

## **Healthcare Services (Advertisement) Regulations 2021 FAQs**

<b>Summary of amendments</b>	<b>Date of change</b>
• Amended Q2 to add clarity regarding compliance with laws that regulate advertisements of health products	22 Nov 2024
• Amended Q3 to further elaborate on when third parties are held liable for not complying with stipulated requirements for the advertisement of licensable healthcare services	22 Nov 2024
• Added a new Q8 to answer whether MOH provides a service to review advertisements of licensable healthcare services for legal compliance	22 Nov 2024
• Added a new Q19 to answer whether licensees can mention medical certificates in their advertisements	22 Nov 2024
• Added a new Q20 to answer whether licensees can make unnamed comparisons with other licensees	22 Nov 2024
• Added a new Q21 to answer whether licensees can suggest that their teleconsultations can be completed within a specified duration	22 Nov 2024
• Amended Diagram 1	22 Nov 2024

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## General

<p><b>1. [Updated on 31 Dec 2021] Do Healthcare Service (Advertisement) Regulations (HCS (Advertisement) Regulations) cover advertisements of non-licensable healthcare services (e.g. Traditional Chinese Medicine, physiotherapy, chiropractic)?</b></p>
<ul style="list-style-type: none"> <li>• No, the HCS (Advertisement) Regulations only applies to advertisements of licensable healthcare services. Additionally, only Healthcare Services Act (HCSA) licensees or their authorised persons may advertise such licensable healthcare services, in accordance with section 31 of HCSA.</li> <li>• Advertisements of a non-licensable healthcare service (e.g. Traditional Chinese Medicine) are subject to other relevant legislation such as the Medicines (Advertisement and Sale) Act (MASA). In particular, section 4 of MASA prohibits the publication of any advertisement referring to any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body.</li> <li>• To better ascertain the legislation that your healthcare advertisement is subject to, please refer to <u>Diagram 1</u> at Page 25 of the FAQs.</li> </ul>
<p><b>2. [Updated on 22 Nov 2024] What is the purpose of regulating the advertisement of licensable healthcare services?</b></p>
<ul style="list-style-type: none"> <li>• Inappropriate advertising of licensable healthcare services may encourage the public to unnecessarily consume these services.</li> <li>• It is important for MOH to regulate such advertisements to safeguard patients' welfare while allowing appropriate information on these services to be made available to consumers.</li> <li>• The HCS (Advertisement) Regulations make it clear that advertisements by licensees, among other requirements, must not create unrealistic expectations of the services provided or encourage consumption of healthcare services.</li> <li>• Advertisements of licensable healthcare services must also comply with the laws that regulate advertisements of health products if applicable.</li> <li>• To better ascertain the legislation that your healthcare advertisement is subject to, please refer to <u>Diagram 1</u> of the FAQs.</li> </ul>
<p><b>3. [Updated on 22 Nov 2024] Can third parties (e.g., operators of telemedicine platforms) be held liable for not complying with stipulated requirements for the advertisement of licensable healthcare services?</b></p>
<ul style="list-style-type: none"> <li>• As stipulated in section 31(1) of HCSA, only a licensee or a person acting on the authority of a HCSA licensee (referred to as an "authorised person" in the HCS (Advertisement) Regulations) may advertise licensable healthcare services.</li> <li>• In this regard, third parties who are authorised by the licensees ("authorised persons") can be held liable under the HCS (Advertisement) Regulations if they fail to comply with the stipulated requirements for the advertisement of the licensable healthcare services.</li> </ul>

- Advertisement of a licensable healthcare service by someone who is neither a HCSA licensee nor an authorised person (e.g., operator of a telemedicine platform not authorised by the licensee to publish such advertisements on the platform) contravenes section 31(1) of HCSA.
- Any individual who contravenes section 31(1) of HCSA is guilty of an offence and is liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

**4. [Updated on 31 Dec 2021] Who can be appointed as an authorised person? Is this done through contracts?**

- The licensee may appoint and authorise any person or party to advertise on his behalf. These persons or parties may be the licensee's employees or an external agent. The appointments and authorisations should be appropriately documented such as through contractual arrangement or letter of appointments. Notwithstanding the said contractual agreement, the licensee ultimately is responsible to ensure all advertisements relating to the licensable healthcare service(s) comply with the stipulated requirements.
- Licensees may wish to seek independent legal advice on appointing an authorised person to advertise their services.

