



## Discount deals

**Members of the public in search of a bargain have been signing up for deals on websites such as Groupon and Wahanda.**

According to its own website, Groupon works by negotiating large discounts with popular businesses, then sending the deal to thousands of subscribers in a free, daily email, resulting in those businesses acquiring many new customers. It has come as a surprise to some in the osteopathic profession to learn that other osteopaths are marketing their services on these websites and they question whether the deals on offer are right for patients and whether the profession wants to be associated with this method of marketing. These are questions which need careful consideration.



Although marketing via websites such as Groupon is relatively new, the concept of incentives – for example, discounts for a first treatment or reduced fees for senior citizens and children – is not. In each case, what's important is the nature and form of the incentive and whether in itself it meets the requirements of the *Code of Practice* for osteopaths, or more generally breaches the principle of maintaining confidence in the profession.

### Patient care

We are beginning to hear from patients who have signed up to offers via Groupon. Unsurprisingly, they are not concerned about the idea that osteopaths may be offering their services in this way, but they do want to feel that they are getting the service they paid for.

The *Code of Practice* states that you must make the care of patients your first concern, so ask yourself whether the deal you're planning to offer allows you to do that. Bear in mind the following:

- > Patient care must not be compromised, even if you are giving a cut-price consultation.
- > You must fulfil your side of the bargain: if a patient has signed up for the deal, you must honour what you have offered.

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- > Any treatment must be justified by a health need: if, at an initial examination, you identify that there is no need, or limited need only, for osteopathic treatment, you must make that clear to the patient and have in place a mechanism for refunding payment for any appointments signed up for but not required.
- > Patients are entitled to the same courtesy and consideration whether they have paid full price for an appointment or a discounted price via Groupon.

### Groupon – yes or no?

Whether the profession wants to be associated with this method of marketing is not necessarily a question for the regulator, but we do remind you that all advertising, even that written on your behalf by Groupon copywriters, must be legal, decent, honest and truthful and must conform to current guidance such as The UK Code of Non-broadcast Advertising, Sales Promotion and Direct Marketing.

Use of Groupon won't automatically put an osteopath in breach of the *Code of Practice*. But, if the advertising of any particular osteopath is misleading or less than candid in relation to fees, or if practice relating to patients who sign up to the deals falls short of what is required under the Code, we or someone else may raise a concern, which may be considered under our fitness to practice procedures.

### Marketing

The tone and terminology of the advert script is obviously formulated to be in keeping with the overall tone of the Groupon website, and to that extent, may be a departure from more traditional advertising copy and not to everybody's taste. Some people will be taken aback by the jaunty tone of Groupon's script, while others may feel that osteopaths should be allowed to use up-to-date marketing methods where they don't harm the patient or the reputation of the profession.



#### Further information:

If you are thinking of offering treatments via Groupon (or any other discount website) bear in mind the following clauses in the *Code of Practice*:

- > **Clause 8**, which deals with undue influence on patients including

subjecting a patient to an investigation or treatment that is unnecessary or not in their best interest.

- > **Clauses 9 to 11**, which deal with financial and commercial activities, all in the context of making the care of the patient your first concern.

- > **Clause 127**, which deals with practice information and states that publicity should not be generated in such a way as to put those to whom it is directed under pressure to respond.

- > **Clause 128**, which deals with fees and states that these must be charged responsibly.

# Quiz

**Have you familiarised yourself with the new *Osteopathic Practice Standards*? In preparation for their introduction from 1 September 2012, why not test your knowledge with this quick quiz? But do remember that the answers below are only a small part of what may be required during a patient's appointment.**



Choose one from each of the four answers given.

- 1) Respecting a patient's concerns and preferences may include:
  - a) being alert to unspoken signals such as body language.
  - b) responding appropriately to specific needs in relation to, for example, culture or disability.
  - c) ignoring any nervousness and carrying on with what you are doing.
  - d) a and b.
  
- 2) Before examining or treating a patient, you should ensure that they understand:
  - a) what to do if the fire alarm goes off in the practice.
  - b) their rights as a patient, including the right to have a chaperone present and to stop the examination/treatment at any time.
  - c) that you may need to interrupt the consultation to take a call from another patient.
  - d) no information needs to be given before examination or treatment of a patient.
  
- 3) It is important to receive valid consent from patients:
  - a) before the examination and treatment.
  - b) after the examination and treatment.
  - c) at the next appointment.
  - d) only if you think they may complain about the treatment afterwards.
  
- 4) Written consent should be obtained when:
  - a) any examination/treatment is given.
  - b) a patient doesn't fully understand what is involved in the given examination/treatment.
  - c) proposing a vaginal or rectal examination or technique.
  - d) you have a standard consent form available.
  
- 5) The most appropriate treatment for patients will sometimes involve:
  - a) referring them to another osteopath or other healthcare professional.
  - b) providing advice on self-care.
  - c) not treating them at all.
  - d) all of the above.
  
- 6) You should respect your patient's dignity and modesty by:
  - a) not making personal remarks while you watch them getting undressed.
  - b) covering the parts of the body that do not need to be exposed for the purpose of examination or treatment.
  - c) asking your receptionist to be present during any examination where your patient has to be undressed.
  - d) assuring them you are not interested in them except for the purpose of getting them better.
  
- 7) You must ensure that your patient records are full, accurate and completed promptly. Patient records should include:
  - a) whether a chaperone was present or not required.
  - b) the patient's credit card details.
  - c) your clinical findings, including negative findings.
  - d) a and c.

