



Momentum

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MESSAGE FROM THE PRESIDENT

The period since our fall Momentum has been a busy one. As you will see in the articles throughout this issue, the 2016/2017 renewal has been moving forward. Tammy and Lynn have been doing an amazing job overseeing and executing this process from the SCPT Office. The Executive has very much appreciated the chance to step away from day to day office procedures this year as the SCPT office staff resume the oversight of these roles.

I am sincerely looking forward to speaking and interacting with the membership at our 2016 AGM in Regina on March 23rd. There is a brief update related to AGM in this issue as well as details related to our new motions from the floor process document, the AGM brag and steal sessions (back by popular demand for a second year!) and the nominations forms for upcoming Council positions as well as for president elect. Please take time to review the nominations processes and information and consider putting your name forward for a Council position. If you have any questions regarding the nominations process or the commitment required, please contact president@scpt.org, edr@scpt.org or Kim Becker (Nominations chair) directly at nominations@scpt.org

A special thank you to the Registration Committee for the huge amount of time and work they have put into the review and revamping of our Restricted Members supervisory materials. Please refer to the article submitted by registration chair Melissa Turk for further details regarding these changes.

I would also like to thank the variety of individuals who provided input, comments, and review of the article related to the SCPT advertising bylaw. The more I work with SCPT related issues, the more I realize that regulatory issues are never black and white. As self-regulated professionals, we are each responsible for reviewing and familiarizing ourselves with the regulatory materials available to us. It is then expected that we make practice decisions based on the information presented ensuring protection of the public is first and foremost in our minds.

As always, feel free to contact either myself at president@scpt.org or Lynn Kuffner (Executive Director) at edr@scpt.org if you have any questions or comments relating to this issue of the Momentum or relating to any other SCPT matter.

Respectfully submitted by Sarah Sarauer President SCPT

ADVERTISING BYLAWS EXPLAINED

Promoting your Practice within SCPT Bylaws

If you are interested in promoting your practice by advertising in print, website, social media, radio or television, the SCPT understands this is positive for your practice and the profession. Navigating through the changing mediums, especially social media should cause some pause for reflection on what is allowed within the advertising bylaws for your profession.

This article will help to explain advertising bylaws in order to help put this into context and hopefully help in decision making when advertising. The [article on the use of social media](#) in Momentum, Spring of 2015 is also an excellent reference.

Our Advertising Bylaws (Section 27 of Regulatory Bylaws) as passed at AGM 2015:

(1) No member shall offer to guarantee a cure either verbally or in writing or by advertising or otherwise.

(2) No member shall engage in any advertising, promotion, or other marketing activities that: (a) is inaccurate or capable of misleading the public either directly or indirectly through any medium or agent (b) misrepresents facts; (c) compares either directly, indirectly or by innuendo, the member's services or ability with that of any other practitioner or clinic, or promises or offers more effective service or better results than those available elsewhere; (d) deprecates another member or clinic as to service, ability or fees; (e) creates an unjustified expectation about the results the member can achieve; (f) is made under any false or misleading guise, or takes advantage, either physically, emotionally, or financially of any client, or uses coercion, duress, or harassment; (g) is incompatible with the best interests of the public or members, or tends to harm the standing of the physical therapy profession generally; (h) contains any testimonial or discloses the names of clients; or (i) promotes a specific brand of drug, device, or equipment.

Why does SCPT need advertising bylaws?

All licensing bodies regulate advertising in order to uphold the principles of professionalism and protect the public. Our SCPT has been complimented by Government officials for how our advertising bylaws are written.

At the heart of this discussion, is a relationship of trust between the profession of Physical Therapy and society. We have special training, an expectation of competence and a code of ethics. Our patients then expect standards of excellence in return for the privileges granted by licensure. Maintaining high professional standards means that SCPT members must protect our respected stature and our reputation for excellence. If misleading or false advertising occurs in an unregulated environment, trust in our profession can be eroded. Also, we can all relate to the concept of "crass" or "cheesy", which we do not want our profession to be portrayed as, therefore creating the need for standards.

ADVERTISING Continued

Professional bodies have a responsibility to create and enforce regulations, which guide the legitimate business practices of their members. Conversely, ensuring professionalism and preventing misleading or false advertising from occurring outweighs the commercial interests of its members. In other words, the public should be able to be confident that those that hold an SCPT license will do what is in the patient's best interest over their own financial interest. It should not be a buyer beware scenario.

Why can't I use comparative statements in advertising?