**5. [Updated on 31 Dec 2021] Will MOH be working with HSA to ensure direct-to-consumer products comply with HCSA regulations? E.g., direct-to-consumer companies are able to advertise before/after photos & run promotions**

- Advertisements of health and medicinal products, including those issued by direct-to-consumer companies, are regulated by HSA under relevant legislation such as the MASA or the Health Products Act (HPA). For example, if companies advertise a product to treat conditions, they are subject to MASA. For therapeutic products such as pharmacy-only medicines and over-the-counter medicines, companies are required to comply with the advertisement requirements under the HPA. Additionally, advertisements of prescription-only medicines directed at the general public are prohibited under the HPA.
- If HCSA licensees collaborate with such companies to market the products, then the licensees can also be held accountable under the HCS (Advertisement) Regulations for advertising the service that utilises the product.

**6. [Updated on 31 Dec 2021] There are now many medical concierge websites that curate medical services like elective health screening and vaccinations etc - can licensed medical clinics list our services on such websites, with customised packages for the members of these websites?**

- Medical concierges are not licensed under the HCSA as they are not direct providers of healthcare services.
- If the medical concierge is not an authorised person and advertises any licensable healthcare service, it will be in breach of section 31 of HCSA.

<ul style="list-style-type: none"> <li>If the medical concierge has been appointed as an authorised person, it must comply with its obligations under the HCS (Advertisement) Regulations.</li> </ul>
<p><b>7. [Updated on 31 Dec 2021] Can information on employee benefit schemes be disseminated to employees? Or are these considered advertisements?</b></p> <ul style="list-style-type: none"> <li>The publication or dissemination of information on employee benefit schemes to employees is not subject to the HCS (Advertisement) Regulations, as such schemes are offered to attract and retain employees, and not to encourage or incentivise consumption of healthcare services. However, the information that is published or disseminated to the employees must not be publicly available or accessible.</li> <li>However, where there are tie-ups between the licensees and employers to actively promote such benefits to induce consumption of the healthcare service, these materials will be considered advertisements and subject to the HCS (Advertisement) Regulations.</li> </ul>
<p><b>8. [Updated on 22 Nov 2024] Will MOH provide a service to review advertisements of licensable healthcare services for legal compliance?</b></p> <ul style="list-style-type: none"> <li>MOH does not vet or review specific advertisements or advertising materials to confirm their compliance with the legal requirements. Please be advised to review the applicable legislation and guidelines, including the FAQs, and to obtain your own legal advice, if necessary.</li> </ul>

### Regulation 3: Application of these Regulations

<p><b>9. If a HCSA licensee places an advertisement targeted at foreigners who are not physically located in Singapore, will the advertisement be subject to HCS (Advertisement) Regulations?</b></p> <ul style="list-style-type: none"> <li>Advertisement of a licensable healthcare service is subjected to the HCS (Advertisement) Regulations if it has a Singapore link, i.e. a person who is physically present in Singapore is able to have access to the said advertisement or the advertisement is addressed to a class of persons whom the licensee or authorised person knows or has reasons to know is physically present in Singapore.</li> <li>Advertisements published on the licensee's website will be subject to the requirements under the HCS (Advertisement) Regulations, even if these are targeted at foreigners not located in Singapore. This is because a person who is physically present in Singapore will be able to access the advertisement on the licensee's website.</li> </ul>
<p><b>10. Can a licensee appoint a third-party administrator (based overseas) to advertise its licensable healthcare services in other jurisdictions, i.e. promoting medical tourism?</b></p> <ul style="list-style-type: none"> <li>The rules on advertising under HCSA are aimed at protecting the safety and welfare of patients in Singapore, and hence apply to advertisements that are accessible by persons physically located in Singapore.</li> </ul>

- HCSA licensees that advertise their services in other jurisdictions will have to comply with the prevailing laws in that jurisdiction.

**11. [Updated on 31 Dec 2021] What do you mean by “it is assumed that the person will not falsify or conceal the person’s identity or location.” In Regulation 3(3) of the HCS (Advertisement) Regulations?**

- It is meant to indicate that masking technology needs to be taken into consideration when determining whether an advertisement has a Singapore link. For instance, if a person uses VPN technology to enter websites which can only be accessed by non-Singapore IP addresses, and discovers “offending” advertisement in such websites, this may not come under HCSA’s scope if this advertisement was only placed in websites which cannot be accessed by Singapore IP addresses.

