



New Brunswick Standards of Practice

Advertising, Marketing, Practice Promotion Materials, and Content Including Yellow Pages and Directory Listings Policy

History

Approved by the Board: April, 2008

Effective: August 1, 2008

Updated to include Public Display Protocol approved May 1, 2010

Updated to include Electronic Social Media Advertising: May 18, 2010

Adding "Royal" to the name of Chiropractic College of Sports Sciences, Canada (RCCSS(C))

Purpose and Objective

- 1) To provide members with a Standard of Practice related to advertising, marketing and practice promotion that will support the information requirements of members of the public while maintaining an appropriate and professional image of the chiropractic profession.
- 2) To allow for the provision of information that will assist members of the public in their selection of available chiropractic treatment/care.
- 3) To allow for the provision of information related to the need for members of the public to make functional and practical choices in selection of a chiropractic health provider.
- 4) To allow members to develop and provide appropriate information to assist members of the public in choosing chiropractic care as a personal health option.

Definitions and Context within This Standard of Practice

Advertising and Marketing:

Designed principally for distribution to an external market (i.e. new patients, other health professionals, employer groups) Examples may include newspaper ads, flyers, brochures, business cards, websites, Facebook, Twitter, You Tube, blogs, postcards, testimonials, office signage (external) bus benches, billboards, TV and radio ads, public service announcements, announcements made via any other medium and any other method of providing information to an external market audience.

Practice Promotion:

Designed principally for distribution to an internal market (i.e. current patients) Examples may include appointment cards, brochures or handouts, postcards, testimonials, announcements, fee information, personal acknowledgements such as birthday cards and any other method of providing information to an internal market audience. Information presented in this Standard of Practice addresses these areas as individual target audiences and provides examples of what is permitted and what is not permitted.

Compliance with this Standard of Practice related to advertising, marketing and practice promotion materials requires that all information

Shall:

- Be truthful and factual in its content
- Be professional in description, content and presentation
- Be compliant with legislation in New Brunswick
- Identify the practitioner as a doctor of chiropractic

Shall Not:

- Be false or misleading
- Claim professional superiority (except recognized specialty designations)
- May not use the term “specialist” (except recognized specialty designations)
- Guarantee results or imply a specific outcome
- Disrespect or denigrate any other profession or practitioner, their services or products
- Reference, in any manner, “free” or “discounted” services
- Violate the confidentiality of any patient
- Include school of graduation
- Alter material or context of materials provided by the New Brunswick Chiropractors’ Association (NBCA)

May:

- Include NBCA recognized chiropractic specialty designations
- Include the phrase “WHSCC Authorized” **

Any information not expressly identified in the examples attached to this Standard of Practice must be approved by the Board of Directors prior to print approval or release.

Enforceability

Any member identified to the Complaints Committee or the Board of Directors as non-compliant in the Standard of Practice related to advertising, marketing and practice promotion materials & content including web site, yellow page and directory listings is subject to the investigations and complaints process under Section 33 of the Association’s *Professional Incorporation Act, Bill 45, 1997*.

Identification may occur as a result of Practice Visit process, patient complaint or any other means by which the information may be brought to the attention of the Complaints Committee or the Board of Directors.

Penalty

- First Offense: \$1,000 fine plus a written warning.
- Second Offense: \$2,500 fine plus a written reprimand to the member’s file.
- Third Offense: \$5,000 fine plus additional sanctions for professional misconduct as prescribed by the Complaint Committee.

Supplementary Information (examples)

Examples of what may be included and what may not, are provided to assist with clarification of this Standard of Practice. These examples should not be treated as the comprehensive list of information endorsed by NBCA. If a practitioner is in doubt, they should contact the Association for clarification.

Information on Business Cards, External Office Signs and Letterheads may include:

- Practitioner name and Clinic name
- Address (including directional wording)
- Phone and Fax numbers
- Web site and email addresses
- Professional Corporation Information
- Hours of Operation
- Method of payment accepted
- Languages spoken
- Services/techniques available
- CCA/NBCA Logo must state “Member”
- Logos

- NBCA recognized specialties
- WHSCC authorization
- Handicapped access availability
- Academic credentials from post secondary degree granting institutions and/or accredited Chiropractic Colleges

Information on the above items may NOT include:

- School of graduation
- Specific fee information
- Special interest areas or practice except those recognized by designations.

