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## Chair's message

This month we have a special spotlight in our newsletter on osteopathy, paediatric<sup>1</sup> care and advertising.

The Osteopathy Board of Australia (the Board) has decided to share this information with you to make sure it is clear what you should consider as an osteopath when providing services to children and when you are advertising these services.

We are sharing useful information with you that explains the National Law<sup>2</sup> and the Board's expectations of how you should meet your obligations as a registered osteopath. We would ask you to take the time to read all the information we have provided and then review your advertising.

We remind you that you can **only** treat children and babies if you have the training, education and competence to do so.

The Board and the Australian Health Practitioner Regulation Agency (AHPRA) continue to receive high numbers of complaints about osteopaths, including advertising treatments for paediatric conditions and/or making beneficial claims of treatments for children and babies. There have been

<sup>1</sup> In this newsletter references to 'children' and 'paediatric' are terms used interchangeably by the Board to refer to anyone aged under 18.

<sup>2</sup> Health Practitioner Regulation National Law, as in force in each state and territory (the National Law).

over 300 complaints received this financial year about osteopathy advertising. The majority raise valid concerns. With this in mind we ask all osteopaths to review their advertising and check it is both correct and compliant.

Late last year the Board published a [second bulletin](#) on advertising. Please read it again. We will continue to provide educative information to you about what is and is not acceptable when advertising your services to potentially vulnerable groups. This newsletter looks at how the [advertising guidelines](#) relate to advertising osteopathy care for children and babies. The information shared reflects the common mistakes made by osteopaths and how you can make changes if you are in breach of the advertising requirements.

This is an important conversation to have with the profession. As health professionals, osteopaths have an obligation to make sure patients are receiving the right care, at the right time and from the right professional.

Please err on the side of caution, and **if in doubt then leave it out of your advertising.**

**Dr Nikole Grbin (osteopath)**

Chair, Osteopathy Board of Australia

## Osteopathy Board spotlight on advertising and treating children

### Board publishes position on paediatric care

The role of the Board is to protect the public consistent with the National Law.

The Board has recently published its *Position statement on paediatric care*. This is a must-read document for every osteopath in Australia. The position statement is available on the [Board's website](#).

In regulating the osteopathy profession, the Board is responsible for registering practitioners and setting the professional standards they must meet to make sure the public has access to safe and competent services from osteopaths.

This position statement has been published to make it clear for practitioners and the wider public, including patients and those who have concerns about osteopathy treatment for children. The Board has circulated the statement widely to the Board's stakeholders.

Osteopaths need to deliver effective health care within an ethical framework. Like all health practitioners, they must take particular care when managing the care of children and young people.



## Explaining our position statement – the treatment of children and scope of practice

While individual osteopaths have their own beliefs and values, the [Code of conduct for osteopaths](#) makes it clear that those values must be secondary to the wellbeing of their patients and the promotion of health in their patients and the community.

In maintaining good practice, practitioners should consider the balance of benefit and harm in all clinical decisions. If the care needs of a patient are beyond the training, education and competence of a practitioner the Board expects them to appropriately refer that patient to another healthcare provider.

You have a responsibility to **recognise and work within the limits of your competence and scope of practice**. This applies to all osteopaths whether newly graduated or those who have been practising for many years.

The Board's *Code of conduct for osteopaths* states:

'Practitioners have a responsibility to recognise and work within the limits of their competence and scope of practice. Scopes of practice vary according to different roles; for example, practitioners, researchers and managers will all have quite different competence and scopes of practice.' See section 1.2, *Professional values and qualities*.

Good practice involves:

- a) recognising and working within the limits of a practitioner's competence and scope of practice, which may change over time
- b) ensuring that practitioners maintain adequate knowledge and skills to provide safe and effective care, and
- c) when moving into a new area of practice, ensuring that a practitioner has undertaken sufficient training and/or qualifications to achieve competency in that area. See section 2.2, *Good care*.

The Board considers a registered osteopath's scope of practice as 'the professional role and services that an individual health practitioner is educated and competent to perform'. This means that you can work in areas of practice in which you are educated, trained, experienced and competent. This also means you cannot work in areas of practice where you are not.