## Regulation 5: Contents of Advertisement

**12. Are licensees allowed to publicise events (e.g. public workshop, seminar or symposium) as free of charge/free admission?**

- Yes. Under Regulation 12 of the HCS (Advertisement) Regulations, a licensee or an authorised person (if applicable) may advertise any public workshop, seminar or symposium organised by the licensee that relates to the licensable healthcare service provided by the licensee.
- While these sessions can be publicised as free, their contents remain subjected to the HCS (Advertisement) Regulations insofar as they relate to licensable healthcare services (e.g. must be factual and not laudatory).

**13. Can licensees advertise the option of using their airline miles / credit card points/online shopping vouchers for patients to redeem their service?**

- While miles/points/ vouchers can be construed as a form of alternative currency, they are also at one and the same time solicited. Using miles/points/vouchers has a soliciting effect because the individual may perceive that he is getting the healthcare service without having to pay out of pocket for it, and this may contravene Regulation 5(1)(g) of the HCS (Advertisement) Regulations.

**14. [Updated on 31 Dec 2021] Can you elaborate more on what it means for an advertisement to be ‘capable of being substantiated’?**

- This means that there must be sufficient evidence to support and validate the information contained in the advertisement.
- “Evidence” in this context refers to credible and authoritative sources, such as articles published in peer-reviewed journals in PubMed (e.g. in the medical / dental fields) and other literature recognised and accepted by the local medical / dental community as being credible or authoritative. These sources should be cited in licensees’ advertisements and provided to the Ministry of Health (MOH) upon request. If a licensee does not or is unable to provide MOH with the required information, the licensee may have contravened Regulation 5(1)(a).

**15. [Updated on 31 Dec 2021] Are we allowed to show the “before-and-after” treatment photographs to the patients during the consultation?**

- Yes, such “before-and-after” or only “after” treatment photographs, pictures, videos and films relating to a treatment may be shown to patients during their consultation with the doctor. During the consultation, proper context should be provided to the patients by the doctor or the healthcare service provider’s employees, who should properly explain and clarify the possible outcomes of the licensee’s treatment.
- However, advertisements must not feature “before-and-after” or only “after” treatment photographs, pictures, videos or films, even with disclaimers in licensees’ advertisements.

**16. [Updated on 31 Dec 2021] What are laudatory statements?**

- Laudatory statements include subjective praises, commendations and compliments. Please refer to Annex A for a list of non-exhaustive terms that are likely to be regarded as laudatory.
- For avoidance of doubt, laudatory statements are strictly prohibited, regardless of whether they are factually accurate or not.

**17. [Updated on 31 Dec 2021] What are some examples of advertisements that “amount to soliciting or encouraging the use of the licensable healthcare service provided by any licensee”?**

- Examples of advertisements that solicit or encourage the use of the licensable healthcare service includes:
  - “Before-and-after” treatment photos; and
  - Information that promises or suggests that the services can bring about results within a certain time period, e.g. “Instant / immediate teeth whitening”, “straight teeth in 2 weeks”.
- Examples of information that solicit or encourage the use of licensable healthcare services are “promotions” which refer to free or discounted services or products provided at or by licensees, or interest-free payment plans for licensable healthcare service. Further examples include, but are not limited to advertisements with:
  - Price comparison of the usual prices and the time-limited discounted prices or advertised prices for the same or a group of licensable healthcare services provided by the licensee (licensees must only list the exact prices of their services, without indicating any prefix or description to the prices, and without a comparative listing of prices); or
  - Words or phrases such as “package”, in connection with a price discount or other mechanisms to solicit/encourage customers; or
  - Phrases such as “as low as”, and “lowest prices” when describing the price of licensable healthcare services, or stating an instalment amount for the services without stating the total price; or