Recognized specialty designations are:

- Chiropractic College of Radiologists (FCCR)
- College of Chiropractic Sciences (FCCS)
- College of Chiropractic Orthopedists (Canada) (FCCO(C))
- College of Chiropractic Rehabilitation Sciences (FCCRS(C))
- Royal College of Chiropractic Sports Sciences (FRCCSS(C))
- Violations of requirements of any other legislation (i.e. Veterinary Medicine Act)

Information on Flyers, Handbills, Newspaper Ads, Billboards, Bus Benches, Post Cards, Yellow Page and Directory Listings May include:

- All information permitted on Business Cards
- General Chiropractic health information
- Testimonials (with written patient permission)
- Fundraising or charity related information if relevant
- Photographs

Information on the above items may NOT include:

- Same restrictions as Business Cards category above
- Coupons of discount offers
- Information restricted by Copyright law

Multi-level Marketing

Reviewed by Board of Directors April 2008
Effective August 1, 2008

Purpose and Objective

The public should be confident that consultation with chiropractors in New Brunswick will be focused upon their health care concerns and not intermingled with other commercial considerations.

It is not appropriate for health care providers to solicit patients for business ventures in the context of any doctor/patient relationship.

Definition(s)

A registered member, registered practitioner/professional corporation or someone associated with a member either directly or indirectly, or related to a member, or an employee of a member, shall not solicit any patient to become involved in a multi-level marketing (MLM) program. A member or someone associated with a member either directly or indirectly, or related to a member, or an employee of a member who participates in MLM programs may do so as long as he/she does not promote this program in any manner to patients. If a patient enters the program, they must do so at their own initiation and not because they have been solicited by a member or someone associated with a member either directly or indirectly, or related to a member, or an employee of a member.

Enforceability

Any member identified to the Complaints Committee or Board of Directors as non-compliant in the Standard of Practice related to multi-level marketing is subject to the investigations and complaints process under Section 33 of the Association's *Professional Incorporation Act, Bill 45, 1997*.

Identification of non-compliance may occur as a result of Practice Visit process, patient complaint or any other means by which this information may be brought to the attention of the Complaints Director.

Penalty

- First Offense: \$1,000 fine plus a written warning.
- Second Offense: \$2,500 fine plus a written reprimand to the member's file.
- Third Offense: \$5,000 fine plus additional sanctions for professional misconduct as prescribed by the Complaint Committee.

Use of the Term 'Specialist'

Reviewed by Board of Directors April 2008
Effective August 1, 2008

Purpose and Objective

To identify the appropriate use of the title of specialist as well as the appropriate abbreviations and initials that may be used by members of the New Brunswick Chiropractors' Association.

Definition(s)

a. A regulated member on the General or Courtesy Register may use the title of 'specialist' as well as the appropriate abbreviations and initials, providing he or she has successfully completed and is certified by one or more of the following specialty programs approved by the NBCA:

- i. Chiropractic College of Radiologists (FCCR)
- ii. College of Chiropractic Sciences (FCCS)
- iii. College of Chiropractic Orthopedists (Canada) (FCCO(C))
- iv. College of Chiropractic Rehabilitation Sciences (FCCRS)
- v. Royal College of Chiropractic Sports Sciences (FRCCSS(C))

b. A regulated member on the General or Courtesy Register may continue to use the title of 'specialist' as well as the appropriate abbreviations and initials, providing he or she continues to meet the additional requirements for maintenance of the specialty certification.

c. Use of the title 'specialist' is permitted in advertising, providing it complies with the Advertising Standard of Practice approved by NBCA.

Enforceability

Any member identified to the Complaints Committee or the Board of Directors who is using the title 'specialist' and is not certified by the specialty programs recognized by NBCA is subject to the investigations and complaints process under Section 33 of the Association's *Professional Incorporation Act, Bill 45, 1997*.

Identification of non-compliance may occur as a result of the Practice Visit process, patient complaint or any other means by which this information may be brought to the attention of the Complaints Committee or the Board of Directors.

Penalty

- First Offense: \$1,000 fine plus a written warning.
- Second Offense: \$2,500 fine plus a written reprimand to the member's file.
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Appendix “A” Public Display Protocol

Note to Readers: In the event of any inconsistency between this document and the legislation that affects chiropractic, the legislation governs.

Description

The NBCA developed this public display protocol to ensure that chiropractic is consistently promoted in a professional manner with personal accountability. This protocol provides members with some practical approaches to community event planning and implementation.

Public display is a type of community service that includes educational sessions and/or public health screenings. These public events are used to encourage and promote chiropractic in a positive and professional manner.

Educational session is a live communication to a group, organization or the public at large. This may include a formal lecture, informal discussion or presentation. Professional accountability is imperative as these sessions are usually performed in the absence of formal evaluations.

Public health screening is an assessment procedure to identify possible chiropractic/health concerns that may require attention. Members may only perform a screening assessment on willing participants.

Members may conduct a public display/ health screening only at the following events – health fairs and trade shows. The NBCA discourages public display/health screening in a shopping mall environment.

