

Protected or Prohibited Words

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... As mentioned in a prior piece on advertising, the general rule in most states is that mental health professionals can advertise freely, so long as the advertisement is not false, fraudulent, misleading or deceptive. An advertisement that contains a misrepresentation of fact or a failure to disclose a material fact, or that is likely to create false or unjustified expectations of favorable results, will typically be considered to be a false, fraudulent, misleading or deceptive statement. Similarly, claims of professional superiority or claims of performing services in a superior manner may be deemed to be such a statement. If the advertisement is not in conformity with this general rule, many states make such an advertisement a crime (usually a misdemeanor) and a violation of the licensing law, which means that licensees may be disciplined by their licensing boards and may be criminally prosecuted.

In addition to this general rule, there may be other limitations on advertising by a therapist or counselor that are specified in law. In one state for example, psychologists have established through legislation that certain words are protected and cannot be used by other mental health professionals (or others) in advertising. Words that are protected in that state include "psychologist," "psychology," "psychometrics," "psychometry," and "psychological." There may also be limitations with respect to certain words that cannot be used when advertising fees or prices for services. In the same state as referred to above, phrases such as "as low as," "and up" and "lowest prices" are specifically prohibited by statute.