<ul style="list-style-type: none"> <li>○ Preferential prices for licensable healthcare services with a “validity period”; or</li> <li>○ Any services provided at or by licensee that are free of charge or at a lower cost than usual, in connection with any other services advertised by the licensee; or</li> <li>○ Words or phrases such as “discount”, “interest free”, “preferential rate”, “promotion”, “offer”, “complimentary”, “free”, or other words or phrases to the same effect; or</li> <li>○ Information on group buying websites or websites that offer lower prices through collective group buying of licensable healthcare services; or</li> <li>○ Giveaways, lucky draws, prizes, gifts and/or freebies, whether in relation to or otherwise to the licensable healthcare services; or</li> <li>○ Using miles/points (e.g. membership points) to redeem a service. As miles/points can be construed as a form of alternative currency, using miles/points has a soliciting effect because the individual may perceive that he is getting the healthcare service without having to pay out of pocket for it.</li> </ul> <ul style="list-style-type: none"> <li>• To avoid doubt, patients may be informed of licensable healthcare service payment plans (e.g. instalments, package prices) only at the point of payment.</li> </ul>
<b>18. [Updated 13 Oct 2023] Are licensees allowed to advertise their business and services under MOH’s Healthier SG initiative?</b>
<ul style="list-style-type: none"> <li>• Only licensees who are Healthier SG-registered providers can use the Healthier SG brand. Eligible licensees who would like to use the “Healthier SG” brand, which includes the name and logo (and its variations), would have to abide by the <i>Healthier SG Brand Guidelines</i> and submit a request to MOH for the use of the Healthier SG brand at <a href="https://www.healthiersg.gov.sg/resources/on-healthier-sg/brandguidelines/">https://www.healthiersg.gov.sg/resources/on-healthier-sg/brandguidelines/</a>.</li> <li>• Examples of products, services, businesses, events, treatment that cannot be used in conjunction with the Healthier SG brand include: <ul style="list-style-type: none"> <li>a) Companies/ products that make non-evidence based health claims, and/or sell unhealthy or unregulated products</li> <li>b) Vaccination and screenings that are outside of the list of nationally-recommended vaccination/ screenings</li> <li>c) Medical and aesthetics devices</li> <li>d) Cosmetic/slimming services and products (e.g., facials, aesthetics treatments, massages)</li> <li>e) IT systems or software for usage by hospitals and clinics that are not related to, or not supporting Healthier SG</li> </ul> </li> <li>• The above listing is non-exhaustive.</li> </ul>

**19. [Updated on 22 Nov 2024] Are licensees allowed to mention medical certificates (MCs), or make references to MCs (e.g., acronyms, terms associated with MCs such as “sick leave”, “medical leave” or “medical excuse”, or any form of visual or graphic representation) in their advertisements?**

- No, licensees are not allowed to mention or reference MCs, if such references could be construed as an advertisement of the potential to obtain an MC through the licensable healthcare services provided by the licensee.
- The Singapore Medical Council’s Ethical Code and Ethical Guidelines (ECEG) requires doctors to issue MCs only on proper medical grounds arrived at through good clinical assessment.<sup>1</sup>
- Advertising the potential to obtain an MC could give the impression that an MC would be issued regardless of the patient’s complaint or condition. Therefore, such advertisements could have the effect of soliciting or encouraging the use of the licensable healthcare service provided by the licensee, in contravention of Regulation 5(1)(g) of the HCS (Advertisement) Regulations.
- Depending on the context, some examples of advertisements that improperly mention or reference MCs include:
  - “Get MC for as little as \$10.”
  - “Get sick leave MC from the comfort of your couch”
  - “MC in 1 minute!”
  - “Medical Consultation from \$10.”

**20. [Updated on 22 Nov 2024] Are licensees allowed to compare the licensable healthcare services they provide with that provided by other licensees, even though these other licensees are not named?**

- No, licensees are not allowed to compare their licensable healthcare services provided with that of other licensees.
- Such advertisements could contravene Regulation 5(1)(c)(iii) and (iv) of the HCS (Advertisement) Regulations, which prohibit advertisements that:
  - compare and contrast the quality of the licensable healthcare service provided by the licensee with the quality of the same licensable healthcare service provided by another licensee; or
  - deprecate any licensable healthcare service provided by another licensee.
- Such advertisements could contravene these prohibitions even though other licensee(s) may not be named. Depending on the timing and context, certain references in the advertisement, when taken together with information in the public domain, could be understood as references to certain licensees.
- As an illustration, there might have been news reports that named a licensee which provided consultations that lasted for only one second. Under these

<sup>1</sup> Guideline B4(1).

circumstances, if an advertisement contains the claim that the licensee does not do “one-second consults”, this could be construed as a comparison with and reference to the licensee named in the news reports. The advertisement could contravene the above prohibitions if it suggests that the licensee does not do “one-second consults”.

