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# Titles in health advertising

## Getting it right when advertising your health service

The Australian public is entitled to accurate and honest information about healthcare services. Any person or business that uses a title, including protected titles, when advertising a regulated health service has an obligation to comply with the National Law<sup>1</sup>.

This resource will help you understand how titles can be used in **advertising**. It is just one of the advertising resources developed by AHPRA and National Boards to help health practitioners and other advertisers meet their professional and legal obligations. You should read this in conjunction with other resources on the AHPRA website.

### When does this guidance apply?

The National Law protects the public by ensuring that only registered health practitioners who are suitably trained and qualified use titles protected under sections 113-119 of the National Law. A person who is not a registered health practitioner cannot refer to themselves using one of the titles protected under the National Law, or hold themselves out to be a registered practitioner.

Misuse of a protected title, specialist title or endorsements is an offence under sections 113-119 of the National Law or may constitute behaviour for which health, conduct or performance action may be taken against a registered health practitioner under Part 8 of the National Law.

However, advertisers should also be aware that while use of some titles may not necessarily breach title protections under sections 113-119, they may be considered false, misleading or deceptive under the advertising provisions in the National Law (section 133).

The following guidance about use of titles applies to the use of a title in **advertising**. Titles are used in several contexts by practitioners – this guidance only applies when a title is used to **advertise** a regulated health service provided by a health practitioner.

Context is important when considering whether a title is used in advertising; and therefore, whether it is subject to section 133 of the National Law. Use is unlikely to be considered advertising where the title is not used externally to promote the service provider to consumers<sup>2</sup>. For example, where the title is used only within the employment context; and:

- is recognised under an industrial award (e.g. psychiatric registered nurse), or
- is determined by the employer and appears in the position description (e.g. intensive care nurse), or
- is a role that does not involve patient care.

### How can titles be misleading?

When advertising, it is important that the use of a title does not lead a consumer to believe the practitioner holds specialist registration or an endorsement they do not hold; or imply that the practitioner is more highly skilled or qualified than another practitioner with the same type of registration.

However, advertised titles may at times be helpful and informative. A descriptive title can help to inform the public that the practitioner works with a specific group, in an area of practice or in a specific setting. Some titles, such as those that attach a descriptor<sup>3</sup> to a protected title, can help consumers find a practitioner who focuses on a specific area of practice or, alternatively, a generalist. For example, someone seeking a practitioner to address a musculoskeletal condition does not expect to see a practitioner who deals only with neurological conditions.

So long as the descriptor does not imply a specialty or endorsement, it can have potential benefits for consumer understanding and helping them make an informed choice. This is especially so where the title is commonly used and understood to reflect an area of practice that the practitioner works in, rather than a specialty or endorsement in that profession.

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

<sup>2</sup> Protected title provisions under sections 113-119 apply to all contexts, including advertising.

<sup>3</sup> A descriptor is a word that provides additional information about the area of a practitioner's work, such as 'aged care', 'musculoskeletal' or 'community'.

## Common pitfalls

### → Using a protected title with a descriptor in a potentially misleading way

While use of a descriptor with a protected title might provide useful information to the public, as described above, advertisers must take care that the title does not over-represent the practitioner's skills, experience or qualifications, or imply specialist registration or endorsement.

### → Using 'specialist', 'specialises in', 'specialty', 'specialised'

Advertising that uses the words, or variations of the words or phrases 'specialist', 'specialises in', 'specialty', or 'specialised' implies the practitioner holds specialty registration and is likely to mislead the public if the practitioner does not hold specialist registration. These words or phrases should be used with caution. Words such as 'substantial experience in' or 'working primarily in' are less likely to be misleading.

### → Overstating specialist area of practice

Where a practitioner holds specialist registration in a recognised specialty, they should ensure that their use of 'specialist', 'specialises in', 'specialty', or 'specialised' in their advertising is restricted to the specialty they are registered in and does not misrepresent their specialist registration.

### → Qualifications

Advertising qualifications or memberships can provide the public with useful information about a practitioner's education and experience. It can help consumers make informed decisions about using regulated health services. If a practitioner holds further or postgraduate qualifications, or has specific experience, it is acceptable to advertise that in an accurate and factual way. For example, 'Master of Public Health', or '10 years' experience working at clinic XY'.

Where a National Board acknowledges further education awarded by a professional college, as in physiotherapy, any reference to the further qualification must clearly specify the relevant educational award. For example, 'Mr P Smith, specialist musculoskeletal physiotherapist (as awarded by the Australian College of Physiotherapists in 2008)'.

**For more information and other resources to help you check and correct your advertising so it complies with the National Law, see the [Advertising resources](#) section of the [AHPRA website](#).**