



Advertising by Regulated Members Standard 16

Issued: July 1, 2011¹

The **Standards of Practice** of the College of Physicians & Surgeons of Alberta are the minimum standard of professional behaviour and ethical conduct expected of all regulated members registered in Alberta. Standards of Practice are enforceable under the *Health Professions Act* and will be referenced in the management of complaints and in discipline hearings. The College of Physicians & Surgeons of Alberta also provides **Advice to the Profession** to support the implementation of the Standards of Practice.

- (1) In this standard “advertising” means any communication made by or on behalf of a regulated member in any media including oral communication, in print or through electronic media to one or more individuals or the public generally regarding a regulated member, a clinic or group, or a product or a service with which a regulated member is associated.
- (2) This standard applies to any service or product provided to a person by a regulated member or by any worker under the direction, control or supervision of a regulated member.
- (3) Any advertising by a regulated member must conform to the *Code of Ethics* as adopted by Council.
- (4) A regulated member is entirely responsible for the content of any advertising and must ensure that any advertising:
 - (a) is accurate,
 - (b) is not deceptive,
 - (c) includes all relevant information,
 - (d) states explicitly all pertinent details of an offer,
 - (e) has disclaimers that are as prominent as other aspects of the message, and
 - (f) is supported by evidence that is readily available to the public.
- (5) Advertising must not include claims or representations regarding the volume of product used by, number of procedures performed by or quality of experience or skill of the regulated member.
- (6) At the request of the Registrar, a regulated member must be able to promptly substantiate any advertising claim or representation.
- (7) At the request of the Registrar, a regulated member must promptly confirm whether a specific advertisement is one that is made by or on behalf of the regulated member.
- (8) A regulated member must not use advertising that exaggerates claims as to worth or value of a product or service.
- (9) A regulated member must not offer, directly or indirectly, any inducement to provide a medical service or product to a patient.

- (10) Prohibited inducements within subsection (9) include, but are not limited to, offering or providing:
 - (a) time-limited prices for a product or service,
 - (b) discount coupons or gift certificates for a product or service,
 - (c) prizes of a product or service,
 - (d) gifts of a product or service,
 - (e) parties or other communal gatherings where consultation or medical services are offered,
 - (f) promotional gifts or other benefits for attendance at informational sessions about medical services not insured by the Alberta Health Care Insurance Plan,
 - (g) a product or a service in conjunction with “makeovers” created for entertainment or promotional purposes, and
 - (h) education sessions where registration fees are donated to charity.
- (11) Notwithstanding subsection (10), a regulated member may:
 - (a) offer a reduced fee or charge to a specific patient for compassionate reasons,
 - (b) advertise that prices are subject to change without notice, or
 - (c) provide free consultations for the purpose of informing and assessing the eligibility of a patient for an uninsured product or service.
- (12) A regulated member must not use advertising that:
 - (a) directly, indirectly or by innuendo, compares the regulated member’s services, prices, or ability with that of any other regulated member, facility, clinic or group, or
 - (b) promises or offers more effective services or better results than those available from another regulated member, or
 - (c) deprecates another regulated member, facility, clinic or group as to service, ability, result or fees.
- (13) A regulated member must not disclose the name or identifying features of a patient unless the regulated member has obtained the patient’s prior written consent.
- (14) A regulated member must not, by way of advertising, guarantee or warranty any unjustified or unreasonable expectation about the result the regulated member can achieve.
- (15) A regulated member must not seek referral of a person to a medical service or product offered by the regulated member, by offering an inducement to a patient or any other person.
- (16) A regulated member must not exploit the patient relationship or take physical, emotional or financial advantage of any patient, or use coercion, duress or harassment to induce patients.
- (17) In order to ensure the public’s confidence in professional advertising, a regulated member must ensure that advertising is not in bad taste, undignified, or otherwise offensive so as to be incompatible with the best interests of the public or tend to harm the standing or reputation of the medical profession generally.

- (18) A regulated member must not use the term “surgeon” alone or in combination with other descriptors unless the regulated member:
 - (a) is recognized as a surgical specialist or equivalent by the College; or
 - (b) is entitled by the Department of National Defense to use the term surgeon; or
 - (c) uses the term in a manner that, in the opinion of the Registrar, does not falsely suggest to the public that the regulated member is a surgical specialist.
- (19) A regulated member must only use a term, title, or designation indicating or implying specialization in an area or branch of medicine if that regulated member is recognized by the College as a specialist in that area or branch of medicine.
- (20) A regulated member may indicate an area of “special interest” only if approved by the Registrar after application and submission of: documentation regarding training, experience and interest, as well as a formal request for approval of the “special interest.”
- (21) A regulated member may remind a person who has an appointment with the regulated member of the upcoming appointment.
- (22) The Registrar, at his or her sole discretion, may direct the regulated member to change or stop using any advertising message that the Registrar deems a violation of any part of this standard.

¹ Replaces *Advertising by Physicians, Standard 15*, issued January 1, 2010