

## FAQ

---

### Protected titles, specialist registration and ‘holding out’ under the National Law

#### What does ‘protected title’ mean?

In the Health Practitioner Regulation National Law, as in force in each state and territory (the National Law) there are specific titles which are referred to as ‘protected titles’.

This means that only those people who are registered in a particular profession can use the titles associated with that profession.

The protected title for occupational therapy is ‘occupational therapist’.

#### Why are there protected titles?

One of the aims of the national scheme for regulating health practitioners is to protect the public by ensuring that only suitably trained and qualified health practitioners are registered.

Persons receiving health care are entitled to know whether they are dealing with a registered practitioner. Furthermore, a person holding a particular title – such as ‘occupational therapist’ – should be able to offer the services associated with that title.

The National Law prohibits making claims to be qualified or registered as an occupational therapist unless you are registered. The National Law also prohibits unregistered persons knowingly or recklessly holding themselves out as being registered under the National Law.

#### Can I call myself a ‘specialist’?

No, as an occupational therapist you cannot call yourself a specialist practitioner, or hold yourself out to be one.

While there are provisions for Boards to set up a national specialist register for their profession under the National Law, recognised specialties and specialist titles must be approved by Ministerial Council.

To date, Ministerial Council has approved specialties for the medical, dental and podiatry professions only.

Registered occupational therapists must therefore take care in their use of professional titles. This will avoid misleading the public into believing that he or she is a specialist practitioner when they are not.

## Can I advertise specialist services in my profession?

No, as an occupational therapist you, your employer or a body corporate cannot:

- advertise yourself as being a specialist practitioner, or
- advertise specialist occupational therapy services.

There are offences under the National Law that prohibit persons from advertising themselves as specialists when they are not.

The Occupational Therapy Board of Australia's *Guidelines on the advertising of a regulated health service* (Guidelines) is published on the website (see [www.occupationaltherapyboard.gov.au/Codes-Guidelines.aspx](http://www.occupationaltherapyboard.gov.au/Codes-Guidelines.aspx)) The guidelines contain more information about advertising that occupational therapists must be aware of, and to understand their obligations.

## Can I use post nominals in my marketing materials and business cards?

Section 6.4 of the Guidelines covers advertising of qualifications and titles. The definition of advertising is broad and covers printed and electronic media such as websites, letterhead and business cards.

Section 6.4.3 includes the following information on advertising qualifications and memberships:

*Advertising qualifications or memberships may be useful in providing the public with information about experience and expertise but may be misleading or deceptive if patients or clients can interpret the advertisements readily to imply that the practitioner is more skilled or has greater experience than is the case.*

*Patients or clients are best protected when practitioners advertise only those qualifications that are:*

- approved for the purposes of registration or
- endorsement of registration, or
- conferred by approved higher education providers (within the meaning of the Higher Education Support Act 2003 [Cwlth]), or
- conferred by an education provider that has been accredited by a government accreditation authority such as a government department.

## What does 'holding out' mean?

'Holding out' means to present yourself in a way that suggests to others that you are something or someone that you are not.

A person who is **not** a registered health practitioner must not:

- use the title 'occupational therapist', or
- claim to be registered under the National Law, or
- 'hold themselves out' as being registered under the National Law.

'Holding out' can also apply to registered health practitioners who claim, or may lead a reasonable person to believe that they are registered in a different division than what they actually are (such as being registered with a different National Board or in a different profession).

This is also relevant in the context of making claims to be a specialist, see above.

*For example, the National Law does not allow:*

- *claiming to hold general registration with the Board when holding non practising registration, or*
- *holding yourself out to be a specialist occupational therapist by advertising specialist service.*

### Further Information

- The Occupational Therapy Board of Australia website includes information about becoming and being a registered occupational therapist [www.occupationaltherapyboard.gov.au](http://www.occupationaltherapyboard.gov.au)
  - The Board's Guidelines for advertising a regulated health service, are published under the *Codes and guidelines* tab. This includes information about advertising of qualifications and titles.
- The AHPRA website, [www.ahpra.gov.au](http://www.ahpra.gov.au), has more information, including FAQs and a fact sheet about advertising regulated health services under *Legislation & Publications>AHPRA FAQ and Fact Sheets*.
- You can lodge an online enquiry by following the *Contact us* tab from either website.
- For registration enquiries call 1300 419 495 (within Australia) or +61 7 3666 4911 (overseas callers).