



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? The Australian Society of Orthodontists
No	Are you a registered health practitioner? No If yes, which profession(s)? Are you a student? No If yes, which profession?
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?
The revised Guidelines are an improvement in terms of clarity of content and layout.
2. How relevant is the content of the revised guidelines?
<p>The content is very similar to existing Guidelines and relevant.</p> <p>However, the more pressing issue remains that whilst corporate entities are subject to s133 of the National Law enforcement of breaches of the National Law appears to be lacking.</p> <p>Further our experience is that when the ASO brings to the attention of AHPRA examples of non specialist practitioners use of the protected title "orthodontist" it appears to take AHPRA a long time to ensure these breaches are fixed.</p>
3. Please describe any content that needs to be changed or deleted in the revised guidelines.
<p>Online mail-order orthodontic treatments have appeared in the Australian market recently. The Australian Society of Orthodontists has been warning the Australian public since 2017 about the health and financial risks associated with unsupervised, self-administered orthodontics.</p> <p>We are seeing unregulated orthodontic industry disruptors rapidly gaining traction with the Australia public via aggressive marketing - and our view is that AHPRA (and the Dental Board of Australia) need to take a more proactive approach in dealing with these dental service providers.</p>

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.

No. Relevant content should be kept together.

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

Helpful. However the Guidelines need to be enforced if they are to be useful.

6. Are the flow charts and diagrams helpful?

Please explain your answer.

They are fairly simplistic but may help some people.

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

NA

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

Is this reasonable?

Please explain your answer.

Given the rate of change in the dental sector at the moment it may be sensible to consider reviewing the Guidelines in 3 years.

Further the effectiveness and findings of the *Advertising and Enforcement Strategy* should be publicly reported.

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

Enforcement of breaches of the National Law.

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

Online and mail-order orthodontic treatments have appeared in the Australian market recently. The Australian Society of Orthodontists has been warning the Australian public since 2017 about the health and financial risks associated with unsupervised, self-administered orthodontics.

We are seeing orthodontic industry disruptors rapidly gaining traction with the Australia public via aggressive marketing - and our view is that AHPRA and the Dental Board of Australia need to take a more proactive approach in dealing with these dental service providers.

These products have been available in the United States for some years. They have been heavily criticised by consumers and industry groups, including the American Association of Orthodontists (AAO) and the Canadian Association of Orthodontists (CAO) for over-promising and under-delivering on treatment results. Further, US and Canadian orthodontists continue to report increasing numbers of patients who present for retreatment subsequent to failed DIY/ DTC orthodontics. They report such treatments have either not delivered promised results, or left the patient with unresolved or worsened malocclusions, undiagnosed caries or endodontic issues, temporomandibular joint (TMJ) dysfunction, alveolar bone deterioration and periodontal attachment loss/gingival recession. In more severe cases, actual tooth loss has been a treatment complication.

DIY orthodontics aligner manufacturing companies persuade people to take teeth straightening into their own hands by purchasing clear aligners – mostly with no in-person assessment or consultation by a specialist orthodontist or any other registered dental professional.

Typically, consumers have their teeth scanned at a retail outlet or are mailed a DIY impression kit to take their own dental impressions. The resulting scans or impressions are used to create a course of sequential plastic aligners (SPAs), that are sent directly to the consumer to administer themselves. For many of these companies at no time during this process is there direct, face to face interaction with a registered dental professional.

Further, many SPA companies require an extensive legal waiver to be signed that includes language that will likely confuse the average consumer. We would suspect that staff at commercial outlets are not trained to satisfactorily explain these waivers. This does not constitute satisfactory informed consent to a health procedure.

Clearly, a remote online 'sale' cannot account for individual dental variations, nor does it allow for ongoing adjustment to the treatment once the SPA's have been sent. In many models there is no clinical or radiographic assessment of the teeth, surrounding bone and dental tissues. Thus, no assessment of existing pathology is possible rendering any diagnosis grossly inadequate by any standard and any subsequent "treatment plan" invalid and potentially dangerous.

Where unregulated treatment falls below standard, we fear Australian consumers will struggle to have legal or dental recourse. (We note at least one provider has stated on record that they send their scans overseas to be checked by overseas orthodontists).

These providers are in breach of the National Law where websites use the protected term "orthodontist" without having an Australian specialist orthodontist; and where testimonials are used on websites. Many of these providers have websites that fall foul of the Guidelines but it appears no action has been taken by AHPRA as these websites remain as is.

Further, clear guidance is required as to how overseas dental professionals providing a diagnosis and treatment plan to an Australian consumer in Australia, are to be regarded according to the National Law and how such Australians might be protected under consumer law.

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.