law also prohibits advertising that creates an unreasonable expectation of beneficial treatment. The claims of beneficial treatment can range from unsubstantiated scientific claims through to miracle cures.

Chiropractors must ensure that they do not advertise the health benefits of chiropractic care when there is not good evidence or proof that such benefits can be attained.<sup>2</sup>

### Scientific information in advertising

Chiropractors must take care not to mislead or create false impressions when using scientific information in advertising. Practitioners who choose to include scientific information in advertising must ensure that the information is presented in a manner that is accurate, balanced and not misleading and use terminology that is understood readily by the target audience.

The advertising must clearly identify the relevant researchers, sponsors and the academic publication in which the results appear, and be from a reputable (e.g. peer reviewed) and verifiable source.

### Testimonials and social media

In the context of the National Law, a testimonial includes recommendations or statements about clinical aspects of a regulated health service. The National Law ban on using

testimonials means it is not acceptable to use testimonials in your own advertising, such as on your Facebook page, in a print, radio or television advertisement, or on your website.

The National Law does not directly regulate social media. However, testimonials used in advertising a regulated health service through social media may contravene the National Law. More information about using social media can be found in the [Social media policy](#).

Practitioners advertising through social media should carefully review content regularly to make sure that all material complies with their obligations under the National Law. Therefore, chiropractors should not encourage patients to leave testimonials on the chiropractor's website that advertises their own regulated health services, and should remove any testimonials that are posted there.

There are many opportunities for consumers or patients to express their views online that are not affected by the National Law restriction on testimonials in advertising. Patients can share views through their personal social media such as Facebook or Twitter accounts, or on information-sharing websites or other online mechanisms that do not involve using testimonials in advertising a regulated health service.

To clarify, practitioners are not responsible for removing (or trying to have removed) unsolicited testimonials published on a website or in social media *over which they do not have control*.

### The use of titles

Under the National Law, there is no specialist registration for chiropractors, and the title 'specialist' is restricted. It is therefore unlawful for chiropractors to call themselves specialists or imply that they are specialists in their advertising.

All registered chiropractors can use the title 'chiropractor' in their advertising. It is also acceptable to list credentials and recognised qualifications in advertising.

It is not acceptable to claim specialisation explicitly or by using other words that create the impression that a chiropractor is a specialist in a particular area. This is contrary to the advertising provisions of the National Law. However, a chiropractor could reasonably say they have an 'interest', 'experience' or 'predominantly practise' in an area of clinical practice.

### Advertising of chiropractic services

Care must be taken with certain words in advertising, as they may increase the risk of misleading or deceiving a member of the public.

- The word '**cure**'. As mentioned above, extremely high level evidence is required to support any claim of cure. It is unacceptable to state that chiropractic treatment or a particular chiropractic approach can cure any condition. Not all improvement can necessarily be attributed to chiropractic treatment, relapses frequently occur and the response to treatment varies considerably between individuals. However, it may be acceptable to say, 'I cannot cure a particular condition but I may be able to help reduce the severity of some of the symptoms associated with that condition'.

<sup>2</sup> Australian Competition and Consumer Commission, Misleading and deceptive conduct

- The words **'can help/improve'**. Where there is substantive or good quality evidence that chiropractic treatment can help certain conditions, it is acceptable to state something like 'chiropractic treatment or a particular chiropractic approach can help/improve these conditions'. In such cases, it may be acceptable to state that chiropractic treatment or a particular chiropractic approach may/might help or improve certain conditions. Where there is limited or inconclusive evidence that chiropractic treatment can help certain conditions, it is unacceptable to state that chiropractic treatment can/may help/improve these conditions.
- The word **'safe'**. It is unacceptable to state that chiropractic treatment or a particular chiropractic approach is safe without also acknowledging that all forms of chiropractic treatment have the potential for adverse reactions. In such cases it may be acceptable to state something like 'chiropractic treatment is generally considered safe but occasionally it may cause adverse reactions in some people'.
- The word **'effective'**. Where there is substantive or good quality evidence that chiropractic treatment can help certain conditions, it is acceptable to state something like 'chiropractic treatment or a particular chiropractic approach has been shown to be effective for the treatment of these conditions'.

Where there is limited or inconclusive evidence that chiropractic treatment has been shown to be effective in the management of certain conditions, it is acceptable to state something like 'chiropractic treatment or a particular chiropractic approach may be effective in the management of certain conditions for some people'. It would not be acceptable in such cases to claim that 'chiropractic treatment or a particular chiropractic approach has been shown to be effective for the treatment of these conditions'.

Practitioners should take additional care when advertising chiropractic services that may influence vulnerable groups in the community, particularly paediatric chiropractic services.

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## Keep in touch with the Board

- Visit our website for [news about the profession](#) and for [registration standards, codes, guidelines, policies and fact sheets](#).
- Lodge an [online enquiry form](#).
- For registration enquiries call 1300 419 495 (from within Australia).
- Address mail correspondence to: Dr Wayne Minter, Chair Chiropractic Board of Australia, GPO Box 9958, Melbourne VIC 3001.

