

ADVERTISING POLICIES



American Board of Foot and Ankle Surgery®

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NOTE: These Advertising Policies apply to members of the American Board of Foot and Ankle Surgery® (ABFAS) [this includes ABFAS diplomates and American Board of Ambulatory Foot Surgery (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 advertise their board certification status appropriately and professionally. Strictly following these policies will protect and enhance the public image of podiatric surgery.

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

The Board of Directors has established a process (see page 9) whereby it evaluates, reprimands, and maintains records of policy violations. The Board of Directors may implement changes to the Advertising Policies.

Individual Responsibility. Each ABFAS 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. The member will be held responsible for violations.

If a false statement or other policy violation occurs, the member is obligated 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 promotional 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, social media, 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.
4. Ads may include a member's service on the Board of Directors, e.g., Past-President, President, Vice-President, or Secretary-Treasurer, and as committee chair, examination subcommittee member, examiner, or other official ABFAS committee assignment.

Advertising does not include:

1. Listing ABFAS Diplomate status on *curricula vitae*, peer-reviewed journal publications, academic textbooks, and applications for membership in healthcare organizations.
2. Listing ABFAS Board Qualified status on *curricula vitae*, peer-reviewed journal publications, academic textbooks, and applications for membership in healthcare organizations.

APPROVED ADVERTISING DESIGNATIONS AND LANGUAGE

The chart below shows required designations with additions for each section of the American Board of Foot and Ankle Surgery®. Members must use these designations in any advertising as defined above.

Section	Required Designations	*Additional Language
American Board of Foot and Ankle Surgery®	Diplomate, American Board of Foot and Ankle Surgery® -- or -- Certified by the American Board of Foot and Ankle Surgery® <i>If the member is certified only in Foot Surgery, use:</i> Certified in Foot Surgery by the American Board of Foot and Ankle Surgery®	Members must use appropriate language for the certification held. <i>If the member is certified in Foot and Ankle Surgery, use:</i> “Certified in Foot and Ankle Surgery by the American Board of Foot and Ankle Surgery®” (Note: In some states use of the words "and ankle" may be illegal.) <i>If the member is certified in Reconstructive Rearfoot/Ankle Surgery, use:</i> “Certified in Reconstructive Rearfoot /Ankle Surgery by the American Board of Foot and 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 Foot and Ankle Surgery®

Members certified in both sections may combine required and additional designations.

*Additional language must follow the required designation and may not be used alone.

SPECIFIC RULES AND EXAMPLES

1. When a required designation and additional language are used together, the required designation must appear first:

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

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

2. Acronyms such as ABFAS, ABAFS, DABFAS, or DABAFS, are not to be used in any advertisements.
3. Use standard abbreviations if space is limited: Amer (American), Bd (Board), Surg (Surgery), Amb (Ambulatory). Do not abbreviate the word "Podiatric."
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 Foot and Ankle 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 podiatric surgeons 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 Foot and Ankle 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 Foot and Ankle Surgery®
Certified in Foot and Ankle Surgery
John B. Doe, Jr., DPM
Diplomate, American Board of Foot and Ankle 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 Foot and Ankle Surgery®

USE OF THE ABFAS 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 the ABFAS and the member, the member must comply with the following terms and conditions in connection with use of the ABFAS certification marks identified in Exhibit A (“Marks”).



The member may use the Marks only in the United States, its territories, possessions, and military bases, and only for the purpose of promoting the individual member’s podiatric surgical services and demonstrating the member’s certification by the ABFAS. To prevent doubt, the member may not use the Marks to promote the member’s podiatric practice generally unless all service providers in such practice are ABFAS members. The member must cease using the Marks when she/he ceases to be a fully paid up ABFAS member in good standing.

All goodwill that accrues due to member’s use of the Marks inures to the benefit of the ABFAS. The member must use the Marks in accordance with the board’s instructions and the terms of these Advertising Policies, as amended from time to time by the ABFAS at its sole discretion. The member must deliver representative samples of its usage of the Marks to the ABFAS for inspection, on the ABFAS’s request. The 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 used 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. ABFAS Member. An ABFAS 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 the Board will take further action against the member if the violation is not immediately halted.
 2. Impose a fine of 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 ABFAS Bylaws.
 4. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABFAS status.
- B. Board Qualified. A Board Qualified podiatrist who advertises board status or who falsely represents diplomate status 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 the Board will take further action against the doctor if the violation is not immediately halted.
 2. Prohibit the doctor from applying for certification for a period to be determined by the Board.
 3. Withdraw Board Qualified status and establish a period during which the doctor cannot re-apply.
 4. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABFAS status.
- C. Non-ABFAS Affiliated. Any podiatrist without ABFAS status who falsely represents affiliation with the ABFAS 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 the Board may take further action if the advertisement is not corrected.
 2. Prohibit the doctor from applying for ABFAS status for a period to be determined by the Board.
 3. Notify the doctor's state licensing board of any false or misleading advertisements pertaining to ABFAS status.

GROUP ADVERTISING

The ABFAS 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 (“ABFAS,” “ABAFS,” “American Board of Foot and Ankle 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 ABFAS Bylaws and these Advertising Policies.
5. The advertisement must not be misleading, as determined by the opinion of the Board.

B. Steps to Receive Board Permission. Please take the following steps to obtain permission for a group advertisement:

1. The following information must be presented in a letter or email 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 Foot and Ankle Surgery® will forward a list of ABFAS 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 problems can be substantiated:
 - a. Their license has been revoked, suspended, or placed on probation by the state licensing board.
 - b. Their staff privileges at a hospital or surgery center have been terminated for quality-of-care reasons.
 - c. They have been found liable for at least four (4) separate malpractice actions over the past two (2) years.
 - d. They have been warned or had other action taken against them by the Board of Directors for falsely advertising in the past.

3. A statement must be forwarded to the Board of Directors listing the members who 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 Advertising

1. **American Board of Foot and Ankle Surgery® Section**

Greater Buffalo Area Podiatric Surgeons

The following podiatric surgeons are diplomates of the American Board of Foot and Ankle 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 Foot and Ankle Surgery®.

The following OPTIONAL statements also may be included:

To be board certified in Foot Surgery, a podiatrist must pass a certification examination by the American Board of Foot and Ankle 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 by the American Board of Foot and Ankle 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 by the American Board of Foot and Ankle 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 outpatient and inpatient 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 podiatric surgeons in this locale who have been certified by the American Board of Ambulatory Foot Surgery.

The following **OPTIONAL** statements also may be included:

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