

ADVERTISING POLICIES



American Board of Podiatric Surgery

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NOTE: These Advertising Policies apply to **members** of the American Board of Podiatric Surgery (this includes ABPS diplomates and ABAFS diplomates). **Board Qualified** status is *not* a membership category, and *may not* be used in any way on letterhead or in advertising of any kind.

INTRODUCTION

The Board of Directors has adopted these policies to assist member podiatric surgeons to appropriately and professionally advertise their board certification status. If these policies are strictly followed, the public image of podiatric surgery will be protected and enhanced.

All advertising should convey professional values, attitudes, and demeanor. Sensational or flamboyant advertising techniques should be avoided.

The ABPS Board of Directors has established a process whereby it evaluates, reprimands, and maintains records of violations of these policies. The Board of Directors may implement changes to the Advertising Policies from time to time.

Individual Responsibility. Each ABPS member is *responsible* for advertising statements made by the member or on his/her behalf. This means that the *member*, not the staff, agent, or advisor, must know and follow the policies set out in this document, and will be held responsible for violations.

If a false statement or other violation of these policies occurs, the member podiatrist is obliged to correct the violation and to issue a corrected statement to those who received the false or misleading information.

The Board of Directors reserves the right to sanction a member for misleading or deceptive advertising.

DEFINITION

Advertising includes, but is not limited to, the following forms of communication:

1. Verbal statements made for the purpose of promoting a member's practice.
2. Any written statement used for promotion purposes, such as letters, cards, signs, billboards, newspapers, magazines, flyers, directories, or any documents that may be circulated to the general public.
3. Any electronic or other means of advertising, such as television, radio, web sites, email, or the Internet, capable of conveying either the content or actual reproduction of the member's words, image, or written statements used for promotional purposes.

Advertising does not include the following:

1. Listing ABPS Diplomate status for curricula vitae, peer reviewed journal publications, academic textbooks, and applications for membership in healthcare organizations.
2. Listing ABPS Board Qualified status for curricula vitae, peer reviewed journal publications, academic textbooks, and applications for membership in healthcare organizations.
3. Listing service as ABPS Board of Director, Past-President, President, Vice-President, Secretary-Treasurer, committee chair, examination sub-committee member, examiner, or other official ABPS committee assignment for curricula vitae.

APPROVED ADVERTISING DESIGNATIONS AND LANGUAGE

The chart below shows REQUIRED designations with OPTIONS for each section of the American Board of Podiatric Surgery. Members must use these designations in any advertising as defined above.

Section	REQUIRED Designations	* OPTIONAL Language
American Board of Podiatric Surgery	Diplomate, American Board of Podiatric Surgery -- or -- Certified by the American Board of Podiatric Surgery	Appropriate language must be used for the certification held: <i>If the member is certified in Foot and Ankle Surgery:</i> "Certified in Foot and Ankle Surgery" or "Board certified in Foot and Ankle Surgery" (Note: In some states use of the words "and ankle" may be illegal.) <i>If the member is certified in Foot Surgery:</i> "Certified in Foot Surgery" or "Board certified in Foot Surgery" <i>If the member is certified in Reconstructive Rearfoot/Ankle Surgery:</i> "Certified in Reconstructive Rearfoot /Ankle Surgery" or "Board Certified in Reconstructive Rearfoot/Ankle Surgery"
American Board of Ambulatory Foot Surgery	Diplomate, American Board of Ambulatory Foot Surgery -- or -- Certified by the American Board of Ambulatory Foot Surgery	Certified in ambulatory foot surgery -- or -- A section of the American Board of Podiatric Surgery

Members certified by BOTH sections may combine required and optional designations.

* Optional language must follow the required designation. The option may not be used alone.

SPECIFIC RULES AND EXAMPLES

1. When a *required* designation and an *option* are used together, the *required* designation must appear first:

APPROPRIATE: John A. Doe, DPM
 Diplomate, American Board of Podiatric Surgery
 Certified in Foot and Ankle Surgery

INAPPROPRIATE: John A. Doe, DPM
 Certified in Foot and Ankle Surgery
 Diplomate, American Board of Podiatric Surgery

2. Acronyms such as ABPS, ABAFS, DABPS, or DABAFS, are not to be used in any advertisements.
3. Standard abbreviations may be used if space is limited: Amer (American), Bd (Board), Surg (Surgery), Amb (Ambulatory). The word "Podiatric" shall not be abbreviated.
4. Words such as "Board Certified" or "Certified" may not be used alone unless an asterisk (*) directs the reader's attention to the name of the Board.

APPROPRIATE: Jane A. Doe, DPM
 Board Certified*

*Certified by the American Board of Podiatric Surgery

INAPPROPRIATE: Jane A. Doe, DPM
 Board Certified

5. Exclusive phrases such as "only board certified podiatric surgeon" or "first board certified podiatric surgeon" are not allowed.
6. If two or more podiatrists are included in a single advertisement, their certification statuses must be clearly designated.