It is clear that consumers have a variety of choices and competition is part of our profession. However, comparative statements, especially derogatory ones, or superlatives are neither fair nor transparent, as they cannot be verified. Many patients do not have the ability to evaluate competing claims as to the quality of care that will be received, or are in a vulnerable situation. Advertising must be truthful so as to not lead patients into situations they don't expect, or creates unjustified expectations or promises for cures. Unproven claims are not acceptable.

What about advertising statements from patients in order to help them choose my clinic?

There is nothing limiting patients from saying what they wish; however they are not entitled to have their view placed as advertisement – this is considered a testimonial. Testimonials are not proven concepts and can be misleading. Testimonials have been proven to be influential and can even bias decision making. ¹

When testimonials are used as a sales tool, they focus on the positive aspects of a clinic without the balance of suboptimal ones, and therefore are incomplete and possibly misleading. When balanced, however, they can be used for prudent decision making.

Also, when a professional uses testimonials as part of advertising, the public may assume that they are endorsing its content, which may give it more credibility than is deserved.

If a clinic has a Facebook page, patients should not be allowed to post comments that are accessible to the public as those could be considered to be testimonials.

Privacy concerns must be heeded

With instantaneous communication readily available on many platforms, the potential for violations in privacy is enormous. Names of patients should not be present in advertising, no matter what media, as that would contravene the Health Information Privacy Act (HIPA). Sometimes nicknames or initials, or circumstances of treatment can also identify a patient.

ADVERTISING Continued

Conversely, while patients are entitled to post information on their own Facebook page, or Twitter account, this cannot be linked to a website that is accessible to the public for privacy reasons.

Using Awards in Advertising

There are various consumer, product and business awards on the Canadian landscape. The legitimacy of using awards in marketing has been called in to question both provincially and nationally.

The use of awards may not be in compliance with advertising bylaws because they may be considered to be comparative in nature, or be akin to testimonials.

Also, depending on the legitimacy of the award, there may be misrepresentation of facts. What process allows the naming award of winners? Is it true 3rd party corroboration?

It is best to carefully consider and research awards prior to participation and it may be advisable to avoid this form of marketing altogether.

Why would SCPT regulate promotion of a brand?

There is potential for an exclusive relationship whereby a clinic or PT profits from endorsement of one brand over another. This may compromise choice by the patient and may not be in the best interest of the patient. Legal claims against the pharmaceutical industry have been an example of this.

Mentioning a brand of equipment that is used in a clinic is not the same as promoting it. Also, acknowledging that a company (who sells Physiotherapy related items) has sponsored a course is not considered promotion, for example.

Conversely, can a product website promote a clinic? SCPT does not control non-members. However, if an exclusive relationship has been established in order to purposely circumvent SCPT advertising bylaws, the legitimacy of this form of advertising could be in question.

Enforcement of bylaws occurs through our complaints process

The SCPT, or the Professional Conduct Committee does not actively patrol for violations of bylaws; it responds to complaints sent to the SCPT office. However, in the course of an unrelated investigation, the PCC may come across an infringement which requires a duty to take action. More so, as part of the privilege of self-regulation, as well as the stipulations in our code of ethics, there is a responsibility of its members to help with enforcement of its bylaws.

ADVERTISING Continued

Advertising is legitimate and necessary

Having choice and making informed decisions in choosing Physical Therapy services is a relatively important one. The scope of our advertising bylaws does allow reasonable opportunity to make services known. Advertising increases profits, but it also aids in consumer choice, which is positive for our patients. When advertising is done properly it also maintains our reputation and professional integrity.

1. The inclusion of patient testimonials in decision aids: effects on treatment choices. Med Decis Making. 2001 Jan-Feb;21(1):60-8. Ubel PA¹, Jepson C, Baron J.

Written as collaboration with Council members, Legislation committee and PCC committee

AGM INFORMATION

- AGM will be held April 23 , 2016 in Regina
- AGENDA: 9:30-11:30 AGM; 11:30-12:30 lunch (provided); Brag N' Steal 12:30-2:30
- There will be a Brag N' Steal session- deadline for applications is February 29/16. The application form can be accessed on the website http://www.scpt.org/images/2016_AGM_Brag_and_STeal_Session_Application.pdf
- New for AGM 2016- Motions from the floor will be accepted from a current SCPT member following a pre-submission process with a deadline of March 1, 2016. Please refer to the Motions from the Floor Document available on the website <http://www.scpt.org/images/motionsfromthefloorprocessdocument.pdf>

RENEWAL REMINDER

The deadline for renewal is February 29th at midnight. Please make arrangements to renew prior to the deadline to avoid late fees. The late fee schedule is posted on the SCPT website. Renewal is done through the SCPT Registrant Online Profile and Renewal section on the main page of the website. If you are having difficulties with this process, email admin@scpt.org or call (306) 931-6661 or toll free 1-877-967-7278.