If you wish to change or develop your scope of practice, you must complete further education and training to ensure your competence. The Board cannot recommend post-graduate or continuing education courses, it is up to you to assess where you need to update your learning and then complete this learning before changing or extending your scope of practice.

Osteopaths should not claim to provide care for babies and children unless they have the appropriate education, training and competence to do so.

When practitioners do not have the clinical skills and knowledge to appropriately assess and manage a paediatric patient, the Board expects them to refer the patient to another healthcare practitioner who has the appropriate skills, or to co-manage the patient with them. This should happen immediately when there are serious conditions that need urgent referral.

## Advertising services for children and babies

If you are an osteopath and wish to advertise that you treat children, the following information can help you meet your obligations under the National Law.

Under the National Law, there is a different test for what you claim in advertising and what services you can offer in practice. A higher standard of evidence is needed to support claims made in advertising regulated health services. This is because in advertising, a statement may be easily misinterpreted or taken out of context and then become misleading.

There is helpful advice available that you can refer to when developing or reviewing your advertising, particularly when it relates to children and babies. This includes:

- Use language that consumers will understand.
- Always be clear about the level of evidence to support a claim. You should not make claims about the effectiveness of the treatment or services you provide if those claims cannot be substantiated with [acceptable evidence](#). Personal experience and anecdotes are not acceptable evidence and do not justify making claims in your advertising.
- If your advertising refers to a specific condition, you should be clear that you are treating the musculoskeletal aspects of this condition (i.e. include a qualifying statement or "qualifier" for each condition) and do not overstate the role of the treatment.
- Avoid using lists of conditions with only a qualifier at the top (a qualifier for each is safer).
- If you advertise a list of conditions with only a qualifier at the top this may be confusing or misleading for consumers – as many consumers will search for a specific condition online (e.g. asthma). Consumers may only read that single condition in the list without reading the qualifier or the rest of the advertising on the website.
- **You are responsible for your advertising.**

While this guidance applies to any marketing and advertising of osteopathy services, the Board is particularly concerned about advertising of services relating to pregnancy, childbirth, and parents/carers with newborns, neonates and children of all ages. The Board is concerned about advertising across all services being provided to this broad group of patients.

To make sure you comply with the advertising requirements, you should review your advertising now using these points as a checklist, as well as referring to the [Guidelines for advertising regulated health services](#) and the information that has been published on a dedicated [Advertising resources](#) section on the AHPRA website.

### The term 'specialist' cannot be used by osteopaths

Osteopaths cannot use the term 'specialist' when referring to their practice or registration in their advertising or any other materials. Even if you have the appropriate training and experience, you cannot give the impression or advertise that you specialise or are a specialist in paediatrics and treating neonates, infants and young children.

If you treat children, you should exercise caution when you advertise to ensure that you do not convey the impression that you are a specialist health practitioner.

Specialist registration applies only to a small number of health professionals, and is a protected title under the National Law. Osteopaths can only apply for general registration.

Under the National Law, sections 117 to 119, it is an offence (with serious penalties) for a person who is not a specialist health practitioner to:

- take or use the title 'specialist health practitioner'
- take or use a title, name, initial, symbol, word or description that reasonably indicates, or could be reasonably understood to indicate, the person is a specialist health practitioner, or is authorised or qualified to practise in a recognised specialty, or
- claim to be registered or qualified to practise in a recognised specialty.

The use of words and phrases such as 'specialises in' may be misleading or deceptive as patients can interpret the advertisements as implying that the osteopath is more skilled or has greater experience than is the case; or is more qualified or more competent than a holder of the same registration category.

Words such as 'experienced in' or 'working primarily in' are less likely to be misunderstood.

For further information, see the *Guidelines for advertising of regulated health services* on the Board's website under [Codes and guidelines](#).

### Testimonials in advertising are prohibited

Testimonials of any form, such as visual or text, are prohibited. If your patients are happy with your services, please do not use their experience or image in your advertising. If there is a complaint about your advertising, the use of testimonials about clinical care is a clear breach of advertising rules under the National Law and will result in action by AHPRA and the Board.

