

Practice Standard

Advertising and Communication with the Public

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Related topic(s):	Conflict of Interest ; Promotion and Sale of Medical Supplies and Devices ; Sale and Dispensing of Drugs ; Social Media

A **practice standard** reflects the minimum standard of professional behaviour and ethical conduct on a specific topic or issue expected by the College of its registrants (all physicians and surgeons who practise medicine in British Columbia). Standards also reflect relevant legal requirements and are enforceable under the [Health Professions Act](#), RSBC 1996, c.183 (*HPA*) and College [Bylaws](#) under the *HPA*.

Registrants may seek guidance on these issues by contacting the College or by seeking medical legal advice from the CMPA or other entity.

PREAMBLE

This document is a standard of the Board of the College of Physicians and Surgeons of British Columbia.

In this standard, “advertising” or an “advertisement” means any communication made orally, in print, through electronic media or via the internet by or on behalf of a registrant to the public where its substantial purpose is to promote the registrant, the registrant’s services, or the clinic or group where the registrant practises or with which the registrant is associated.

Registrants must be cautious when establishing business alliances that might limit their control on the content or placement of the advertisement and the promotion of their services. **Registrants are solely responsible for the content of any such advertising prepared by a marketing agency or third party and must ensure by contract that they are fully informed of all such communication with the public.** In the event of a complaint, the Inquiry Committee may not accept lack of awareness as a defence if that has not been secured in a written agreement.

COLLEGE’S POSITION

Any inducement, enticement or incentive to a patient may interfere with the patient’s autonomy and with the registrant’s fiduciary responsibility to the patient. Promotion of medical services is generally considered incompatible with a fiduciary relationship. A significant power and knowledge imbalance between physician and a prospective patient is assumed. Communication with the public must be limited to factual and truthful information that assists the patient in making an informed decision.

Should a registrant choose to advertise, the advertisement must

- conform to the Canadian Medical Association’s [Code of Ethics and Professionalism](#),
- conform to the [Regulatory Requirements for Advertising](#) issued by Health Canada,
- conform to the [Canadian Code of Advertising Standards](#),
- be compatible with the best interest of the patient and uphold the reputation of the medical profession,
- comply with the [College Bylaws](#) namely, to reference the registrant’s proper name (unless written consent of the registrar is obtained),
- if it contains credentials, include those that have been verified by the College based on class of registration and licensure (see below for details),
- contain factual and relevant information that is accurate, clear and explicitly states all important details,
- be supported by sound research that can be readily verified,
- not be false, incomplete, misleading or deceptive, or reasonably capable of misleading or deceiving,
- **not offer prizes, gifts, gift certificates, card points, bonus points, discounts or time-limited benefits for medical services, or inducements, including alcoholic refreshments, for attendance at informational sessions promoting medical interventions, cosmetic or otherwise,**

- not include “before and after” photos, unless the registrant has obtained written consent from the patient to permit the use of their photographs in advertisements, which are available in the public domain (this consent must be available for the College to verify, if requested),
- include a disclaimer if a registrant uses photographs of models in an advertisement and those models have **not** received the services advertised by the registrant,
- not describe the registrant’s services in comparison to the services of others or imply any superiority over another regulated health-care professional,
- not create unreasonable expectations or guarantees or warranties about results, and
- specify clearly which services being offered are not publicly funded through the Medical Services Plan.

Registrants practising in a specific area in which they have completed additional training but do not hold Royal College of Physicians and Surgeons of Canada (RCPSC) certification in a relevant discipline, as required in section 7-4(3) of the Bylaws, may state this information provided they have suitable expertise to practise in the areas that they describe and meet the College’s currency in practice requirements. In such cases, registrants must state their designation as being in family practice, with the phrase “practising in” preceding any descriptive terms that are used. This is intended to ensure consistency in advertising and promotional materials, and that descriptive terms are not mistaken for formal specialist or subspecialist qualifications. RCPSC-certified physicians practising in a subspecialty discipline without subspecialty certification must similarly state “certified specialist in [specialty] practising in [name of subspecialty area].” This information must appear in signage, letterhead, business cards and all other means of informing the public.

If there is any doubt or question about the appropriateness of a proposed advertisement, physicians are advised to seek input from the College. The College does not pre-approve or endorse any advertisements or public communications.