APPROPRIATE: Jane A. Doe, DPM*#
 John B. Doe, DPM
 Carol Doe, DPM*#
 John B. Doe, Jr., DPM*+
 Mary J. Roe, DPM*+~

*Diplomates, American Board of Podiatric Surgery
 #Certified in Foot and Ankle Surgery
 +Certified in Foot Surgery
 ~Certified in Reconstructive Rearfoot/Ankle Surgery

APPROPRIATE: Jane A. Doe, DPM
 Carol Doe, DPM
 Diplomates, American Board of Podiatric Surgery
 Certified in Foot and Ankle Surgery
 John B. Doe, Jr., DPM
 Diplomate, American Board of Podiatric Surgery
 Certified in Foot Surgery
 John B. Doe, DPM

INAPPROPRIATE: Jane A. Doe, DPM
 John B. Doe, DPM
 John B. Doe, Jr., DPM
 Carol Doe, DPM
 Diplomates, American Board of Podiatric Surgery

USE OF THE ABPS CERTIFICATION MARKS

1. Terms of Use

In addition to, and not by way of limitation upon, any terms and conditions of trademark use that are contained in the License Agreement by and between ABPS and the member, the member must comply with the following terms and conditions in connection with use of the ABPS certification marks identified on Exhibit A (“Marks”).



The member may only use the Marks in the United States, its territories, possessions and military bases, and only for the purpose of promoting the individual member’s podiatric services and the demonstration of the member’s certification by ABPS. For the avoidance of doubt, the member may NOT use the Marks to promote the member’s podiatric practice generally unless ALL service providers in such practice are ABPS members. The member must cease use of the Marks as soon as s/he ceases to be a fully-paid up ABPS member in good standing.

All goodwill that accrues due to member’s use of the Marks inures to the benefit of ABPS. The member must use the Marks in accordance with ABPS’s instructions and the terms of these Advertising Policies, as amended from time to time by ABPS at its sole discretion. The member must deliver representative samples of its usage of the Marks to ABPS for its inspection, upon ABPS’s request. Member’s use of

the Marks must be at a minimum of 150 dpi (dots per inch) for print media and 72 dpi for computer displays. The size of the Marks utilized shall not exceed 1.25 inches x 1.25 inches.

The member's right to use the Marks is not transferable.

NOTE: **Board Qualified** is *not* a membership category and may not be used in any way in advertising of any type.

ACTIONS FOR MISLEADING OR DECEPTIVE ADVERTISING

- A. **ABPS Member.** An ABPS member who advertises in a deceptive or misleading manner shall be notified by letter that the Board of Directors is evaluating his/her advertisement. The Board may take one or more of the following actions:
1. Issue a letter of warning that further action may be taken against the member if the violation is not immediately halted.
 2. Impose a fine up to \$5,000.
 3. Revoke diplomate status. The Board of Directors will notify the member that his/her diplomate status is to be revoked and shall conduct a fair hearing as specified in the ABPS Bylaws.
 4. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABPS status.
- B. **Board Qualified.** A Board Qualified podiatrist who advertises board status or who falsely represents diplomate status shall be notified by letter that his/her advertisement is being evaluated by the Board of Directors. The Board may take one or more of the following actions:
1. Issue a letter of warning that further action may be taken against the doctor if the violation is not immediately halted.
 2. Prohibit the doctor from applying for certification for a period of time to be determined by the Board.
 3. Withdraw Board Qualified status and establish a time period during which the doctor may not re-apply.
 4. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABPS status.
- C. **Non-ABPS Affiliated.** Any podiatrist without ABPS status who falsely represents affiliation with ABPS shall be notified to cease and desist from advertising in a false and misleading manner and that his/her advertisement is being evaluated by the Board of Directors. The Board may take one or more of the following actions:

1. Issue a letter of warning that further action may be taken if the advertisement is not corrected.
2. Prohibit the doctor from applying for ABPS status for a period of time to be determined by the Board.
3. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABPS status.

GROUP ADVERTISING

ABPS does not advertise on behalf of its members, but the Board of Directors may permit members in a particular geographic area to advertise as a group. A group is defined as two or more members in the same geographic area who are not partners, associates, or a corporation. Members who are in the same practice must follow the policies for individuals.

A. Rules. The following rules apply to group advertisements:

1. The advertisement may not include the name of the board, a section of the board, or acronyms ("ABPS", "ABAFS", "American Board of Podiatric Surgery", etc.) in the title.
2. The advertisement may contain only a listing of the members participating in the advertisement. No other text or statements may be made about the group. If state law permits, telephone numbers and addresses may also be included.
3. The advertisement must contain a statement that it is paid for by the individuals listed.
4. The advertisement must be in complete compliance with all provisions of the ABPS Bylaws and these Policies.
5. The advertisement must not be misleading in the opinion of the Board.

