



GUIDANCE FOR MARKETING DEPUTISING SERVICES

Background

Clause 8.4 of the Guidelines for the Approved Medical Deputising Service (AMDS) Program restricts direct marketing of deputised services to consumers. Providers that register for the AMDS are prohibited from:

1. marketing deputised services as an alternative to general practice. This restriction applies to marketing deputised consultations as a convenient and/or cost-effective alternative to general practice.
2. engaging in direct marketing to consumers. Restrictions apply to all forms of direct marketing activity including:
 - text and SMS messages to consumers;
 - emails to consumers;
 - online advertising through third party websites;
 - advertising through social media;
 - database marketing;
 - fliers;
 - catalogue distribution;
 - promotional letters and events;
 - newspaper and magazine advertisements;
 - television promotion; and
 - outdoor advertising.

The Department of Health (Health) administers the AMDS Program to complement and extend the care that is provided to patients by full-time primary caregivers (GPs). Approved providers are able to employ non-vocationally recognised (non-VR) GPs with access to the Medicare Benefits Schedule so that they may deputise on behalf of a patient's normal caregiver. The direct marketing restrictions provide Health an assurance that these doctors are not routinely practising outside of this deputising capacity during the after-hours period.

What is acceptable marketing under the AMDS Program?

The AMDS Guidelines do not prohibit participant services from maintaining a website that explains their services. The intent of this website is to explain what is offered in terms that are appropriate for GPs who are seeking to engage a deputising service to coordinate and deliver after-hours care to their patients.

This website can provide contact details for the AMDS provider and an explanation of the scope of after-hours services (e.g. in-clinic/home-visit) that the provider offers. All information included on the website is to comply with standards for advertising regulated health services as set out under s133 of the *Health Practitioner Regulation National Law Act 2009* (the National Law). To comply with this standard, information must be factual, avoid misleading or deceptive statements, and must not encourage indiscriminate or unnecessary use of the deputised care being offered.

In addition to the requirements under the National Law, the provider's website must emphasise that their deputised service is not a substitute for a general practitioner in order to be compliant with the AMDS Program Guidelines.

The AMDS Guidelines do not restrict providers from approaching general practices for the purpose of forming deputising arrangements. AMDS providers are therefore free to directly engage with general practices to form business relationships where such approaches do not use a marketing approach that is directed at prospective patients.

How does Health apply these restrictions?

When entering into a Deed of Agreement (Deed) with Health under the AMDS Program, a service provider agrees to conform to the direct marketing restrictions. Health may terminate a provider's Deed and participation on the AMDS Program if it breaches the marketing standards of the Program.

Health will also refer a provider to the Australian Health Practitioner Regulation Agency if marketing activity is deemed to have breached the standards of s133 of the National Law.

Contacting Health about the AMDS marketing standard

The Access Programs Section of Health is responsible for the AMDS Program. The AMDS Program is supported by a dedicated inbox: AMDS@health.gov.au. This inbox may be used by:

- current and prospective AMDS Providers to refer questions regarding the marketing prohibitions established in the Guidelines; and
- consumers, service providers and other third parties to refer concerns regarding the way a particular set of services is being marketed.

The Access Programs Section responds to all emails within a 28 day timeframe.

Further reading

This Fact Sheet must be read in conjunction with the AMDS Program Guidelines that come into effect on 1 March 2018.

AMDS Providers may obtain further information regarding the advertising standards under s133 of the National Law by consulting either:

1. the AHPRA Guidelines for advertising regulated health services:
<https://www.ahpra.gov.au/Publications/Advertising-resources/Legislation-guidelines/Advertising-guidelines.aspx>; or
2. the National Law as a legislative instrument:
<https://www.ahpra.gov.au/about-ahpra/what-we-do/legislation.aspx>