

# Standards for Advertising

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# Introduction

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Registrants of the Nova Scotia Occupational Therapy Regulator are accountable for the practice they provide to the public. Standards are issued by the Regulator to ensure a minimum level of practice is maintained for occupational therapists in Nova Scotia. Standards are intended for the protection of occupational therapy clients. Although standards are prescriptive, occupational therapists are still expected to exercise professional judgement in their practice and apply the standards within the context of their environment. Occupational therapists are also expected to follow the standards set by their employer; when the employer's standards seem to conflict with this standard, occupational therapists should contact the Regulator for clarification.

## Statement of Purpose

The purpose of this document is to ensure occupational therapists in Nova Scotia are aware of the minimum expectations for advertising an occupational therapy practice.

Regulator publications contain practice parameters and standards which should be considered by all Nova Scotia occupational therapists in the care of their clients, and in the practice of the profession. Regulator publications are developed in consultation with occupational therapists and describe current professional expectations. It is important to note that these Regulator publications may be used by the Regulator or other bodies in determining whether appropriate standards of practice and professional responsibilities have been maintained.

The Standards are based on core occupational therapy principles outlined in the Competencies for Occupational Therapists in Canada (2021).

## Background

While advertising is a part of running a business, advertising in healthcare comes with important differences than advertising in other industries. This standard was developed to ensure that the advertisement of occupational therapy is done in a manner that is honest, truthful, transparent, and professional. This standard applies to all advertising across forms of media, including but not limited to signage, print media, and social media.

Occupational therapists should avoid advertising where there is a real, potential, or perceived conflict of interest, such as referring clients to their own business or that of a friend or family member, or any other service in which they could stand to have financial gain. As per the Standard on Conflict of Interest, occupational therapists are required to act in the best interest of the client at all times, which includes when advertising for services.

The Standards for Advertising applies to all occupational therapists and businesses that offer occupational therapy services. The Standard for Advertising shall also apply to professional corporations.

## Definitions

**Advertising** means media communication used to inform the public about a product or service, including but not limited to signage and advertisements.

**Client** means the individual who is the recipient or intended recipient of health care services from an occupational therapist, and, where the context requires, includes a substitute decision-maker for the recipient or intended recipient of health care services.

**Conflict of Interest** means when an occupational therapist has a relationship or interest, which could be seen by a reasonable person as improperly influencing their professional judgement or ability to act in the best interest of the client. A conflict of interest can be actual, potential, or perceived

**Actual:** Occurs where an occupational therapist has already performed an action when a relationship or interest has influenced their ability to serve the client's best interests. An actual conflict of interest means an action has already occurred.

**Potential:** Occurs where a reasonable person foresees that an occupational therapist has a relationship or interest sufficient to influence their ability to serve the client's best interests should the occupational therapist become involved in the client's care. (COTBC, 2019)

**Perceived:** Occurs where a reasonable person determines that an occupational therapist's ability to act in the best interests of a client might be affected due to competing interests – even if this is not actually the case. (COTBC, 2019)

**Corporation** means a business that is a separate legal entity from its proprietors, including but not limited to private health facilities not operated under the health authority.

**Social Media** means online websites and applications where users can create and share content with other users.

**Solicit** means the attempt to obtain something from someone else.

**Specialization** means a specific area of practice beyond that of general occupational therapy, typically indicating advanced training or experience, except in the case of advanced practice or authorized advanced competency as outlined and approved by the Registrar.

**Testimonial** means statement by a client or third party in regards to someone's character or other attributes, and/or to the merits of their products and services.

## Application of the Standards

The **standards** describes the minimum expectation for occupational therapists in advertising.

- The **performance indicators** listed below describe more specific behaviours that demonstrate the standard has been met.
- There may be some situations where the occupational therapist determines that a particular

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performance indicator has less relevance due to client factors and/or environmental factors. Such situations would require the occupational therapist to seek further clarification.

- It is expected that occupational therapists will always use their clinical judgement to determine how to best meet client needs in accordance with the standards of the profession.

## Overview of the Standards for Advertising

1. Advertising
2. Signage
3. Financials

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## Standard 1 – Advertising

### Standard 1

*An occupational therapist will advertise in a manner that is honest, truthful, transparent, and professional.*

### Performance Indicators

An occupational therapist will:

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| 1.1 | <p>Not advertise the services they provide in a manner that</p> <ul style="list-style-type: none"><li>(a) Claims superiority of practice over that of another occupational therapist;</li><li>(b) Is inaccurate;</li><li>(c) Is capable of misleading the public;</li><li>(d) Is in the nature of a testimonial or comparative statement;</li><li>(e) Makes any claims as to the quality or efficacy of the services provided;</li><li>(f) Uses any terms, titles, or designations indicating specialization or expertise, unless authorized by the Registrar;</li><li>(g) Tends to promote the excess or unnecessary use of services;</li><li>(h) Are of a character which could reasonably be regarded as likely to bring the profession in disrepute;</li></ul> |
| 1.2 | <p>Not contact or communicate with, or permit any person to contact or communicate with, an individual in an attempt to solicit business, except:</p> <ul style="list-style-type: none"><li>(a) For third party referral sources, who are not directly receiving the healthcare, such as institutions, insurance companies, and lawyers;</li></ul>   |
| 1.3 | <p>Only advertise services within the competence of the occupational therapist and accurately represent their education and experience;</p>  |
| 1.4 | <p>Not take advantage of the weakened state, either physical, mental, or emotional, of its intended audience.</p>  |

## Standard 2 – Signage

### Standard 2

*An occupational therapist will advertise using signage that is honest, truthful, transparent, professional, and appropriate.*

#### Performance Indicators

An occupational therapist will:

Advertise using professional signs that shall

- 2.1**
- (a) Be appropriate in size, design, and visual content;
  - (b) Not display anything other than as outlined in the standard.

## Standard 3 – Financials

### Standard 3

*An occupational therapist will advertise products and services where they stand to make financial gain in a manner that is honest, truthful, transparent, and professional.*

#### Performance Indicators

An occupational therapist will:

- 3.1**
- Avoid advertising where there is a real, potential, or perceived conflict of interest;

- 3.2**
- Disclose any financial affiliations for advertised or endorsed products;

Advertise statement of fees such that they:

- 3.3**
- (a) Sufficiently describe the fees and services in a way that is understandable to the intended audience;
  - (b) Refrain from comparing the fees charged to that of other occupational therapists of health care providers.

## Frequently Asked Questions

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**Q: I use quotes from clients in my research. Am I responsible if these quotes are later used by my employer as testimonials?**

A: The Regulator considers quotes from clients to be testimonials. Occupational therapists cannot use quotes from clients as a form of advertisement for their organization. Occupational therapists are responsible for conveying the requirements of the standard to their employers to help facilitate their compliance.

**Q: I am employed in private practice. What is my responsibility for the advertising of the company I work for if it does not meet these standards?**

A: Occupational therapists are responsible for the advertising that is within their control. Occupational therapists should be aware of the standards and practice within the outlined performance indicators, such as not soliciting reviews or advertising specialization, and communicate these requirements to their employer in an effort to facilitate compliance with the standard.

**Q: Clients have left reviews of my business on Google Reviews that I did not solicit. Is this against the standards?**

A: Using testimonials, even those not solicited from clients, is against the standards. Registrants cannot have links on their website to any online reviews or testimonials, and cannot have widgets that display them. While registrants cannot control reviews being posted of their practice, they cannot actively solicit these reviews or use them to advertise their practice.

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