**21. [Updated on 22 Nov 2024] Are licensees offering teleconsultations allowed to mention or to otherwise give the impression in their advertisements that the teleconsultations that they provide can be completed within a specified duration?**

- Licensees offering teleconsultations are not allowed to mention or to otherwise give the impression that the teleconsultations that they provide could be completed within a specified duration in their advertisements, if this would be factually inaccurate, exaggerated, false, misleading or deceptive, and thereby in contravention of Regulation 5(1)(a) of the HCS (Advertisement) Regulations.
- The duration of the teleconsultation must be sufficient for a proper clinical evaluation to be conducted and for the provision of medical advice, where appropriate. Therefore, the duration would vary depending on each individual patient and his or her individual condition. Such advertisements may therefore be factually inaccurate, exaggerated, false, misleading or deceptive, if the duration advertised is unrealistic for not factoring in these considerations.
- Depending on the context, examples of such advertisements include:
  - “Teleconsultation completed within 1 minute.”
  - “Our teleconsultations usually do not take more than 60 seconds.”

## Regulation 6: Advertising media

**22. [Updated on 31 Dec 2021] What are the approved media allowed for the advertising of the licensee's licensable healthcare service?**

- Such advertisements are only allowed in the following: newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet (including mobile application software, social media platforms and websites).
- Licensees and an authorised person (if applicable) are jointly liable to ensure that advertisements outside the licensee's licensed premises or conveyances are only done through the advertising media listed above.

**23. [Updated on 31 Dec 2021] Are we allowed to advertise services on online shopping platforms?**

- Yes, it is allowed under Regulation 6(1) of the HCS (Advertisement) Regulations. However, the contents of the advertisement must adhere to the requirements in the HCS (Advertisement) Regulations.

<p><b>24. [Updated on 31 Dec 2021] Are flyers and mailers from nearby clinics allowed? Are we allowed to distribute leaflets containing only the factual details of the licensee's licensable healthcare service?</b></p>
<ul style="list-style-type: none"> <li>• No, under the HCS (Advertisement) Regulations (Regulation 6(4)(b)), a licensee and an authorised person (if applicable) <b>must not give or distribute</b> physical advertising material free of charge, such as by inserting brochures, leaflets, and pamphlets etc. into mailboxes, or through push technology such as SMS, MMS, WhatsApp, Facebook messenger and other messaging platforms, without first obtaining prior written consent from the recipients.</li> <li>• MOH takes the view that such information disseminated via push technology or through free distribution may have a possible unwanted soliciting effect.</li> </ul>
<p><b>25. [Updated on 31 Dec 2021] Do you consider Search Engine Optimisation (SEO) and Search Engine Marketing (SEM) as push technology? These are processes of optimising online content to improve the quality and quantity of traffic to a website or web page from search engines. Such a process in itself does not seek to encourage consumption of a particular service.</b></p>
<ul style="list-style-type: none"> <li>• Search Engine Optimisation (SEO) and Search Engine Marketing (SEM) are not considered to be push technology under Regulation 6(4)(a) of the HCS (Advertisement) Regulations. However, the contents of the advertisement associated with the use of SEO / SEM must comply with the requirements under the HCS (Advertisement) Regulations.</li> <li>• As SEO (e.g. on-page, off-page, technical) serves to optimise online content to improve the quality and quantity of traffic to a website / webpage from search engines, SEO is not considered as “advertising” as the process itself does not seek to encourage the consumption of a healthcare service. However, if the SEO platform utilises patient reviews and ratings, then such information listed is considered as an advertisement and must comply with the HCS (Advertisement) Regulations.</li> <li>• The use of SEM is governed by the HCS (Advertisement) Regulations, as SEM involves paid advertising that increases a website’s visibility on search engines, which is akin to paying for advertising space for greater visibility.</li> </ul>
<p><b>26. [Updated on 20 Apr 2021] Can licensees send information and updates to individuals who have consented to receiving such materials?</b></p>
<ul style="list-style-type: none"> <li>• Yes. The licensee may do so if prior written consent has been obtained from the individual. However, the advertisement must comply with the requirements of the HCS (Advertisement) Regulations.</li> </ul>

