**Section 1315.170 Advertising**

a) Persons licensed to practice occupational therapy in the State of Illinois may advertise in any medium or other form of public communication in a manner that is truthful and is not fraudulent, deceptive, inherently misleading or proven to be misleading in practice. Advertising shall contain all information necessary to make the communication not misleading and shall not contain any false or misleading statement or otherwise operate to deceive. The form of communication shall be designed to communicate the information to the public in a direct, dignified and readily comprehensible manner.

b) Information that may be contained in advertising shall include:

1) Licensee's name, address, office hours and telephone number;

2) Schools attended;

3) Announcement of the opening of, change of, or return to practice;

4) Announcement of additions to or deletions from professional staff;

5) Licensee's hospital affiliation(s);

6) Areas of specialization, including Board certification, professional society memberships and any limitations or concentration of practice;

7) Credit arrangements and/or acceptance of Medicare/Medicaid patients and credit cards;

8) Foreign language ability;

9) Usual and customary fees for routine professional services which must include a statement that fees may be adjusted due to complications or unforeseen circumstances;

10) Description of offices in which licensee practices (e.g., accessibility to the disabled, laboratory facilities on the premises, convenience of parking); and

11) Other information about the licensee, the licensee's practice, or the types of practice in which the licensee will accept employment, which a reasonable person might regard as relevant in determining whether to seek the licensee's service.

c) If an advertisement is communicated to the public over television or radio, it shall be prerecorded and approved for broadcast by the licensee, and a recording of the actual transmission, including videotape, shall be retained by the licensee for a period of 3 years.

d) Information which may be untruthful, fraudulent, deceptive, inherently misleading, or which has proven to be misleading in practice includes that which:

1) Contains a misrepresentation of fact or omits a material fact required to prevent deception;

2) Guarantees favorable results or creates false or unjustified expectations of favorable results;

3) Takes advantage of the potential client's fears, anxieties, vanities or other emotions;

4) Contains testimonials and/or exaggerations pertaining to the quality of occupational therapy care;

5) Describes as available products or services which are not permitted by the laws of this State and/or applicable Federal laws; and

6) Advertises professional services that the licensee is not licensed to render.

(Source: Amended at 18 Ill. Reg. 7373, effective May 2, 1994)