B. Steps to Receive Board Permission. The following steps must be followed to obtain permission for a group advertisement:

1. The following must be presented to the Board for its evaluation:
 - a. A definition of the geographic area in which the group intends to advertise.
 - b. A description of the medium in which the advertisement will appear (television, radio, newspaper, the Internet, etc.).
2. The American Board of Podiatric Surgery will forward a list of ABPS or ABAFS members in the defined geographic area to the members interested in a group advertisement. Every member on the list must be contacted. Members may not be selectively excluded from the list unless one of the following can be substantiated about the member:
 - a. His/her license has been revoked, suspended, or placed on probation by the state licensing board.
 - b. His/her staff privileges at a hospital or surgery center have been terminated for quality of care reasons.
 - c. The member has been found liable for at least four (4) separate malpractice actions over the past two (2) years.
 - d. He/she has been warned or had other action taken against his/her by the Board of Directors for falsely advertising in the past.
3. A statement must be forwarded to the Board of Directors listing which members will be participating in the group advertisement. The statement must include an explanation for each member who will not be participating in the group advertisement (e.g., "Member is not interested in group advertising").

A copy of the proposed advertisement must accompany this statement. The audio and visual components of any non-print media advertisement (e.g. radio, television, or the Internet) must be submitted for approval by the Board.

4. The Board of Directors will evaluate the statement and proposed advertisement. It may approve, modify, or reject the proposed advertisement.

C. Examples of Appropriate Group Advertising1. **American Board of Podiatric Surgery Section.****Greater Buffalo Area Podiatric Surgeons**

The following podiatrists are diplomates of the American Board of Podiatric Surgery, with certification as indicated below:

*John A. Doe, DPM
1234 Main Street
Buffalo
(716) 555-5555

#Mary K. Smith, DPM
759 Old Highway
Buffalo
(716) 222-2222

#~Stacey Allen, DPM
1 Green River Drive
Buffalo
(716) 333-3333

* Certified in Foot and Ankle Surgery
Certified in Foot Surgery
~ Certified in Reconstructive Rearfoot/Ankle Surgery

This advertisement is paid for by the individuals listed.

If the list does not contain *all* section members in the locale, the following disclaimer must be included:

This list does not include all of the podiatrists in this locale who have been certified by the American Board of Podiatric Surgery.

The following OPTIONAL statements may also be included:

To be board certified in Foot Surgery, a podiatrist must pass a certification examination of the American Board of Podiatric Surgery and have demonstrated a cognitive knowledge in the diagnosis and surgical management of the foot and ankle, including the diagnosis of general medical problems.

To be board certified in Foot and Ankle Surgery, a podiatrist must pass a certification examination of the American Board of Podiatric Surgery and have demonstrated a cognitive knowledge in the diagnosis and surgical management of the foot, ankle, and leg, including the diagnosis of general medical problems.

To be board certified in Reconstructive Rearfoot/Ankle Surgery a podiatrist must pass a certification examination of the American Board of Podiatric Surgery and have demonstrated a cognitive knowledge in the diagnosis and surgical management of the foot, ankle, and leg.

These podiatrists are certified to perform hospital inpatient and outpatient surgery.

2. American Board of Ambulatory Foot Surgery Section.

Greater Chicago Area Podiatric Surgeons

The following podiatrists are diplomates of the American Board of Ambulatory Foot Surgery:

John A. Doe, DPM
1234 Main Street
Chicago
(312) 555-5555

Mary K. Smith, DPM
759 Old Highway
Chicago
(312) 222-2222

Stacey Allen, DPM
1 Green River Drive
Chicago
(312) 333-3333

This advertisement is paid for by the individuals listed.

If the list does not contain *all* section members in the locale, the following disclaimer must be included:

This list does not include all of the podiatrists in this locale who have been certified by the American Board of Ambulatory Foot Surgery.

The following OPTIONAL statements may also be included:

To be board certified in Ambulatory Foot Surgery, a podiatrist must pass a certification examination of the American Board of Ambulatory Foot Surgery and have demonstrated a cognitive knowledge in the diagnosis and surgical management of outpatient foot surgery.

**Note concerning
Directors, Officers, Board Members, Committee Members,
and Examination Proctors and Examiners**

Any ABPS member who is serving or who has served on the Board of Directors and/or any ABPS Committee is prohibited from advertising such service or involvement. Specifically, those members involved in the preparation and administration of ABPS examinations as Examinations Committee members, examination proctors or oral examiners, or in any other position, may not advertise their involvement in the ABPS Examinations process in any manner whatsoever.