

EXPLANATORY GUIDANCE TO THE PRIVATE HOSPITALS AND MEDICAL CLINICS (PHMC) (PUBLICITY) REGULATIONS

1. Introduction

1.1 The licensee of the Healthcare Institutions (HCIs) licensed under the PHMC Act are required to comply with the PHMC (Publicity) Regulations (2004) (the “Regulations”). The Regulations allow publicity by the licensees of HCIs so that the public can have a better understanding of services and options available, and hence, make informed choices in healthcare. However, such information provided by the licensee of HCIs should not induce unnecessary consumption of healthcare services or create unrealistic expectation of the services provided, the broad principles of which are set out in Regulation 4(1).

1.2 This Guidance aims to elucidate the broad principles set out in the PHMC (Publicity) Regulations and should be read in conjunction with the Regulations. The examples highlighted in this Guidance are not exhaustive and thus shall not be regarded as so. The Guidance may be updated periodically and all licensees are expected to be familiar with the Guidance and Regulations.

1.3 Licensees of the HCIs are responsible and will be held accountable for all publicity associated with their HCIs, and hence they are advised to adhere to this Guidance. Whether the licensee abides by this Guidance may be taken into account in determining his compliance with the PHMC (Publicity) Regulations.

2. Explanatory notes relating to Content and Manner of Publicity

2.1 “*Publicity*” as defined in Regulation 2 means any form of advertisement and includes any advertisement —

- (a) printed in any medium for the communication of information;
- (b) appearing in, communicated through or retrievable from, any mass medium, whether electronic or otherwise; or
- (c) contained in any medium for communication produced or for use by a healthcare institution.

The definition of publicity is broad and includes any form of advertisement in any medium.

2.2 Regulation 3 states that “Subject to these Regulations and to any other written law, the licensee of a healthcare institution may publicise or cause to be publicised the services of the healthcare institution.” This clause simply means that healthcare institutions may publicise their services and such publicity would be subject to the PHMC (Publicity) Regulations and any other written law where applicable.

“*Services*” of the HCI, in the context of Regulation 3, would mean any healthcare service such as medical clinic service, hospital service, nursing home service, laboratory service, as well as more detailed activities that define each

service such as consultation, treatment, provision/application of any procedure, product, device or practice.

“*Publicity of services*” would mean any advertisement that reflects any of the services offered/ provided by the HCI. This includes the mentioning of the name, logo and/or motto of the healthcare institution that includes words denoting the functional service e.g. ‘XYZ Medical Clinic’ denotes a medical clinic service, ‘ABC Hospital’ denotes a hospital service, etc.

2.3 Regulation 4(1)(a) states that –

“The information contained in the publicity must be factually accurate and capable of being substantiated, and must not be exaggerated, false, misleading or deceptive.”

2.3.1 “*capable of being substantiated*” in relation to claims published in HCIs’ publicity is defined as having explicit evidence that substantiates the publicised claims. Any claim that cannot be independently substantiated at the point of publicity, that is, does not have substantiating evidence or its relevant references published alongside the claims, shall not be publicised.

2.3.2 “*evidence*” in the above context of “capable of being substantiated” refers to substantiating information of a credible source. The level of credibility accepted by MOH shall be information reported in articles published in peer-reviewed journals listed in PubMed (for medical/ dental fields) or recognised by the local medical/ dental community as credible.

2.3.3 “*capable of being substantiated*” in relation to claims/ information about a registered healthcare professional is defined as having fulfilled the following conditions:

- (a) The consent of the professional has been obtained;
- (b) The content has been vetted and verified by the professional;
and
- (c) The credentials/ qualifications of the professional to be published are recognised by a bona fide, local professional registration body.

