

amount of at least \$2,000,000 per claim in a form that is satisfactory to the college.

- (2) For a period of 5 years following the grant of non-practising registration under section 47(1), a non-practicing registrant must maintain insurance coverage in the amount and form specified in subsection (1) against liability arising from the practice of chiropractic while he or she was a full, limited or temporary registrant or a member of the college under the *Chiropractors Act*.

## **Marketing**

85. (1) In this part,

“advertisement” means the use of space or time in a public medium, or the use of a commercial publication such as a brochure or handbill, to communicate with the general public, or a segment thereof, for the purpose of promoting professional services or enhancing the image of the advertiser,

“marketing” includes

- (a) an advertisement,
  - (b) any publication or communication in any medium with any patient, prospective patient or the public generally in the nature of an advertisement, promotional activity or material, a listing in a directory, a public appearance or any other means by which professional services are promoted, and
  - (c) contact with a prospective client initiated by or under the discretion of a registrant.
- (2) Any marketing undertaken or authorized by a registrant in respect of his or her professional services must not be
    - (a) false,
    - (b) inaccurate,
    - (c) unverifiable,
    - (d) misleading,
    - (e) misrepresentative of the effectiveness of any technique, procedure, instrument or device
    - (f) undignified, offensive or in bad taste, or
    - (g) contrary to the ethical standards of the profession.

- (3) Without limitation, marketing violates subsection (2) if it
  - (a) is calculated or likely to take advantage of the weakened state, either physical, mental or emotional, of the recipient or intended recipient,
  - (b) is likely to create in the mind of the recipient or intended recipient an unjustified expectation about the results which the registrant can achieve,
  - (c) implies that the registrant can obtain results
    - (i) not achievable by other registrants,
    - (ii) by improperly influencing a public body or official, or any corporation, agency or person having any interest in the welfare of the recipient, or
    - (iii) by any other improper means, or
  - (d) compares the quality of services provided with those provided by another registrant.
- (4) A registrant must not
  - (a) state publicly that he or she speaks on behalf of the college unless he or she has been expressly authorized by the board to state the official position of the college, or
  - (b) endorse or lend himself or herself as a chiropractor to the advertisement of any property, investment or service for sale to the public unless such property, investment or service relates directly to the profession.
- (5) A registrant who, in any advertisement, includes a statement of fees for a specific service
  - (a) must ensure that the statement sufficiently describes the fees and services so as to enable the recipient or intended recipient to understand the nature and extent of the services to be provided and the cost to the patient, and
  - (b) must not in the advertisement compare the fees charged by the registrant with those charged by another registrant.
- (6) Unless otherwise authorized by the *Act*, the regulations, these bylaws, or the board, a registrant,
  - (a) must not use the title “specialist” or any similar designation suggesting a recognized special status or accreditation on any letterhead or business card or in any other marketing, and

- (b) must take all reasonable steps to discourage the use, in relation to the registrant by another person, of the title “specialist” or any similar designation suggesting a recognized special status or accreditation in any marketing.
- (7) A registrant must retain for 1 year after the date of publication or broadcast of any advertisement or brochure, and must provide to the board upon request
- (a) a copy of any such publication
  - (b) a recording of any such broadcast made by use of any electronic media, including radio, television and microwave transmission, and
  - (c) a written record of when and where the publication or broadcast was made.
- (8) It is the duty of the registrant, when called upon by the discipline committee, inquiry committee, or the board to do so, to verify the statements made in his or her marketing.
- (9) Registrants who limit their practices to certain branches or areas of the profession may state in any marketing the branch or area to which the practice is restricted.

### **Clinic names**

86. (1) A registrant must advise the registrar of any name under which the registrant is operating or intends to operate a chiropractic clinic.
- (2) A registrant may use only one name per clinic location at any one time.
- (3) A registrant cannot use a name for a clinic that contravenes section 85.
- (4) A registrant cannot use a clinic name if another registrant can demonstrate to the satisfaction of the registrar that he or she is and has been using,
- (a) an identical name, or
  - (b) a name so closely resembling the name which the first registrant wants or has begun to use that it is likely to confuse or mislead the public.