



Issue 7 April 2004

Dear Registrant

A "DOCTOR'S" CONFESSION TO THE STATE OF VICTORIA

Yes, the above headline was intentionally written to grab your attention. For some considerable time the Board has been plagued by complaints of Chiropractors' advertising that starts with just that sort of wording. It then develops from there into a self-testimonial. Most also contain statements regarding "research shows that chiropractic care can double your immune system."

Well, two things are questionable about this type of statement. Firstly, the "can" word implies a **guarantee** of help, always use the "may" word, and secondly, we have not been able to track down research to support this contention of doubling the immune system, hence the statement could be considered to be false and misleading in terms of the *Chiropractors Registration Act 1996*. If you must indulge in this type of advertising, it is suggested that you use the word "may" instead of "can".

The topic of testimonials has been raised on a number of occasions, both within Board Newsletters and professional association publications and the like, yet complaints are still being constantly received about this type of material.

The "Confession" type of self-testimonial would appear to be used predominantly by clients of WLP (Waiting List Practice). As a consequence of this, I took the opportunity to meet with Dr. C.J. Mertz on his recent visit to Melbourne, and discussed with him the types of complaints we receive, the advertising restrictions imposed by the Act, and potential solutions.

At this point it should be emphasized that the Board is merely upholding the terms of the *Chiropractors Registration Act 1996* itself, we have not written these provisions ourselves.

The sections referred to with Dr. Mertz in particular were:

1. Section 60 (1) (C), which states, "A person must not advertise a chiropractic practice or chiropractic services in a manner which, refers to or quotes from testimonials or purported testimonials"
2. Section 60 (1) (A), which states that "A person must not advertise a chiropractic practice or chiropractic services in a manner which is, or is intended to be false, misleading or deceptive."

Information and Contacts

If you are unsure or require further information on any topic, please contact the Registrar on:

Telephone (03) 9639 8652
Facsimile (03) 9639 8653

The Board has a home page on the Internet, the address is:

chiroreg.vic.gov.au

Board Members

Dr John Waterhouse D.C.
President

Dr Sue Heringslake, D.C.
Vice President

Dr Robert Cathie D.C.
Chiropractor

Dr John Reggars
Chiropractor

Mr Don O'Halloran
Lawyer member

Mr William Burns
Non chiropractor

Ms Anna Radonic
Non chiropractor

Another, relatively minor, group of complaints deals with the use of the title “Doctor”. Whilst the use of this title is permissible in Victoria, it must always be qualified by the use of Chiropractor, e.g. “Doctor of Chiropractic”. For the title not to be so designated implies, at least to the general public, that the person is a medical doctor, which, in terms of the Act, is false and misleading.

Therefore, all practitioners need to take particular care with all printed matter, that they identify themselves clearly as a Chiropractor.

3. Section 3 (E), which states “Unprofessional Conduct” means all or any of the following: Providing a person with health services of a kind that is excessive, unnecessary or not reasonably required for that person's well-being.

Complaints under this section have arisen concerning the use of contracts of care, especially where the contracts, regardless of the patient's age or presentation, are essentially the same. This cannot be supported by any scientific evidence. All programs of care should be tailor-made to the individuals needs with periodic re-evaluations and variations, depending on progress and outcome measures. One size does not fit all.

Arising from the meeting with Dr. Mertz, were some important agreements, which, in brief, include:

- That Dr. Mertz would contact all clients, past and present to advise them that testimonials of any kind may not be used.
- That advertising material that purports to use research should have it referenced and be factual.
- That the “can” word be replaced by the “may” word.
- That the title “Doctor” always be qualified Chiropractor, or Doctor of Chiropractic.
- That all contracts of care be thoroughly spelled out and understandable by patients, that there be a cooling-off period, that there be in/out clauses, and that the refund policy is clear and concise. Further, that contracts of care cannot be the same for everyone.