2.3.4 The licensee of the HCIs shall not publicise the following claims/ information as they are deemed as not “*capable of being substantiated*” at the point of publicity:

- (a) Any claim on output/ volume or speed of service;
- (b) Any claim on uniqueness of service/ HCI;

- (c) Any claim on services that have low or no evidence of effectiveness, or not generally accepted by peer healthcare professionals; and
- (d) Any claim on an award/ achievement, unless such award/ achievement is recognised by MOH (e.g. awards granted by Government or Statutory Body in Singapore, JCI accreditation, ISO). Featuring unrecognised award/ achievement in HCIs' publicity is also deemed as "*misleading*" the public.

2.4 Regulation 4(1)(b) states that –

"The publicity must not be offensive, ostentatious or in bad taste such as to undermine the honour and dignity of the medical, dental or nursing profession."

2.4.1 Publicity that is considered "*ostentatious*" would include, but not limited to, the following:

- (a) Any photo showing a person performing a procedure or administering a treatment;
- (b) Any photo of a doctor, dentist or nurse exceeding 'passport' size (i.e. 35mm wide by 45mm high);
- (c) Any photo of a celebrity/ media figure (with/ without explicitly identifying the celebrity/ media figure);
- (d) HCI creating/ maintaining websites in a manner that attracts undue public's attention (e.g. HCI having multiple websites with similar contents).

2.4.2 Publicity that is considered "*in bad taste*" would include, but not limited to, the following:

- (a) Any content featuring obscene or repulsive pictures or words, or having sexual/ indecent connotations;
- (b) Any content featuring/ implying association between the medical service/ profession and any non-medical/ non-dental service (except for other mainstream healthcare services such as allied health services, pharmacy and optometry) or any traditional, complementary or alternative health care service/ practice;
- (c) Any content featuring/ implying endorsement by the HCI of an entity/ person that is not a licensed HCI or any service provided by such other person;
- (d) Any content featuring a service that is not provided in local mainstream medicine;

- (e) Any content that raises/ causes unreasonable fear or undue worry of a disease or condition.

2.4.3 Any information pertaining to registered doctors, dentists or nurses that does not comply with the respective code of conduct and ethical guidelines (e.g. Singapore Medical Council's Ethical Code and Ethical Guidelines [ECEG], Singapore Dental Council's ECEG, Code of Ethics & Professional Conduct for nurses and midwives, etc) would be deemed as "*undermining the honour and dignity of the medical, dental or nursing profession*".

2.4.4 For avoidance of doubt about publicising information that could be deemed as "*undermining the honour and dignity of the medical, dental or nursing profession*", HCIs are strongly advised to restrict publicity information of a registered doctor, dentist or nurse to the following:

- (a) His name;
- (b) His registered professional qualification;
- (c) His displayable qualifications, i.e. qualifications accepted and recognised for display by the relevant professional bodies (if any);
- (d) His title reflecting the register(s) in which he is registered;
- (e) His title or designation at the HCI;
- (f) Where necessary, his photograph not exceeding 'passport' size (i.e. 35mm wide by 45mm high).

2.5 Regulation 4(1)(c) states that –

"The publicity must not contain any information that (i) implies that the healthcare institution can obtain results from treatment not achievable by other healthcare institutions or create an unjustified expectation from the treatment provided; or (ii) compares and contrasts the quality of the services of the healthcare institution with those provided by other healthcare institutions or deprecate the services of other healthcare institutions."

2.5.1 HCIs shall not feature "before and after" treatment pictures/videos/information or only "after" treatment pictures/videos/information in their publicity. Such pictures/videos/information "*create an unjustified expectation from the treatment provided*" as they pertain only to anecdotal cases, and not all patients will see the same results after treatment.

2.5.2 HCI shall not advertise/ publicise that its services can bring about results within a certain time period or within a specified number of sessions (e.g. "instant/ immediate teeth whitening", "botox in 5 minutes", "straight teeth

in 2 weeks”, “see results after 1 treatment session”, “accurate diagnosis for the first time”). Such information may “*create an unjustified expectation from the treatment provided*” as not all patients undergoing the services provided can achieve the same results after the stated time period.

2.5.3 Any pictures/videos/information implying (with/ without descriptions) that a person is/ will be healthier or less ill, aesthetically better or in a better state of general well-being after receiving the HCI’s services.

