



Advertising by nurses and midwives information sheet

The *Health Practitioner Regulation National Law Act 2009* (the National Law) regulates health professions, including nursing and midwifery.¹ This law places strict conditions on advertising and the use of protected titles. Very serious penalties apply for breaches.

This information sheet provides basic information about these laws. It is not legal advice. The ANMF recommends all nurses and midwives inform themselves about these laws, especially if you are self-employed.

1. Banned advertising

For regulated health services or businesses that provide a regulated health service, section 133 of the National Law bans advertising that:

- is false, misleading or deceptive, or is likely to be misleading or deceptive
- offers a gift, discount or other inducement to attract someone to use the health service or business, unless the advertisement also states the terms and conditions of the offer
- uses testimonials or purported testimonials
- creates an unreasonable expectation of beneficial treatment
- directly or indirectly encourages indiscriminate or unnecessary use of the health service.

The maximum penalty for breaching section 133 of the National Law is:

- \$60,000 for a person
- \$120,000 for a body corporate.

2. Use of protected titles

The National Law section 113 restricts the use of protected titles such as nurse, registered nurse, nurse practitioner, enrolled nurse, midwife, and midwife practitioner. These titles must only be used for people who are registered as such under the National Law.

The maximum penalty for knowingly or recklessly misusing a protected title is:

- \$60,000, 3 years imprisonment or both for a person
- \$120,000 for a body corporate.

3. Misleading or deceptive advertising

Misleading or deceptive advertising includes:

- representations about the health benefits of a service that are not evidence based
- inaccurate representations about the qualifications, registration status or experience of a health practitioner providing a health service
- inaccurate or unclear representations about a health service's prices
- the promotion of therapeutic goods not approved for human use.

¹ The *Health Practitioner Regulation National Law Act 2009* is available at <https://www.legislation.qld.gov.au/view/whole/html/inforce/current/act-2009-045>.



4. Gifts, discounts or inducements

Nurses and midwives must fully disclose the terms and conditions of any offer for a service where a gift, discount or other inducement is advertised.

5. Pricing

Nurses and midwives must make sure prices are accurate and transparent.

6. Testimonials

The Australian Health Practitioners Regulatory Agency (Ahpra) defines testimonials as: *statements making a recommendation about a service or its quality.*

Ahpra defines a purported testimonial as: *a statement or representation that appears to be a testimonial.*

Nurses and midwives should avoid writing, soliciting and reproducing testimonials about health services or health professionals. This includes testimonials about yourself or the services you offer.

7. Creating unreasonable expectations of beneficial treatment

Nurses and midwives must not make any unsubstantiated claims about the benefits of a health service. All advertised information must be accurate and well balanced. For example, the purported benefits of a health service should not be advertised without also advertising the potential risks.

8. Encouraging indiscriminate or unnecessary use of a health services

Nurses and midwives should not advertise a health service in a way that could encourage someone to use it when they don't need to. This includes using incentives such as discounts or other promotional offers. Nurses and midwives should also make sure that consumers don't feel pressured to use or purchase a health service.

9. Learn more

Please read:

- Ahpra Guidelines for advertising regulated health services available at <https://www.ahpra.gov.au/Publications/Advertising-resources/Legislation-guidelines/Advertising-guidelines.aspx>.
- Ahpra Further information on advertising and the National Law available at <https://www.ahpra.gov.au/Publications/Advertising-resources/Further-information.aspx>.
- Nursing and Midwifery Board of Australia publications about how s133 of the National Law applies to nurses and midwives available at <https://www.nursingmidwiferyboard.gov.au/Codes-Guidelines-Statements/Codes-Guidelines/Advertising-a-regulated-health-service.aspx>.

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