## Other Osteopathy Board news

### Osteopathy profession profile now available – annual report 2015/16

The Board has published a report of its work in the regulation of the osteopathy profession under the National Scheme during 2015/16.

The report provides a profession-specific view of the Board's work to manage risk to the public. It is a profile of regulation at work for the osteopathy profession in Australia for the 12 months to 30 June 2016.

Insights into the profession include:

- Of the 657,621 registered health practitioners in Australia during the year, 2,094 were osteopaths (0.3% of the total registrant base).

- 207 new applications for registration as an osteopath were received.
- Registration for the osteopathy profession grew by 4.7% from 2014/15.
- Student registration increased by 47.9%, to 1,759 registrants.
- 54% of osteopaths are women; 46% are men.
- Victoria was the principal place of practice for most osteopaths (1,109).
- The Northern Territory was home to the fewest (3).
- The age bracket with the most osteopaths was 25-29 (420 registrants).
- 65 osteopaths were under 25 years of age; six were aged 80 or over.
- As part of the registration process, 185 criminal history checks were carried out for osteopaths. Of 15 disclosable court outcomes, none required regulatory action.
- 23 notifications (complaints or concerns) were lodged about osteopaths during the year, equating to 1.1% of the profession.
- There were 10 active monitoring cases, with most relating to monitoring provisional registration requirements for suitability/eligibility.

The data in this report is drawn from the [2015/16 annual report](#) published by AHPRA and the National Boards, reporting on the National Scheme. For more information, download a PDF copy of the Osteopathy Board's 2015/16 profession summary from [the AHPRA website](#).

## National Scheme news

### NSW chiropractor who claimed cancer cure convicted in landmark case

A New South Wales chiropractor has been convicted of false advertising after he claimed to be able to prevent, treat and cure cancer in his advertising.

Dr Hance Limboro was sentenced after he pleaded guilty to 13 charges and was convicted and fined \$29,500 by the court and ordered to pay AHPRA's legal costs. He was fined for using testimonials in his advertising, which is not allowed when advertising regulated health services.

Under the National Law, Dr Limboro was convicted of unlawfully advertising a regulated health service and using testimonials. [Read the full news item.](#)

### Health workforce dataset released

In conjunction with the National Boards, AHPRA is responsible for the national registration process for 14 health professions. A subset of data from this annual registration process, together with data from a workforce survey that is voluntarily completed at the time of registration, forms the National Health Workforce Dataset (NHWDS).

The NHWDS includes demographic and professional practice information for registered health professionals and is de-identified before it can be made publically available.

The NHWDS Allied Health 2015 data has recently been released as a series of fact sheets on each allied health profession – the [NHWDS Allied Health Fact Sheets 2015](#) – by the Commonwealth Department of Health.

The data included are generated through Workforce Surveys, which are provided by AHPRA on behalf of the Department of Health to all health professionals as part of their yearly re-registration. Each survey is slightly different and is tailored to obtain data specific to that profession.

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## Keep in touch with the Board

- Visit [www.osteopathyboard.gov.au](http://www.osteopathyboard.gov.au) for mandatory registration standards, codes, guidelines and FAQ. Visiting the website regularly is the best way to stay in touch with news and updates from the Board.
- Lodge an enquiry form via the website by following the [Enquiries](#) link on every web page under *Contact us*.
- For registration enquiries, call the Australian Health Practitioner Regulation Agency (AHPRA) on 1300 419 495 (from within Australia) or +61 3 8708 9001 (for overseas callers).
- To update your contact details for important registration renewal emails and other Board updates, go to the AHPRA website: [Update contact details](#).
- Address mail correspondence to: Dr Nikole Grbin, Chair, Osteopathy Board of Australia, GPO Box 9958, Melbourne, VIC 3001.

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## Follow AHPRA on social media

Connect with AHPRA on [Facebook](#), [Twitter](#) or [LinkedIn](#) to receive information about important topics for your profession and participate in the discussion.