2.5.4 The licensee of the HCI shall not feature any celebrity/ media figure (with/ without identifying the celebrity/ media figure) in their publicity materials as this would amount to creating an unjustified expectation for the services provided by the HCI, which is a contravention of Regulation 4(1)(c)(i).

2.6 Regulation 4(1)(d) states that –

“The publicity must not contain any laudatory statements (including statements of prominence or uniqueness) or superlatives to describe the services of the Healthcare Institution.”

2.6.1 Words/ statements that are considered “*laudatory*” would include, but not limited to, the following:

- (a) “best”
- (b) “first”
- (c) “only”

2.6.2 For avoidance of doubt about publicising information that are contravening Regulation 4(1)(d), HCIs are strongly advised to limit their publicity to information specified in para 2.9.

2.7 Regulation 4(1)(e) states that –

“The information contained in the publicity must not contain any testimonial or endorsement of the services, of the healthcare institution.”

2.7.1 “*testimonial or endorsement*” in this context would include, but is not limited to, any compliment, accolade or positive assessment given by any person regarding the HCI’s services.

2.7.2 The licensee of the HCI shall not publicise any person’s testimonial or endorsement about the HCI, its staff or services in any form of media unless its availability is restricted to within the premises of the HCI and not accessible to the general public outside of the HCI’s premises in the normal course of events.

2.7.3 The licensee of the HCI that advertises/ publicise its information on social media (e.g. Facebook, Twitter) shall ensure that the advertising media

does not contain any person's "*testimonial or endorsement*" about the HCI's services.

2.7.4 The licensee of the HCI shall not, in its publicity materials, feature links to third party websites/ advertising platforms containing any person's testimonial or endorsement about the HCI's services (e.g. newspapers, forum, blogs). Any linkage found between a HCI's publicity and any media featuring such testimonial or endorsement would be deemed as equivalent to the HCI publicising testimonials or endorsement directly in its publicity, which is a contravention of Regulation 4(1)(e).

2.7.5 The licensee of the HCI shall not feature any celebrity/ media figure (with/ without identifying the celebrity/ media figure) in their publicity materials as this would amount to endorsement of the HCI, its staff or services, which is a contravention of Regulation 4(1)(e).

2.7.6 Ratings/ rankings of HCIs in third party websites are deemed as "endorsement" of the HCIs' services and publishing of "user experiences" would be considered as testimonials.

2.8 Regulation 4(1)(f) states that –

"The publicity must not provide information to the public in such a manner as to amount to soliciting or encouraging the use of the services provided by or at any healthcare institution."

2.8.1 Examples of content or manner of publicity that amount to "*soliciting or encouraging the use of the HCI's services*" would include, but not limited to, the following:

- (a) "Before and after" or only "after" treatment photos. Such photos shall not be featured even with the presence of disclaimers as it is not possible to guarantee that the disclaimer would fully neutralise the inducement effect of the photos on every prospective patients.
- (b) "Usual" and "now" prices, or "usual" and "package" prices, or solely "usual" prices or "Package prices" and "ala-carte prices" for the same/group of services in the same publicity. HCIs shall only list the exact price for its packages/ services without indicating any prefix/ description to the price, and without a comparative listing of the prices.
- (c) Phrases such as "as low as" or "lowest prices", or similar words when advertising prices for the HCI's services, or stating an instalment amount for the HCI's services without stating the total cost.

- (d) Period for which the fee/ charge is applicable (i.e. validity period) or the number of patients entitled to that fee/ charge or indicating that the services in a package has to be availed/completed within a specified period.
- (e) Any service or item provided at/ by the HCI free of charge or at lower cost than usual, in connection with any service of the HCI being publicised.
- (f) Phrases such as "discounts", "interest free", "preferential rates", "promotions", "offer", "complimentary", "free".
- (g) Information that promises or suggests that the services can bring about results within a certain time period (e.g. "Instant/ immediate teeth whitening", "botox in 5 minutes", "straight teeth in 2 weeks").
- (h) Any publicity in group buying websites or websites that offer lower pricing than usual through collective group buying.
- (i) Any publicity that relates to promotions/ events which involves the giving away of souvenirs, promotional coupons, vouchers, lucky draws and sales campaigns.