## Regulation 7: Advertisement in conjunction with any person

<b>27. Will a licensee of an aesthetic practice be subject to the HCS (Advertisement) Regulations if an advertisement is made in conjunction with the sale of face creams?</b>
<ul style="list-style-type: none"> <li>Yes. Advertisements in conjunction with any goods or services by another person are subject to HCS (Advertisement) Regulations and their contents must abide by the rules in Regulation 5 of the HCS (Advertisement) Regulations.</li> </ul>
<b>28. Can we allow insurance companies to have a hyperlink to a licensee's website, as part of their value-added service for their policy holders?</b>
<ul style="list-style-type: none"> <li>Similar to bloggers posting hyperlinks to the licensee's website, insurance companies are not licensed by MOH.</li> <li>If the insurance company advertises any licensable/licensed healthcare service, it will be in breach of section 31 of HCSA if it has not been authorised by the licensee to do so.</li> <li>If the insurance company has been appointed as an authorised person, it must comply with its obligations under the HCS (Advertisement) Regulations (e.g. ensuring that the advertisement is published in approved media only). Licensees are still liable to ensure that the contents of the advertisement are compliant with the HCS (Advertisement) Regulations.</li> </ul>
<b>29. [Updated on 20 Apr 2021] Are panel doctors under an insurance plan allowed to be listed on the insurance provider's publicity materials and directory listing, etc.?</b>
<ul style="list-style-type: none"> <li>Yes. However, where such materials constitute healthcare advertisements (e.g. encourages the use of the services), they are subject to HCS (Advertisement) Regulations.</li> </ul>
<b>30. [Updated on 20 Apr 2021] Can financial institutions partner with licensees to offer discounts on consultation fees for their customers?</b>
<ul style="list-style-type: none"> <li>MOH does not prohibit such collaborations. As is the case for other forms of collaborations between licensees and third parties, advertisements on such collaborations are subject to the HCS (Advertisement) Regulations. Licensees remain responsible for the content featured on the advertisement.</li> <li>Licensees are reminded that the mention of such discounts is not allowed in the advertisement, as it may encourage consumption of their services by the customers.</li> </ul>

## Regulation 8: Advertisement in conjunction with other services

**31. [Updated on 31 Dec 2021] Some spas advertise their services with an intent to channel customers to medical clinics under their same company group. Is this acceptable?**

- Spas are not licensed by MOH and are not allowed to advertise medical procedures as this will be a contravention of the Section 31 of HCSA and MASA. Spas are also not allowed to co-locate with licensable healthcare services.
- If the spa wishes to advertise the clinic services, it must be an authorised person appointed by the licensee of the clinic. In such cases, the advertisement would be subject to the HCS (Advertisement) Regulations, and must not be drafted in a manner to induce readers to seek treatment from the specific clinic.

**32. For licensees who have been given approval to co-locate with a non-licensee, can information regarding these services appear in the same advertisement or webpage?**

- Licensees should take all reasonable steps to distinguish information about the licensable healthcare service from information about the other service.
- Licensees should also ensure that the other service and information about the other service must be clearly identified or labelled as relating to a service that is not a licensable healthcare service.
- While information about licensable healthcare services can appear in the same advertisement/webpage as information about the “unlicensed services”, steps should be taken to distinguish the different services (e.g. using different colours/font sizes, borders, placing the information on different pages or different sections/modules of a webpage or an application).

**33. [Updated on 20 Apr 2021] Can clinics refer patients to purchase items from a co-located retail pharmacy? Does this constitute a breach under the HCS (Advertisement) Regulations?**

- The HCS (Advertisement) Regulations do not regulate such referrals as they are not advertisements. However, as stipulated in the HCS General Regulations, patients should not be compelled to patronise the co-located retail pharmacy as a pre-requisite for treatment.

## Regulation 9: Interviews

**34. Are licensees allowed to let vloggers or mainstream media interview medical personnel and feature it on their social media platforms or publications?**

- Yes. However, the interview must not be solicited by the licensee or through another person (such as an employee, an authorised person or some other person) connected to the licensee.
- Additionally, the content of such interviews posted must comply with the HCS (Advertisement) Regulations.

**35. [Updated on 31 Dec 2021] Does Regulation 9(2) of the HCS (Advertisement) Regulations apply to media pitches, that is part of regular work in most Corporate Communications departments?**

- No, the Corporate Communications department of the licensees will not be in contravention insofar as the licensee or any employee of the licensee merely responds to requests to be interviewed, and not actively approach the media to be interviewed.

