

Decompression Facts, Myths and Hyperbole, Part 4

Seven Marketing Landmines to Avoid

By James Edwards, DC and Cynthia Vaughn, DC, FICC

Based on our 14 years of combined licensing board experience, as well as our extensive experience with respect to decompression marketing, we know what you can say in your decompression marketing materials and what can subject you to licensing board discipline. We remain very concerned about statements and claims that continue to be made by some marketing firms, because they lack foundation and are subjecting doctors to complaints, license suspensions, judgments and fines of up to \$25,000. In fact, doctors from all across the country are being subjected to these actions. To hopefully steer you clear of the decompression marketing landmines that can lead to licensing board discipline, here are the seven most common to avoid at all costs.

Marketing Decompression Using Effectiveness Percentages

We'll let the scientists and researchers ultimately determine the validity of the various decompression clinical trials that claim high effectiveness percentages. However, licensing boards are not waiting. The most recent state board discipline was levied by the North Carolina Board of Chiropractic Examiners against a DC who advertised an 86 percent cure rate. Did that North Carolina doctor trust his consulting/franchise/marketing group when they suggested he use this inappropriate marketing statement? Probably. Did that protect the doctor from a three-day suspension and a one-year probation? Absolutely not.

Remember, as a licensed doctor, you are always ultimately responsible for the marketing statements that go out under your name. Unless you are prepared to defend a clinical trial from a scientific standpoint, then you should not quote effectiveness percentages in your marketing materials.

Marketing Decompression as Spinal Rejuvenation

We strongly recommend against marketing your decompression services as "spinal rejuvenation." Why? Because it is generally accepted that decompression is a traction-based outcome. However, "spinal rejuvenation" is a claimed result that occurs as a result of your decompression treatment. Without question, using the trademarked phrase "spinal rejuvenation" can subject you to discipline unless you can prove that your decompression services indeed "rejuvenated" the patient's spine.

Marketing Decompression as Painless and 100 Percent Safe

In regard to advertising decompression as "100 percent safe," we advise against making that statement because the Mayo Clinic has published a case study on a documented adverse incident. And since pain is subjective and some patients might experience a degree of discomfort, we also strongly recommend against using the word *painless* in your marketing materials. Our position about these claims mirrors the position of the Arizona Board of Chiropractic Examiners, who disciplined a doctor for advertising "painless" and "no side effects" for his decompression system.

Marketing Your Decompression System as FDA Approved

Let's get one thing straight: The FDA has not approved spinal decompression as a treatment. In fact, the agency has not approved any decompression system. What the FDA has done is clear all the current decompression units under the exact same product code (ITH), regulatory class (II), regulation number (21 CFR 890.5900) and regulation name: "Powered Traction Equipment." Therefore, you can state that your decompression system is "FDA cleared." However, you cannot claim or imply in any way that your decompression treatment has the endorsement of the FDA.

Marketing Decompression Without Disclosing That You Are a Chiropractor

While often just an oversight, far too many doctors of chiropractic are marketing their decompression services without disclosing the fact that they are chiropractors. Unless you

have a multidisciplinary practice, most states require you to disclose that you are a doctor of chiropractic and/or that your office is a chiropractic practice.

Marketing Decompression With Guaranteed Results

Again, far too many doctors of chiropractic are guaranteeing decompression results, even though doing so is a violation of state laws and/or regulations and can constitute "unprofessional conduct." In fact, in most states, the prohibition against guaranteeing results does not just apply to chiropractors; it applies to all health care practitioners.

Marketing Decompression as NASA Inspired

In regard to making claims that spinal decompression is somehow related to NASA, nothing could be further from the truth. In fact, the Oregon Board of Chiropractic Examiners has adopted an official position regarding the NASA issue that can be summed up as follows: "Don't do it!"

Hopefully these red flags will help you to avoid some of the truly dangerous landmines that can subject you to licensing board discipline. After all, why take the risk? If you have any questions relative to coding and marketing compliance, please feel free to contact us.

The opinions expressed in this article do not necessarily reflect the opinions of the ACA.

Click [here](#) for more information about James Edwards, DC.

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