2.9 For avoidance of doubt about committing an offence under Regulation 4(1), HCIs are strongly advised to limit their publicity to the following information:

- (a) The name, logo, address, website address and contact details of the healthcare institution;
- (b) The operating hours of the healthcare institution;
- (c) A listing of the services provided by the healthcare institution;
- (d) The following details in respect of any registered healthcare professional providing such services at the healthcare institution:
 - (i) His name;
 - (ii) His registered professional qualification;
 - (iii) His title(s) reflecting the register(s) in which he is registered;
 - (iv) His displayable qualification i.e. qualifications accepted and recognised for display by the relevant professional bodies (if any);
 - (v) His title or designation at the healthcare institution;
 - (vi) His photograph, not exceeding 'passport' size (35mm wide by 45mm high);

- (e) The actual fees and charges, and the accepted mode of payment, for the services provided by the healthcare institution.

3. Explanatory notes relating to Advertising Media

3.1 Regulation 5(1) states that –

“The licensee of a healthcare institution shall ensure that any publicity of the services of the healthcare institution appears only in newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet.”

3.1.1 The licensee of the HCI shall not publicise information on their services through SMS, billboard, light box, digital media box, LCD/ LED panels, banner, poster or any other media that is not listed in the Regulation 5(1).

3.1.2 New media such as YouTube, Facebook and Blogs are considered as Internet. As such, publicity of HCIs’ service on such media is allowed, but it will be subject to the requirements in the PHMC (Publicity) Regulations.

3.1.3 The licensee of the HCIs shall ensure that their publicity in brochures, leaflets or pamphlets contain the date of publication.

3.2 The following are not subject to the list of advertising media in Regulation 5(1):

- (a) Directional signboard, which shall contain only the name/ logo of the HCI with/without the telephone number and with/without the operating hours, and directional sign.
- (b) Directory, which shall contain only the name/ logo of the HCI with/ without unit number, with/without the telephone number and with/without the operating hours of the HCI, and featured together with information on all other services in a building.
- (c) Information of the HCI’s services communicated to individual patients within its licensed premises during the individual’s medical/ dental consultation with the doctor/dentist.
- (d) Listing of the practitioners’ information, the HCI’s opening hours, the HCIs’ contact information and/ or the HCI’s services on the HCI’s fixture (i.e. entrance or exit doors, walls, windows).
- (e) Signboard of the HCI, which contains only the name/ logo of the HCI with/ without unit number of the HCI and sited at the entrance or exit of the HCI’s fixture.

- (f) Signboard of the HCI, which contains only the name/ logo of the HCI with/ without unit number of the HCI, placed at the exterior of a building to inform the public of the HCI's existence in the building or the function of the building (e.g. a hospital building)
- (g) Information provided in an interview by the licensee or employee of the HCI. Further clarifications on providing interviews are set out at paragraph 6.
- (h) Information reported by any mainstream media agency as part of an independent news report that is not initiated or sponsored by the HCI.

3.3 Should any of the above (in para 3.2) contain information other than what is stipulated, it would be subject to the PHMC (Publicity) Regulations. If the media used is not listed in Regulation 5(1), it would be considered as a breach of Regulation 5(1).

4. Explanatory guidance relating to publicity of HCI in conjunction with publicity of public workshop, etc.

4.1 The licensee of the HCIs may publicise educational events such as workshops, seminars or talks. This section is intended to guide HCIs on what would be considered as publicity of the HCI while they conduct publicity of public workshop, seminar, symposium or similar events (hereby referred to as "educational events") organised by them.

4.2 If the publicity of an educational event or the actual educational event includes the publicity of any HCI and/or its services in whatever form, it would be considered as publicity of the HCI and subject to both Regulation 4(1) and Regulation 5.