## **Regulation 12: Advertising of public workshops, etc.**

**36. [Updated on 31 Dec 2021] Are there any requirements on advertisements that promote seminars, symposium or talks relating to the licensable healthcare service?**

- Licensees or an authorised person may advertise events organised by themselves, such as workshops, seminars, symposium or talks. Licensees should only confine the advertisement of such events to information that is factual, and only provide information such as:
  - Title and synopsis; and
  - Information on the speakers; and
  - Names; and
  - Registered professional qualification(s); and
  - Professional title(s) reflecting the register(s) in which the speakers are registered (if any); and
  - Qualification(s) accepted and recognised for display by the relevant professional bodies (if any); and
  - Name(s) of the place(s) of practice; and
  - Details of the programme and timing; and
  - Venue and contact information for the event; and
  - Fees and charges that may apply, the period for which these fees and charges are applicable and the accepted mode of payment; and
  - Name(s) and details of the organiser(s) and / or sponsor(s).
- At the public talks, workshops or symposiums, licensees must ensure that the materials distributed only contain factually accurate information which complies with the HCS (Advertisement) Regulations, and do not encourage the use of the licensees' services.
- To avoid doubt, Regulation 12 of the HCS (Advertisement) Regulations only applies to workshops, seminars or symposiums catering to members of the public and unregistered healthcare professionals, and do not apply to similar events that are intended only for **registered** healthcare professionals.

## Regulation 13: Accreditations, certifications, awards, etc.

**37. [Updated on 31 Dec 2021] Are we allowed to display the accreditation attained on information brochures relating to the service, letterheads, test reports? Examples include xxx, an ISO-certified laboratory since 2000.**

- No. Licensees can only display, publish, disseminate or convey any information relating to any accreditation, certification or award conferred on their licensable healthcare service within the licensed premises or licensed conveyance of the licensee, and on their websites and social media accounts. Additionally, only awards / accreditation that are awarded to a licensee for compliance with technical standards in relation to the specific licensable healthcare service(s) or the overall provision of healthcare services provided by the licensee can be displayed. This aims to discourage licensees from offering money or any form of valuable consideration solely to guarantee the licensee's award of an honour, as such honours may convey an unjustified impression of the quality of the licensee's services.
- The accreditations, certifications or awards referred to in this Regulation do not include professional qualifications conferred on registered healthcare professionals, such as professional registration certificates and certificates of competence for experience or expertise in procedures.
- In addition, the display, publication, dissemination and conveyance of any information relating to any accreditation, certification or award within the licensed premises or licensed conveyance of the licensee and/or on licensees' websites or social media accounts must comply with Regulation 5 of the HCS (Advertisement) Regulations and must not, for example, be exaggerated, false, misleading or deceptive.

**38. [Updated on 31 Dec 2021] If a person or an organisation decides to give an award, certification, etc. (e.g. for “Excellence in the provision of medical care”), and publishes an advertisement that sets out a list of HCSA licensees who have received honours conferred by this organisation without the knowledge of, or any consent or authorisation from the licensee, will the licensee be held liable?**

- The licensee will not be held responsible if a third party, acting on its own accord, publishes the information on their websites.
- In addition, materials containing factual information of HCSA licensees who have been awarded an accreditation, certification, award etc, such as a list of the names of HCSA licensees that have been accorded an honour relating to their licensable healthcare services, are deemed to be an act of advertising and will be subject to regulation under Section 31 of HCSA. Consequently, any organisation that is not a HCSA licensee or an authorised person, and that puts up such information contravenes Section 31(1) HCSA in relation to the publication of that advertisement.
- If the party putting up the content is a HCSA licensee and/or an authorised person, they contravene Regulation 13 of the HCS (Advertisement) Regulations.

## Regulation 14: Reviews, testimonials and endorsements

**39. [Updated on 31 Dec 2021] Are licensees allowed to post pictures of or reviews by celebrities or social media influencers, who are their patients, on their website or social media accounts?**

- Licensees are not allowed to reproduce (be it in whole, or in part) any testimonials, endorsements or photos in their premises, website or social media accounts. This includes sharing a user's post that were originally posted on Facebook, Instagram or any social media in the licensees' premises, website or social media accounts. Exception: Testimonials, endorsements or photos can be reproduced in internal corporate publications that are disseminated only to the licensee's employees. Specified licensees (e.g. charities) are also allowed to circulate such information to its donors.
- Displaying or publishing of any testimonial, endorsement, or photos within a licensee's premises, website or social media account is allowed as long as these testimonials, endorsements or photos were given by the patient directly to the healthcare institution.
- Licensees and authorised persons should ensure that these testimonials are organic, and not subject to inducement or coercion.

