



Medical practice website compliance

Recently, a new client engaged me to review the practice website they were developing for their new medical practice. They had engaged a professional website developer and sent a draft format and key headings before the build commenced.

Amongst other issues, one of the obvious compliance issues was their intent to have a patient testimonial section. Advertising a testimonial on a platform controlled by the practice would be a breach of the National Law as clearly detailed in the AHPRA Guidelines for advertising regulated health services which can be downloaded at www.ahpra.gov.au/Publications/Advertising-resources/Legislation-guidelines/Advertising-guidelines.aspx

THE GUIDELINES NOTES:

Section 133 of the National Law regulates advertising of regulated health services. It states:

A person must not advertise a regulated health service, or a business that provides a regulated health service, in a way that –

- a) is false, misleading or deceptive or is likely to be misleading or deceptive; or*
- b) offers a gift, discount or other inducement to attract a person to use the service or the business, unless the advertisement also states the terms and conditions of the offer; or*
- c) uses testimonials or purported testimonials about the service or business; or*
- d) creates an unreasonable expectation of beneficial treatment; or*
- e) directly or indirectly encourages the indiscriminate or unnecessary use of regulated health services.*

The guidelines are currently under review and so please ensure you check the AHPRA website for any updates guidelines. Note that breaches of the guidelines can result in significant fines and disciplinary action. A good case to read is www.ahpra.gov.au/news/2017-10-04-media-release-advertising.aspx

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In an Australian-first, Wellness Enterprises Pty Limited, which traded as Australian Male Hormone Clinic, has been fined \$127,500 plus costs after being found guilty and convicted of 17 charges related to unlawful advertising of regulated health services.

What continues to surprise me is the number of website developers who claim to be experts in medical websites, yet seem to have no understanding, or even awareness of the basic rules that apply. The following table lists the compliance



CHRIS MARIANI
Director

P: 0419 017 011

E: chris@mgrs.com.au

Authorised representative
No. 434578

MGR
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