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Psychology

Australian Health Practitioner Regulation Agency

## WA man fined for claiming to be a chiropractor

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20 April 2015

The Magistrates Court of WA has charged Robert Scott for claiming to be a chiropractor registered under the [Health Practitioner Regulation National Law \(WA\) Act 2010](#).

The Chiropractic Board of Australia referred the matter to the court, alleging Mr Scott had used the words 'chiropractor' and 'chiropractic' in ways that could lead people to believe he was registered and authorised to practise in the profession, neither of which are true.

The Board also alleged Mr Scott performed a manipulation of the cervical spine when he wasn't authorised to do so.

Claiming to be a registered health practitioner and using certain professional titles is prohibited under the National Law. Certain acts are also restricted to registered health practitioners, and this includes cervical spinal manipulation.

While Mr Scott pleaded guilty to pretending to be a chiropractor and advertising his services in a way that implied he was a chiropractor, he claimed his method of spinal manipulation wasn't caught by the Act, and that he was therefore innocent of any wrongdoing.

The court ordered an independent chiropractic expert to settle this dispute with Mr Scott, and after protracted discussions and negotiations Mr Scott accepted his method of spinal manipulation did contravene the Act.

At a second hearing Mr Scott's lawyer contended Mr Scott wasn't guilty of using the word 'chiropractor', only 'chiropractic'. The charge over the use of the word 'chiropractor' was adjourned to a later date to allow for further discussion.

Mr Scott was convicted of claiming to be a registered practitioner, fined \$10,000 for using the word chiropractor and performing a manipulation of the cervical spine, and ordered to pay \$5,249.90 costs.

In sentencing Mr Scott, the Chief Magistrate noted these types of offences are serious and that protecting the public is paramount.

All registered health practitioners appear on the National Registers of Practitioners, which is a searchable list that is accessible on the [AHPRA website](#). If a person does not appear on the register, they are not registered to practise in a regulated health profession in Australia.

The outstanding charge (that Mr Scott had used the title 'chiropractor') was discontinued due to a lack of evidence.

### Title protection, practice protections and advertising

The National Law protects the public by ensuring that only registered health practitioners who are suitably trained and qualified can use protected titles such as medical practitioner. The law allows for penalties for falsely using protected titles or holding yourself out to be a registered practitioner when they are not.

Certain practices are also restricted to individuals with necessary qualifications or registration under the National Law. It is also an offence under the National Law to advertise a regulated health service, in a way that is false, misleading or deceptive. The Advertising Guidelines set by the Board guide the interpretation of the National Law.

A breach of the National Law is a criminal offence and may be prosecuted by AHPRA. The maximum penalties that a court may issue if you are found guilty of an offence under the National Law are as follows:

- for offences under sections 113 to 118 (title and practice protections) – a fine of \$30,000 in the case of an individual or \$60,000 in the case of a body corporate, per offence, and
- for offences under section 133 (advertising) – a fine of \$5,000 in the case of an individual or \$10,000 in the case of a body corporate, per offence.

#### **For more information**

- Visit the [AHPRA website](#)
- For registration enquiries: 1300 419 495 (within Australia) +61 03 9275 9009 (overseas callers)
- For media enquiries: (03) 8708 9200