On its part, the Board has agreed to offer an “Amnesty” for the dozen or so practitioners against whom complaints have been made pertaining to self-testimonials and which we are currently processing for prosecution. That amnesty runs out from the date of Dr. Mertz's letter and this, the Board's Newsletter.

Any future transgressions will be processed for prosecution, and ignorance of the legislation will be no excuse, nor defence.

On a lighter note regarding complaints, there have been fewer received over the past twelve months compared with the previous year, which is encouraging. A worrying trend however, is the number of cases of alleged fraud that are currently before us.

This past year has seen the completion of the Board Members Kit, and also a Registrant's Kit (for new Registrants), both of which will provide a raft of information for Board Members and Registrants alike.

The Board's relationship with RMIT has been much improved, and we are currently working on a number of joint projects. One of general interest will be the development of a course of instruction for those Practitioners involved in the Clinical Placement Program. We see this as an important step in the transition from student to chiropractor, and being placed in an appropriate external teaching/working environment.

In September of this year, the Victorian Board will play host to the annual Australasian Conference of Chiropractic Registration Boards. At that time, it is hoped to further bring the processes and procedures of each of the Boards into uniformity.

Hopefully, by that time we will finally see the New South Wales Board becoming a signatory to the Council on Chiropractic Education Australasia Inc., the accreditation body that inspects the various teaching institutions in Australia and New Zealand, and assesses the competency standards of overseas trained practitioners who wish to practice in this country.

With the increasing workload of the Board, it has become necessary to seek additional assistance for the Registrar, and we look forward to that person joining us soon.

With respect to the Board membership, there is one practitioner vacancy becoming due in September 2004 and details for submitting applications from interested parties are detailed in the Department's advertisement on the last page of this Newsletter.

Finally, all Registrants are encouraged to visit the Board's website at chiroreg.vic.gov.au, which now contains a considerable amount of information, guidelines and downloadable forms.

We hope that you find it useful.

Dr. John Waterhouse DC
President

Appointments to the
Chiropractors Registration Board of Victoria

Expressions of Interest

The Victorian Government is seeking persons interested in being appointed to the Chiropractors Registration Board. The purpose of the Chiropractors Registration Board is to protect the public by registering chiropractors, accrediting professional courses, and holding investigations into the professional conduct and fitness of registered professionals to practice.

The boards are composed of practitioners, lawyers and laypersons.

Composition of the Board and vacancies

Chiropractors Registration Board of Victoria

The Chiropractors Registration Board is composed of four registered chiropractors, one lawyer and two persons who are not chiropractors.

One vacancy is for a person who is a chiropractor.

Selection Criteria

Applicants for appointment as practitioner members should possess extensive experience in their profession, a broad knowledge of health care, and experience in organisational governance.

The Victorian Government is committed to ensuring the diversity of our boards represent the diversity of our communities. Women, indigenous people and people from culturally and linguistically diverse backgrounds are encouraged to apply.

Term of appointment

Members of the boards hold office for not more than three years from the date of appointment. Members are eligible for re-appointment.

Remuneration

Eligible members of the Board will be paid sitting fees as determined by the Governor-in-Council.

Applications Process

Applications must be made on the prescribed application forms. Please include a curriculum vitae and a letter detailing what you can contribute to the Board.

Application forms and further information for all Boards can be obtained from the Department of Human Services website at <http://www.dhs.vic.gov.au/pdpd/workforce/pracreg/appointments.htm> or by contacting Ms Nicola Young on 03 9616 6983.

Applications should be marked 'In Confidence', and sent to
Applications Officer
Service and Workforce Planning Branch
Department of Human Services
Level 5, 555 Collins Street
Melbourne 3000

Applications for the Chiropractors Registration Board close on Friday 23rd April 2004 at 4.00pm.

Board Address:

Level 17
150 Lonsdale Street
Melbourne 3000

Mailing address:

GPO Box 4831VV
Melbourne 3001

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