



Reproductive Technology Accreditation Committee (RTAC)

TECHNICAL BULLETIN 6

Public Information, Communication and Advertising

May 2015

From time to time RTAC will become aware of issues, questions or comments where it may consider assisting units enhance the quality of their service to patients. A Technical Bulletin is an educational communication to all units, and Bodies certifying units to the RTAC Code of Practice, offering advice and guidance. It is not enforceable.

Background

When the RTAC Accreditation System and associated Code of Practice were revised in 2008, inclusion of an Advertising Code of Practice was discontinued due to difficulty in drafting criteria that could be objectively audited. In 2014 the Australian Health Practitioner Regulation Agency (AHPRA) released "Guidelines for Advertising Regulated Health Services" and a "Social Media Policy" as part of assuming responsibility for regulating and policing this area.

Application of these Guidelines in the ART Industry

Providers of assisted reproductive services are advised to be familiar with these guidelines as compliance is regarded as mandatory by AHPRA.

RTAC has developed this Technical Bulletin, taking advice from the Fertility Society of Australia Board and the FSA IVF Directors Group, to assist units in maintaining compliance with the AHPRA Guidelines.

- Units should ensure that all public information, communication and advertising is factual and verifiable. In particular units should ensure that all public information, communication and advertising do not raise expectations falsely or create confused messages.
- Units should not use testimonials or purported testimonials in public information, communication and advertising. This is particularly important if units use social media in their promotion. AHPRA takes the view that the control of the content of a social media site is held by the social networking account once they are aware of the posting of the comment, even if the account holder did not make the comment.
- Units are cautioned against making statements of a comparative nature and in particular using the data collected by ANZARD in public information, communication and advertising. This is particularly important because the patients to whom services are provided vary between units. "Using comparative advertising often risks misleading and/or deceiving the public because it can be difficult to include complete information when comparing one health service with another" (p.7 AHPRA Guidelines for Advertising Regulated Health Services 2014)



- Units announcing "breakthroughs" or making media releases on scientific advancements should ensure that a process for submission to a peer reviewed journal is made within a reasonable time (such as within twelve months of the public announcement).
- If units provide incentives, gifts or discounts as part of provision of ART services all the terms and conditions must be stated in the public information and communication.
- Units employ staff of varying disciplines and with variable skills in the provision of services. Units must be especially careful not to mislead patients as to the skills held by each staff member or provider of services. A registered health practitioner who does not hold specialist registration may not use the title "specialist", or through advertising or other means, present themselves to the public as holding specialist registration in a health profession.

Medical directors ultimately assume responsibility for the content and format of public information, communication and advertising and therefore units should have appropriate governance in place to ensure that all public information, communication and advertising complies with the AHPRA Guidelines and these recommendations. Specifically, marketing departments and consultancies should only release information to the public domain with the verifiable permission of the medical director of the unit.

Making a Complaint Regarding Information, Communication or Advertising

A complaint is known as a "*notification*". Notifications of proposed breaches by registered health practitioners of AHPRA's Guidelines should be made to AHPRA which manages the notifications on behalf of the National Boards.

A concern about a registered health practitioner and/or unit can be lodged with AHPRA

- by calling 1300 419 495
- by completing a notification form available from the AHPRA website (www.ahpra.gov.au) and submitting it by post; or
- in person at an AHPRA office.

Any RTAC accredited unit receiving a notification from AHPRA of a complaint in relation to advertising should advise the Chairperson of RTAC to enable monitoring of complaints by RTAC. RTAC will not become involved in these complaints.

Keith Harrison
RTAC Chair