Quiz > continued

- 8) You may decline to carry on treating a patient where:
- a) you don't like their politics.
  - b) you don't like their religion.
  - c) they appear to have become inappropriately dependent on you.
  - d) they don't buy any of the products you have on sale in your practice.
- 9) During your work, you will acquire personal and sensitive information about patients, which they will rightly expect you to hold in confidence. Maintaining patient confidentiality includes:
- a) not releasing or discussing medical details or information about the care of a patient with anyone, including their spouse, partner and other family members, unless you have the patient's valid consent to do so.
  - b) not allowing a patient to see their notes.
  - c) keeping confidential your patients' identity and other personal information, and any other opinions you form about them in the course of your work.
  - d) a and c.
- 10) You should have adequate and secure methods for storing patient information and records. Patient records should be kept for:
- a) a minimum of six months since last consultation and if the patient is a child, until their 25th birthday.
  - b) a minimum of three years since last consultation and if the patient is a child, until their 25th birthday.
  - c) a minimum of eight years since last consultation and if the patient is a child, until their 25th birthday.
  - d) a minimum of 25 years since last consultation and if the patient is a child, until their 25th birthday.
- 11) When establishing and maintaining sexual boundaries, which of the following should you bear in mind:
- a) words and behaviour, as well as more overt acts, may be sexualised, or taken as such by patients.
  - b) you should avoid any behaviour which may be construed by a patient as inviting a sexual relationship.
  - c) physical contact for which valid consent has not been given can amount to an assault leading to criminal liability.
  - d) all of the above.
- 12) You should provide the GOsC with any important information about your conduct and competence. This means telling the GOsC straight away if:
- a) you are going on holiday.
  - b) you are convicted of a criminal offence anywhere in the world.
  - c) you have received excellent feedback from patients.
  - d) you are feeling unwell.

Answers on next page >

## Charging for patient records

A question which often arises is whether you can charge to supply your patients with a copy of their records, and if so, how much.

Patients have a right of access to their osteopathic records, conferred by the *Data Protection Act 1998*. This right is also referred to in the *Code of Practice*, clause 121.

The GOsC doesn't endorse or dictate a particular fee for the provision of records, but under the relevant data protection legislation, you may charge no more than £10 for providing a copy of information held entirely in electronic records. Where records are held either wholly or in part on other media (for example, paper, x-ray etc.), a maximum of £50 may be charged.

The Department of Health has published a [useful guide](#), which, although aimed at NHS organisations in England, provides helpful information about accessing health records.



# A question of professionalism



## Question

I was at a festival at the weekend and was surprised to see a fellow osteopath treating someone, in the open air, in full view of the public. The osteopath was dressed very casually, with a phone in one hand and talking to another exhibitor at the same time. I thought that high standards of professionalism and patient confidentiality were expected of us, whatever the circumstances. Was I wrong in this, or was this just a case of a relaxed osteopath treating in a relaxed environment, interpreting the rules in a very chilled out way?



## Answer

The standards of conduct which are expected of osteopaths are laid down in the *Code of Practice* and osteopaths are expected to comply with those standards even when they are treating a patient outside their usual clinic environment.

The Code does not prevent osteopaths from treating patients in the open air, for example at a festival or county show, provided the level of care is not compromised. Osteopaths intending to treat in such an environment should make sure that patients understand and agree that their treatment is in public and as such may be seen by passers-by. Patients should also be made aware that discussions about their condition and treatment and so on may be overheard; if that is the case and patients waive their rights to confidentiality in relation to the consultation itself, they are still entitled to

expect that information given to the osteopath is kept in confidence afterwards.

Bear in mind that while patients may agree to such an approach in the particular circumstances of the festival, there will be some treatments, for example where patient modesty is at stake, which are not suitable to be undertaken in a public place.

Regardless of the environment, the osteopath should still be giving the patient their full attention. We would not expect an osteopath to be using a phone and talking to another exhibitor, as you have described, while treating the patient. Osteopaths should be engaged with their patient and giving the patient their full attention.

So far as dress is concerned, we know that in a clinic environment osteopaths will generally wear a tunic or other clinical clothing, but providing the clothing is clean and suitable for the provision of osteopathic care, there is no specific requirement about what must be worn. But being dressed very casually, as you put it, suggests it may have been unsuitable for osteopathic treatment and looked unprofessional. That is of course not helpful in terms of maintaining public confidence in the profession. While the *Code of Practice* allows for flexibility, it is important that osteopaths do not allow an unusual or relaxed environment to compromise either the



standard of care that they provide to patients or the level of professionalism patients expect.

## Further information:

- > Patient modesty: [Code of Practice](#) paragraphs 45-48.
- > Your contract with the patient: [Code of Practice](#) paragraph 69.
- > Home/domiciliary visits: [Code of Practice](#) paragraph 72.
- > Principles of confidentiality: [Code of Practice](#) paragraphs 104-109.

## Answers to quiz, with references to the OPS

- |                 |                   |
|-----------------|-------------------|
| 1) d – A2, 2, 3 | 7) d – C8, 1      |
| 2) b – A3, 1    | 8) c – D4, 4      |
| 3) a – A4       | 9) d – D6, 1      |
| 4) c – A4, 9    | 10) c – D6, 3     |
| 5) d – A5, 2    | 11) d – D16, 3    |
| 6) b – C6, 2, 4 | 12) b – D18, 1, 2 |



**General  
Osteopathic  
Council**

The GOsC Fitness to Practise e-bulletin is produced by the Regulation Department. For further information contact [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk).