

Decision of the Podiatry Board of Australia

Performance and Professional Standards Panel

Jurisdiction: Victoria

Date of hearing: 1 February 2012

Date of decision: 9 February 2012

Classification of Notification:

National Law Offence – Advertising breach.

The Board was notified of concerns about a practitioner's advertising material, which had led a patient to believe that the practitioner was a doctor. It was alleged that the advertising made it appear that the practitioner could cure hip and knee pain, slow bunion development and that the practitioner was a leading sports podiatrist.

Allegations

The practitioner faced allegations that the practitioner's advertising material breached the advertising guidelines set by the Board, in that the advertisements created, or were likely to create, unwarranted and unrealistic expectations about the effectiveness of the health services advertised by using the terms "cure" and "end pain". It was also alleged that the advertisements misled or potentially misled the public by using the term "medical" and "medical advice and treatment", encouraging the public to believe the practitioner was a medical practitioner.

Finding

The Panel found that use of the terms "end", "cure" and "heal" could create unwarranted and unrealistic expectations about the effectiveness of the health service. On the basis of those findings, the Panel decided that the practitioner behaved in a way that constituted unprofessional conduct, in that his advertising was not consistent with the Podiatry Board of Australia's *Guidelines for advertising of regulated health services*.

Determination

The Panel determined to caution the practitioner and impose a condition on his registration that he was to modify the advertising to make it consistent with the Board's Guidelines. The Board required the changes to the advertising to be made within 60 days of the Panel's decision. When it received evidence from the practitioner that the changes had been made to the Board's satisfaction, the condition on the practitioner's registration was to be removed.