Purpose/Intent

Educational sessions provide an excellent opportunity to promote chiropractic, and to inform and educate the public.

Public health screenings that stress the importance of preventative health strategies are commonly used by all health professions and are widely recognized to promote public health.

Public displays/health screenings are of value to the public because they may identify early signs of potential health problems and educate the public about chiropractic. They can be used to help build a stronger chiropractic presence in the professional and public communities. These events are intended to promote chiropractic as a legitimate, safe and effective health care choice.

Set-Up/ Presentation

All aspects of public displays/health screenings will be evaluated by the participating public and other professions so public displays/health screenings must remain professional.

Signs, communication material, and professional appearance are all important factors to consider when planning the set-up and delivery of a public display/ health screening.

Signs, should state the purpose and intent of the event (i.e., chiropractic talks, spinal evaluation, postural evaluation, etc.). Members may have signage listing groups, societies or associations' affiliation, provided the affiliated group mentioned officially recognized the event.

The NBCA requires notification, in writing, advising for a public display/health screening at least three business days prior to the event. The notification must include the names of participating member(s) and the event's date, time and location.

Chiropractic Representation

The NBCA requires that at least **one licensed chiropractor** be present at a public display/health screening at all times.

Information for Distribution

The distribution of all chiropractic information and communication materials (i.e., pamphlets, posters, handouts, video/audio materials, etc.) at public displays/health screenings must comply with the NBCA standard of practice policy for advertizing. The NBCA recommends that such materials be forwarded to the NBCA for pre-approval. Turnaround time for approval is approximately **10 business days**.

Screening procedures

The primary purpose of a public display/ health screening is to educate the public. A member should not pressure or aggressively solicit any potential participant. Participation must be voluntary.

For the purpose of the public display protocol, "fully informed" means the participant understands that the purpose of the screening is not to diagnose but to screen him/her for potential problems that may require future investigation in a formal office setting. The member must provide the participant with a description and explanation of the purpose of the screening procedure.

Prior to performing any assessment procedure, a member must obtain consent that is:

- fully informed;
- voluntarily given;
- related to the patient's condition and circumstances;
- not obtained through fraud or misrepresentation; and
- evidenced in written form and signed by the participant or otherwise documented in the patient record.

A member must:

- advise the participant that he/she may withdraw his/her consent at any time;
- offer the participant the option of having the assessment performed in a private area (e.g., separated or sectioned off with a curtain); and
- perform a screening in compliance with the current privacy legislation.

A member must not:

- disrobe or gown any participant at a public display/health screening;
- use a method of assessment that uncovers, shifts or alter a participant's clothing (e.g., shirts, slacks, dresses, etc.) in a way that would be construed as disrespectful, embarrassing and/ or inappropriate; and
- perform therapeutic interventions – (e.g., soft tissue therapy or massage, stretching, mobilizations, manipulation/ adjustment (manual/ instrumented)).

Members are reminded:

- if a fee is charged for the screening procedure, the fee must be disclosed to the participant before the service is provided;
- be sensitive to the fact that they may be screening participants who are already receiving chiropractic care;
- must not compare their services to any other chiropractor, directly or indirectly; and
- comply with the NBCA standard of practice policy for advertising.

If it is deemed appropriate that a participant requires any follow-up chiropractic care, the member should recommend that he/ she visit a chiropractor of his/her choice. [Note- a current NBCA directory to be available for information purposes at the public display/health screening.]

It remains a participant's choice to follow up with a more complete evaluation at a chiropractic office.

Screening Equipment

Assessment procedures may include computerized testing, simple functional testing (with no equipment) and/or questionnaires.

Assessments currently accepted:

- questionnaires
- postural evaluation – computerized, plumb lines or manual
- hands-on procedures (e.g., range of motion, flexibility, static/ motion palpation)
- dual or four quadrant weight scales
- surface electromyography (SEMG)** (cervical spine only, when appropriate)
- thermography/ thermal scanning (to already exposed spinal areas only, no clothing is to be shifted/ moved) **

**SEMG, thermography/thermal scanning and computerized spinal analysis must follow generally accepted protocols.

Members are reminded that they represent a profession with high standards and, when performing any of the above assessments, they may be compared to other professions.

Professional Conduct

The NBCA regulations and standards (including, but not limited to, consent and record keeping) must be adhered to at all times. A complaint of professional misconduct may occur if, having regard to all the circumstances, a member's conduct would reasonably be regarded as disgraceful, dishonourable or unprofessional.

Enforceability

Any member identified to the Complaints Committee or the Board of Directors who is using the title 'specialist' and is not certified by the specialty programs recognized by NBCA is subject to the investigations and complaints process under Section 33 of the Association's *Professional Incorporation Act, Bill 45, 1997*.

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