4.3 Educational events are not considered patient care services and should not be co-located in medical clinics and patient care areas in the hospitals.

4.4 The guidance provided in this section (i.e. section 4) would not apply to publicity of workshop, seminar, symposium or similar events that are wholly intended to educate registered healthcare professionals and not for attendance by ordinary members of the public.

4.5 For avoidance of doubt about committing an offence under the Regulations for the publicity of the HCI during such events, the licensee of the HCIs are strongly advised to limit their publicity of public workshop, etc. to the following information:

- (a) The title and synopsis;
- (b) Specified information of the speakers:
 - (i) Their names;

- (ii) Their registered professional qualifications;
 - (iii) Their title(s) reflecting the register(s) in which they are registered;
 - (iv) Their displayable qualifications, i.e. qualifications accepted and recognised for display by the relevant professional bodies (if any);
 - (v) The names of the places at which they work
 - (vi) Photographs not exceeding 'passport' size (35mm wide by 45mm high);
- (c) The programme and timing;
 - (d) The venue and contact information for the workshop;
 - (e) The actual fees and charges, the period for which the fees and charges are applicable, and the accepted mode of payment;
 - (f) The names of the organisers and sponsors.

5. General guidance on publicity in conjunction with any person

5.1 The licensee of the HCIs may have contractual agreements with any club/ society/ company so as to provide preferred rates or special treatment packages to members of the club/ society/ company. However, the publicity for such arrangements to the members of the club/ society/ company must adhere to the PHMC (Publicity) Regulations, and in particular, in compliance with the provisions set out in Regulation 4(1) and Regulation 5(1).

5.2 The licensee of the HCIs may engage the services of an advertising company or a third party to publish information on their services. However, the licensee is required to ensure that the publicity complies with the provisions of the PHMC (Publicity) Regulations.

6. General guidance on providing information through interviews

6.1 The licensee or employee of a HCI may, at the request of any print or broadcast media organisation, consent to be interviewed. The licensee shall ensure that any information provided in an interview by him or an employee of the HCI which relates to any publicity of the HCI's services complies with Regulation 4(1).

6.2 The licensee of the HCI shall be responsible for the contents of the interviews published and must ensure that the published contents are not in breach of any provisions under Regulation 4(1).

7. Publicity conducted outside Singapore

7.1 The licensee of the HCIs may advertise or promote their services outside Singapore but it should comply with the relevant laws including advertising rules of that country. Such publicity will not be subject to the provisions of the PHMC (Publicity) Regulations.

7.2 If advertisements conducted outside Singapore are accessible, in the normal course of events, to the general public in Singapore (e.g. Internet), it will be subject to the provisions of the PHMC (Publicity) Regulations.

8. Responsibilities of the licensee

8.1 It is the licensee's responsibility to ensure that the style and content of the HCI's publicity, and the manner in which the HCI's publicity is conducted, comply with the provisions of these Regulations.

8.2 The licensee of the HCIs shall take all reasonable steps to procure the rectification or withdrawal of any publicity relating to the services of the HCI which contravenes any provision of these Regulations, and prevent its recurrence.

8.3 If the licensee of an HCI has published any advertisement or caused any advertisement to be published in contravention of any provision of these Regulations, the Director may, after making due inquiry into the matter, order the licensee of the healthcare institution to alter, withdraw, remove or discontinue the publicity or cause the same to be altered withdrawn, removed or discontinued. The term "*alter*" in this context would include amendment of the offending publicity by the HCI responsible so as to enable the public to see the corrected publicity.

9. Relevant References/ Links

9.1 PHMC (Publicity) Regulations 2004
(<https://elis.moh.gov.sg/elis/publishInfo.do?task=download&pkId=134>)

9.2 The HCI Directory (<http://hcidirectory.sg>) is an initiative by MOH to provide a neutral, consistent platform for all HCIs licensed under the PHMC Act to publicise information about their services and operations. This initiative aims to enable the public to obtain more comprehensive information on all licensed HCIs through a single source.