**ADVERTISING**

**May a physician advertise?**

Yes.[[1]](#footnote-1) Provided that the advertisement complies with all other ethical standards promulgated by the Board of Osteopathic Medicine and Surgery, an osteopathic physician may include in publicity or advertising:

* Name, including name of professional service corporation or clinic, and names of professional associates, addresses and phone numbers;
* Date and place of birth;
* Date and fact of admission to practice in Washington and other states;
* Accredited schools attended with dates of graduation, degrees and other scholastic distinction;
* Teaching positions;
* Membership in osteopathic or medical fraternities, societies and associations;
* Membership in scientific, technical and professional associations or societies;
* Whether credit cards or other credit arrangements are accepted;
* Office and telephone answering service hours;
* Fee for an initial examination and/or consultation;
* Availability upon request of a written schedule of fees or range of fees for specific services;
* The range of fees for specified routine professional services, provided that the statement discloses that the specific fee within the range which will be charged will vary depending upon the particular matter to be handled for each patient, and that the patient is entitled without obligation to an estimate of the fee within the range likely to be charged;
* Fixed fees for specified routine professional services, the description of which must not be misunderstood by or be deceptive to a prospective patient, provided that the statement discloses that the quoted fee will be available only to patients whose matters fall into the services described, and that the client is entitled without obligation to a specific estimate of the fee likely to be charged.

**What forms of advertising are prohibited?**

All advertising which is false, fraudulent or misleading is considered unprofessional conduct[[2]](#footnote-2) which may subject a physician to disciplinary action. See **UNPROFESSIONAL CONDUCT**.

False, fraudulent, or misleading advertising, as with any other unfair or deceptive act or practice in the conduct of trade or commerce, may also subject a physician to civil liability. [[3]](#footnote-3)

Advertising that is false, deceptive or misleading is also a misdemeanor crime.[[4]](#footnote-4)

**Are there specific limitations on osteopathic physician advertising?**

Yes.[[5]](#footnote-5) An osteopathic physician is specifically prohibited from using any advertising or public communication connected with his or her profession in his or her professional capacity as an osteopathic physician which:[[6]](#footnote-6)

* Is false, fraudulent, deceptive, or misleading;
* Uses testimonials;
* Guarantees any treatment or result;
* Makes claims of professional superiority;
* States or includes prices for professional services except for:[[7]](#footnote-7)
  + A range of fees for specified routine professional services, if the statement discloses that the specific fee within the range will vary upon the particular matter to be handled for each patient, and that the patient is entitled without obligation to an estimate of the fee likely to be charged; or
  + Fixed fees for specified routine professional services, the description of which would not be misunderstood by, or deceptive to, a prospective patient, if the statement discloses that the quoted fee will be available only to patients whose matters fall into the services described, and that the patient is entitled without obligation to a specific estimate of the fee likely to be charged.
* Fails to identify the physician as an osteopathic physician.

1. WAC 246-853-110: Regulates permitted public advertising of osteopathic physicians and surgeons. [↑](#footnote-ref-1)
2. RCW 18.130.180: All advertising which is false, fraudulent or misleading is required to constitute unprofessional conduct. [↑](#footnote-ref-2)
3. RCW 19.86.020; See generally RCW 19.86 for unfair business practices and consumer protection. [↑](#footnote-ref-3)
4. RCW 9.04.010;See generally, RCW 9.04 for crimes relating to advertising. [↑](#footnote-ref-4)
5. WAC 246-853-110: Regulates permitted public advertising of osteopathic physicians and surgeons [↑](#footnote-ref-5)
6. WAC 246-853-100. [↑](#footnote-ref-6)
7. Exceptions provided in WAC [246-853-110](https://app.leg.wa.gov/wac/default.aspx?cite=246-853-110). [↑](#footnote-ref-7)