

## **What's New with the Florida Board of Medicine**

### Advertising Your Services

This portion of the *Top 10 Tips to Avoid Problems with Your License* series is about advertising. What is the big deal about advertising? Did you know there are restrictions on advertising? If you didn't, you should because your competitor probably does and will report you. What do competitors look for in your advertisement? They look for accuracy, board specialty certifications and statutory disclaimers.

Board Rule defines “advertisement or “advertising” as any statements, oral or written, disseminated to or before the public or any portion thereof, with the intent of furthering the purpose, either directly or indirectly, of selling professional services, offering to perform professional services or inducing members of the public to enter into any obligation relating to such services. Now that you know what advertising is, what are the restrictions?

There are limitations in advertising yourself as a “specialist” because the Florida Board of Medicine does not recognize every specialty recognizing agency. The Board recognizes the following organizations only:

- American Board of Medical Specialties
- American Board of Facial Plastic & Reconstructive Surgery, Inc.
- American Board of Pain Medicine
- American Association of Physician Specialists, Inc.

There are some common sense rules about advertising, such as the dissemination of any advertisement which may be false, deceptive or misleading. Rule 64B8-11.001, Florida Administrative Code, outlines what the Board considers to be false, deceptive or misleading.

Although there are exemptions to this requirement which are outlined in section 456.062, Florida Statutes, all advertisements for free or discounted services require the following disclaimer in capital letters:

The patient and any other person responsible for payment has a right to refuse to pay, cancel payment, or be reimbursed for payment for any other service, examination, or treatment that is performed as a result of and within 72 hours of responding to the advertisement for the free, discounted fee, or reduced fee service, examination, or treatment.

Regarding the possibility of HIV transmission from healthcare workers, although not common, some physicians want to advertise that he/she is HIV negative. This is not permitted. Rule 64B8-11.002, Florida Administrative Code elaborates on the proper way to advertise HIV negative test results.

One last point, in 2006, the Legislature passed a law that requires disclosure of licensure status to patients. Rule 64B8-11.003, Florida Administrative Code outlines the methods in which a health care professional can disclose his/her licensure status. This includes

wearing a name tag, wearing an article of clothing which identifies the licensee, by orally disclosing licensure status, by providing a business card or by placing a notification in the waiting area identifying the licensees.

Where do you find the laws and rules?

Florida Statutes (laws): <http://www.leg.state.fl.us/statutes/index.cfm>

Florida Administrative Code (Rules): <http://www.leg.state.fl.us/statutes/index.cfm>

The Board of Medicine's *Web Board* has changed. The old site is no longer available. For a no-cost, automatic e-mail of every new item put on the Board website, you can subscribe and unsubscribe by going to this web site:

<http://flems.doh.state.fl.us/mailman/listinfo/boardofmedicine>

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