



Aboriginal and Torres Strait
Islander Health Practice
Chinese Medicine
Chiropractic
Dental
Medical
Medical Radiation Practice
Nursing and Midwifery
Occupational Therapy
Optometry
Osteopathy
Pharmacy
Physiotherapy
Podiatry
Psychology

Australian Health Practitioner Regulation Agency

Response template: Public consultation - revised *Guidelines for advertising regulated health services*

National Boards and the Australian Health Practitioner Regulation Agency (AHPRA) are seeking feedback about the revised *Guidelines for advertising regulated health services*.

This response template is an alternative to providing your response through the online platform available on the consultation [website](#).

IMPORTANT INFORMATION

Privacy

Your response will be anonymous unless you choose to provide your name and/or the name of your organisation.

The information collected will be used by AHPRA to evaluate the revised guidelines. The information will be handled in accordance with AHPRA's privacy policy available [here](#).

Publication of responses

Published responses will include the name (if provided) of the individual and/or the organisation that made the response.

You must let us know if you do **not** want us to publish your response.

Please see the [public consultation papers](#) for more information about publication of responses.

Submitting your response

Please send your response to: AHPRA.consultation@ahpra.gov.au

Please use the subject line: Feedback on guidelines for advertising regulated health services

Responses are due by: **26 November 2019**

General information about your response

Are you responding on behalf of an organisation?	
Yes	What is the name of your organisation? Optometry Australia
We may need to contact you about your response. Please write your name and contact details below. (Skip if you wish to remain anonymous)	
Name (optional)	██████████
Contact details (optional)	██ ██████████ ██

Public consultation questions

Please ensure you have read the [public consultation papers](#) before providing feedback as the questions are specific to the revised Guidelines for advertising regulated health services.

Use the corresponding text boxes to provide your responses. You do not need to answer every question if you have no comment.

1. How clear are the revised guidelines?
New guidelines are clear. Many of the questions we have been asked which were not included in previous version have now been covered.
2. How relevant is the content of the revised guidelines?
Content is relevant to registered health practitioners.
3. Please describe any content that needs to be changed or deleted in the revised guidelines.
<p>Possibly consider deleting paragraph below in red from 4.13 (pg 10 of 19). Guidelines are already long and this section seems repetitive (and does not really add any new information):</p> <p><i>“The National Law prohibits claims of:</i></p> <ul style="list-style-type: none"><i>• holding a type of registration, including specialist registration or endorsement, if the person does not hold this type of registration and/or</i><i>• being qualified to practise as a specialist health practitioner, or to hold an endorsement, if the person does not hold this type of registration.</i> <p><i>So a registered health practitioner may not, through advertising or other means:</i></p> <ul style="list-style-type: none"><i>• claim to be a ‘specialist’ or use a recognised specialty title to present themselves to the public as holding specialist registration, when they do not hold specialist registration in the relevant recognised specialty</i><i>• claim to hold an endorsement or use an endorsed title to present themselves to the public as holding an endorsement in relation to approved areas of practice in a health profession, when they do not hold the relevant endorsement</i><i>• claim to be qualified to practise as a specialist health practitioner when they are not registered in the relevant specialty, or</i><i>• claim to be qualified to hold an endorsement when they do not hold the relevant endorsement.</i>

While the use of some titles may not necessarily breach title protections in the National Law, when used in advertising it may be considered false, misleading or deceptive under the advertising provisions. When advertising, it is important that the use of words or titles 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 skilled or has greater experience than is the case”.

4. Should some of the content be moved out of the revised guidelines to be published in the advertising resources section of the AHPRA website instead?

If yes, please describe what should be moved and your reasons why.

5. How helpful is the structure of the revised guidelines?

The summary on page five is a useful overview before the material is explored in more detail later in the document.

6. Are the flow charts and diagrams helpful?

Please explain your answer.

The guidelines are text heavy so flow charts are helpful in summarising key points. Break out boxes might also help readability.

7. Is there anything that needs to be added to the revised guidelines?

For the qualifications section on page 11 of 19 could you please consider providing an example for this paragraph:

“Take care that abbreviations or post-nominal letters to indicate membership of a body or association are not misleading by explaining the reference unless it is widely understood (such as some recognised specialties).”

We have seen many practitioners list membership abbreviations without any explanation in the same manner as post nominals for qualifications which may be confusing to members of the public This would be clearer to practitioners with a direct example.

Eg something along the lines of: “Mr P Smith, member of ACP” rather than “Mr P Smith, ACP”.

It may also be useful to flag earlier in the document (Eg perhaps in Section 2 – Purpose of the guidelines) that other laws regulate advertising but that this guide focusses on application of the National Law. ACCC and TGA websites are listed in Appendix but no other mention is made within body of document. Text could be re-inserted from previous guide:

“4.1 Other laws regulating advertising

Advertising of regulated health services often involves the advertising of products and/or therapeutic goods and you must take care that you comply with all relevant legislation. Australian regulators such as the Australian Competition and Consumer Commission (ACCC) and the Therapeutic Goods Administration (TGA) have a responsibility for laws governing the advertising of health products and services. More information about this is included in Appendixes 2, 3 and 4. If a complaint about an advertisement may be of interest to another Australian regulatory authority such as the TGA or ACCC, AHPRA may refer the matter to the most appropriate regulator”.

In the 2014 FAQ which accompanied the advertising guidelines there was advice surrounding whether publishing of a symbol of an award based on patient reviews considered as using testimonials in advertising. Consideration should be given as to whether to include this in the updated guidelines – eg:

“5. Is publishing a symbol of an award based on patient reviews using testimonials in advertising?”

Information-sharing or rating websites may give awards on the basis of customer reviews. The National Law does not apply to awards published on third party websites which do not involve advertising a regulated health service.

Publishing an award symbol or rating on a website advertising a regulated health service will not breach the ban on using testimonials in the National Law, unless it involves republishing the testimonials on which the award or rating is based.

This is because a symbol, rating or title of an award from an information sharing or rating website does not fit the ordinary meaning of a testimonial, which is a statement of recommendation, implying a narrative or descriptive quality”.

8. It is proposed that the guidelines will be reviewed every five years, or earlier if required.

Is this reasonable?

Please explain your answer.

Difficult to answer without having the criteria which would lead to it being reviewed “earlier if required”. The advertising landscape has changed significantly in the last 5 years so a review in 3 years may be more appropriate.

9. Please describe anything else the National Boards should consider in the review of the guidelines.

With respect to the last sentence on page 13 of 19: *“Practitioners are not responsible for removing (or trying to have removed) unsolicited testimonials published on platforms they do not control or on sites that are not advertising a regulated health service. However, a health service provider should take care if they choose to engage with a testimonial on a third-party site. Service providers should refrain from responding to reviews in a way that would be considered using a testimonial to advertise a regulated health service. **Practitioners should also not direct or encourage clients to place reviews**”.*

This appears to be commonplace currently and we are unsure how the National Boards intend to police this.

10. Please add any other comments or suggestions for the revised guidelines.

From page 12:

“The National Law does not regulate how members of the public can interact with review sites or discussion fora”.

I realise this is correct use of the term ‘fora’ but this option for the plural of forum is archaic and obsolete. If aiming for plain English and readability ‘fora’ should be replaced with forums (as per options outlined in Australian Macquarie dictionary).

Forum: *noun (plural **forums** or **fora**)*

(‘Forums’ is also currently used on page 17 in the definitions section so use should be consistent.

Thank you!

Thank you for participating in the consultation.

Your answers will be used by the National Boards and AHPRA to improve the Guidelines for advertising regulated health services.