

# CHIROPRACTIC ADVERTISING IN COLORADO

Advertising complaints are one of the most prevalent at the Colorado State Board of Chiropractic Examiners. This is a BRIEF summary and guide to assist you in reviewing ALL of your advertising including flyers, business cards, radio, display ads, internet ads, and more.

## According to Colorado Statute

**(12-33-117 and 18-13-119 (3))** Advertising is considered unethical and may result in disciplinary action if: 1. Contains false or misleading statements; 2. Holds out or promises cures or guarantees results; 3. Contains claims that cannot be substantiated by standard lab or diagnostic procedures.

## Rule 12 Misleading, Deceptive, False, or Unethical Advertising

Doctors of chiropractic should take special care to advertise truthfully and to avoid exploitation of their position of trust. Because of the potential consequences of misinformation regarding healthcare and the importance of the interests affected by the choice of a doctor of chiropractic, chiropractors must avoid misleading the public. Chiropractors are responsible for the contents of their own advertisements and should review such advertisements to assure adherence to ethical standards.

A. The following types of advertising constitute misleading, deceptive, false, or unethical advertising pursuant to § 12-33-117(1)(i), (p) and (3)(a):

1. The misleading use of a claim regarding board certification or of an unearned or non-health degree in any advertisement that is likely to cause confusion or misunderstanding as to the credentials, education, or licensure of a healthcare professional;
2. Advertising that has the effect of intimidating or exerting undue pressure;
3. Advertising that uses unsubstantiated testimonials;
4. Advertising that creates an unjustified expectation or guarantees a cure;
5. Advertising that offers gratuitous services or discounts, the purpose of which is to deceive the public;
6. Advertising of free or discounted x-ray services; or
7. Advertising that is otherwise misleading, deceptive, or false.
8. It must be clear to the public that the advertisement is from a doctor of chiropractic.

B. At the time any type of advertisement is placed, the chiropractor must possess information that would substantiate the truthfulness of any assertion, omission, or claim set forth in the advertisement.

## Rule 13 Advertisement of Free or Discounted Services

A. Advertisement by licensee of free or discounted services shall be deemed false or misleading pursuant to Section 12-33-117 (3)(a), C.R.S., unless:

1. Such advertising claims are truthful and detailed as to specific services provided for free or at a discounted price; and
  2. Prior to the performance of the free or discounted evaluation and the consultation regarding that evaluation, the licensee shall provide the patient with a legible typed or computer generated written prepaid treatment contract describing what services are being provided free or at a discounted price. This prepaid treatment contract description shall also indicate the price of other services which may be offered for a fee, in conjunction with the free service, but that are not included in the offer for free or discounted services. The licensee shall maintain a signed written prepaid treatment contract typed or computer generated copy in the patient's file.
- B. No separate charge shall be made for the professional evaluation of the free or discounted diagnostic tests whether such professional evaluation is made at the time of the initial office visit or at a later date.
- C. The free service or reduced fee differential shall not be billed to a third-party payer for reimbursement.
- D. The patient has the right to cancel the purchase of the written prepaid treatment contract for any discounted services for any reason at any time prior to 12:00 midnight of the 30th day after the date of signing the written prepaid treatment contract by providing the doctor of chiropractic written notice of cancellation. The doctor of chiropractic has the right to retain an itemized prorated amount that reflects those services that were rendered at the discounted rate charged in the written prepaid treatment contract. The written prepaid treatment contract shall also include an itemized rate schedule - prorated by visit.

## Rule 11 Use of Credentials

A. Only those titles authorized by statute may be used: Statute 12-33-118. Use of title.

A license to practice chiropractic entitles the holder to use the title "Doctor" or "Dr." when accompanied by the word "Chiropractor" or the letters "D.C.", and to use the title of "Doctor of Chiropractic".

B. Post-graduate degrees received from an institution accredited by the Council of Chiropractic Education or diplomat status may be used in conjunction with those titles authorized by statute.

## Patient Testimonials

You may use patient testimonials in your advertising ONLY if they are actual, true statements by YOUR patients, you have the permission of the patients to use them, and they do not violate any of the above statutes and/or rules.

*This information is provided as a service to our members and does not provide legal advice.*

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**Colorado Chiropractic Association** *The voice of Colorado chiropractic since 1917.*

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