



TOP Advertising Guidelines

Advertising in general may be a consideration for your practice and if so, the below guidelines will help ensure that you are not creating any undesired conflict with the potential patients or regulating agencies like a state board. Remember that each state may have specific restrictions and protocols for advertising your services, especially when free or discounted services are involved.

- **TOP of the list. By federal law, you are not allowed to give anything free or discounted to Medicare eligible patients that are under Active Treatment. Medicare interprets the free or discounted offering(s) of any service as an improper incentive/inducement that places your colleagues at an economic disadvantage if they were to choose not to offer free or discounted services. Any free or discounted offering(s) in an advertisement must state Medicare patients are excluded.**
- If there are offering(s) like free or discounted services, the group must be clearly defined. It could be as broad as any patient (except Medicare) or limited to a specific group that you are focusing on.
- Except for Medicare! All patients within the defined group must be treated the same. You cannot discriminate or pick and choose who receives the offering(s) within the defined group.
- The offering(s) must be clearly defined. Be precise in your description of what is and is not included in the offering(s).
- The offering(s) must have a defined time period. Without a defined time period the free or discounted service could be interpreted as your actual ongoing fee by a third party and insist that they be charged the same.
- To avoid any appearances of a “bait and switch” do not offer any other service(s) at your standard fee on the same day as the free or discounted service(s), you should only provide the service(s) within the offering(s). For example, if you offer a free exam and there is an indication for X Ray that would be charged out at your standard fee and was not part of the offering(s), you should perform the free exam on day one and have them come back for the X Rays on a different day.
- The ad should have an action step defined in order to receive the offering(s). This could be a coupon they bring in, a discount code they need to know, something. Without an action step, you would have to honor the offering(s) to all patients entering the office during the ad period. There are circumstances like personal injury and worker’s comp where the exam would normally be charged out with your standard fee. This would be allowable if the patient did not present the coupon, code or whatever. If they did complete the action step, the charge would have to be the same as the offering(s).
- Do not mix insurance with advertised offering(s)s. The offering(s) should be a self-pay service and not submitted to the insurance. If the patient has insurance and insists on submitting, the fee sent to the insurance company must be the discounted fee. Do not bill for free services ever.



- There should not be any misrepresentation of facts to include but not limited to any guarantees and/or outcomes.
- There should not be any misrepresentation of credentials or professional superiority. If presenting certifications, diplomates, or specialized trainings they must be issued by credible sources. Do not state your way is better than others, only what the training entails and not beyond the body of information connected to the certification or diplomate. Always stay within scope.
- You must identify you are a chiropractor and not intentionally misrepresent your titles in a way that a reasonable person would interpret you as anything other your actual credential, e.g. referring to yourself as “Dr.” and nowhere is it mentioned you are a chiropractor.
- Keep a copy of all ads for future reference.

Social Media is an internet-based communication tool with a focus on interactivity, user participation, and information sharing. It may also be used for advertising your services. It may include social networking sites, online chat sites, image/video posting sites, forums, blogs, or any other similar output or formats, including but not limited to Facebook, X formerly known as Twitter, LinkedIn, and YouTube.

- You May Post:
 - Advertisings as described above.
 - Profiles of staff, and marketing messages, provided no Protected Health Information (PHI) is revealed.
 - Health tips that patients might find useful.
 - Upcoming events patients might like to attend.
 - New research or findings related to your field.
 - Honors or awards your office or staff has been granted.
 - Advertisements of your services if they do not contain PHI of patients.
- You May Not Post...
 - Images, videos, or text of adult patients without written consent.
 - Images, videos, or text of minor patients **even with consent**. (consider using professional actors)
 - Images, videos, or text taken inside a healthcare facility in which PHI is visible.
 - Images, videos, or text containing PHI on platforms within a private group.
 - Gossip about any patient even with consent.
 - Information in part or in full, that could allow an individual to be identified.
 - A response to complaints, negative comments, or to resolve issues concerning staff, officers, patient’s care, or activities.
- Common Misunderstandings...
 - A belief that posts can be 100% deleted.
 - A belief that posted information is 100% secure against unintentional re-disclosure by individual(s) or organization(s) outside of the office control or supervision which may occur and may no longer be protected by the federal privacy rules.