RESTRICTED LICENSE MEMBERS SUPERVISION

The SCPT wishes to draw the membership's attention to recent alterations to the Supervision of Restricted License Members. The Registration Committee previously adopted the role of the Supervised Practice Committee and thoroughly reviewed the information available to members on the website. This is a direct link to the Restricted Members section of the website pertaining to Supervision <http://www.scpt.org/registration/general-information>.

Those individuals familiar with this section of the website will note several key updates have occurred. The Monitoring Tools Document has been shortened and now includes a Chart Audit (Monitoring tool #1) and Assessment of Clinical Performance (ACP, Monitoring Tool #2), which replaces the Clinical Performance Instrument. Please contact the SCPT for copies of the ACP as this is made available to all supervising therapists/employers.

The Supervision Agreement and detailed information regarding Restricted License Guidelines have also been reviewed and updated in an attempt to meet the current needs of Restricted License holders and Supervising Therapists. The Registration Committee was also aware of the difficulty in locating documents on the website and has altered the location of the Supervision Agreement Forms in a way which is more user friendly.

We would like to encourage all members to review this updated information, especially those who hold a Restricted License and those who supervise Restricted License Members.

Please contact the SCPT if there are any further questions or concerns related to the Supervision of Restricted License Members.

Regards,

Melissa Turk (Chair, Registration Committee)

DISCIPLINE RESULTS

Results of the most recent Discipline case are posted to the website <http://www.scpt.org/public-information/discipline>

Nominations Information- nomination form found on Page 9



Eligibility

- 13 Any practising member of the college in good standing, other than a college employee, is eligible to stand as a candidate for election to the council.

Nominations

- 14 (1) All nominations must be received in writing by the chair of the nominations committee at least 30 days before polling day and must be accompanied by a signed consent from the nominee
- (2) If there are insufficient nominations received 30 days before polling day to require a vote to be held, the chair of the nominations committee shall declare those nominated to be acclaimed to office and no vote need be conducted.
- (3) The nominations committee shall submit its list of nominations to the executive director in sufficient time prior to the annual meeting of members so that the ballot, if required, can be prepared.

Voting

- 15 (1) Each practising member of the college is entitled to one vote.
- (2) Voting is conducted by secret ballot.
- (3) Council shall prescribe the form of the ballot, which shall contain instructions to vote as set out in these bylaws, on which the names of all nominees are placed in the alphabetical order of their surnames.
- (4) The executive director shall, at least 20 days before polling day, or as soon as possible in the case of a member who is subsequently registered, mail or deliver to each member a ballot and a ballot envelope together with an envelope addressed to the college, on which the member shall verify their name and registration number.

Nominations Information (Continued)

- (5) The member shall:
 - (a) vote for the required number of candidates to fill each vacancy, as indicated on the ballot, by marking an "X" opposite the name of the candidate of the member's choice;
 - (b) place the completed ballot in the ballot envelope and seal the envelope;
 - (c) place the ballot in the sealed ballot envelope inside the envelope addressed to the college and seal the envelope;
 - (d) complete the information required to be provided on the face of the envelope addressed to the college in order to verify the member's entitlement to vote; and
 - (e) mail or deliver the ballot in the sealed envelope addressed to the college or deposit the ballot in the ballot box at the annual meeting.
- (6) In order to be counted, ballots must reach the executive director by the time that is one hour after the commencement of the annual meeting.
- (7) The executive director shall appoint at least two scrutineers and any candidate for election is entitled to have a scrutineer present when the ballots are counted.
- (8) In the case of a tie vote for any office, the president shall cast the deciding vote.



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Nominations Information



Nomination Form - Election of Council Member OR President-Elect

We, the undersigned being members of the Saskatchewan College of Physical Therapists and eligible to vote, hereby nominate _____ for election to:

Council OR President Elect (PLEASE CIRCLE ONE)

Printed Name 1) _____

Printed Name 2) _____

Signed 1) _____ Date: ____ / ____ / ____ (mm/dd/yy)

Signed 2) _____ Date: ____ / ____ / ____ (mm/dd/yy)

I accept this nomination _____ Date: ____ / ____ / ____ (mm/dd/yy)

NOMINATORS: please submit a written statement describing what qualifies the nominee for this position. These can be faxed to 306-931-7333 or emailed to edr@scpt.org . All nominations will be forwarded to Kim Becker (Nominations Chair).

**NOMINATIONS MUST BE RECEIVED AT THE SCPT BY
MARCH 21, 2016**