**40. [Updated on 31 Dec 2021] What types of reviews (including testimonials and endorsements) are allowed?**

- Reviews are allowed where they are:
  - Organically provided by patients as a reflection of their experience with the service; and
  - Unpaid, unsolicited, and not modified by the licensee or authorised person in any way as to compromise the independence and authenticity of the review (this does not preclude the licensee or authorised person from removing offensive comments (e.g. expletives)); and
  - Not reproduced by the licensee or authorised person, as this avoids the potential for the content of the review to be inappropriately modified in the course of reproduction.
- To avoid doubt, licensees and healthcare professionals must not coerce or offer valuable consideration of any kind to induce patients, caregivers or members of the public to provide testimonials and/or endorsements.

**41. [Updated on 31 Dec 2021] Why are paid reviews (including testimonials and endorsements) prohibited? Licensees are allowed to pay an authorised person to publish advertisements for the licensable healthcare service. Aren't paid reviews similar in nature to other forms of advertisements?**

- Medical advertising must be held to high standards to maintain the public trust in the profession. Hence, its overarching aim is to help the public make informed healthcare choices and should not seek to unduly influence members of the public to consume it.

- Paid reviews are similar in nature to other forms of advertisements in that they all provide information that promote the use of the service. However, the key difference is that reviews are generally viewed by consumers as genuine reflections of the writers' or presenters' personal opinion and experience, as distinct from other forms of advertisements where the content is generally understood to be determined by the provider whose service is being advertised. As such, paid reviews pose a greater risk of misleading consumers into thinking they are fully independent personal opinions, and inducing consumption of the reviewed healthcare service, compared to regular advertisements.
- The prohibition of such paid reviews is in line with section G2(7) of the Singapore Medical Council's Ethical Code and Ethical Guidelines for medical practitioners (SMC ECEG), which states that "testimonials are subjective and must not be used in advertising on any media where [the medical practitioners] have any control over the content. [Medical practitioners] must not ask or induce [their] patients or anyone to write positive testimonials about [them] in any media."

#### **42. Are paid reviews allowed if the sponsorship is disclosed upfront?**

- The disclosure of the sponsorship may enhance transparency in this regard to consumers. However, it is **unethical and inconsistent** to allow licensees to pay for and, in so doing, influence the content of the "review", while giving the consumer the impression that the "review" is a genuine reflection of the writer's or presenter's personal experience (when there is in fact underlying commercial interest).

#### **43. I currently have paid reviews in various media. What should I do if paid reviews are not allowed under HCSA?**

- Paid reviews are currently not allowed, in accordance with the Explanatory Guidance to the PHMCAR (Paragraph 5.7.1.), which stipulates that licensees must not coerce or offer valuable consideration of any kind to induce patients, caregivers or members of the public to provide testimonials and/or endorsements.
- Paid reviews will need to be removed as soon as possible as this is in breach of Regulation 14 of the HCS (Advertisement) Regulations.

#### **44. [Updated on 31 Dec 2021] Are unpaid reviews on the licensable services on third party blogs, social media platforms and websites allowed?**

- Where the review is self-initiated by the patient and not under the influence of the provider, it will be allowed. The publication of unpaid reviews on third party blogs, social media platforms and websites which are uninitiated/unsolicited by the healthcare service providers is not an act of advertising, as the intent is not to induce consumption of the healthcare service and is unlikely to breach section 31 of HCSA.

#### **45. [Updated on 31 Dec 2021] Are we allowed to include testimonials or endorsement in our annual reports or programme booklets? These may be distributed to shareholders and/or patients who are not employees.**

- No, licensees and authorised persons (if applicable) must not reproduce any testimonials and/or endorsements about their services on any advertising media,

<p>other than the licensees' own corporate publications that are disseminated or distributed only to their employees.</p>
<p><b>46. [Updated on 31 Dec 2021] Why is there an exception provided for charitable healthcare service providers to publish and disseminate a testimonial or endorsement about its services?</b></p>
<ul style="list-style-type: none"> <li>• "Charitable healthcare service providers" means a licensee that is — (a) an exempt charity within the meaning given by section 2(1) of the Charities Act (Cap. 37); or (b) a charity registered with the Commissioner of Charities under section 5 of the Charities Act.</li> <li>• The intent is to allow licensees that are charities to disseminate or distribute these corporate publications containing testimonials or endorsements to their donors, to show their donors the work that was done with the donated monies.</li> <li>• A charitable healthcare service provider may publish any testimonial or endorsement about the licensable healthcare services provided by the charitable healthcare service providers in any of the charitable healthcare service providers' corporate publications that is disseminated or distributed only to any of the following persons: (a) a person who has given or may give money or other property for the benefit of the charitable healthcare service provider; (b) a person who has participated in the charitable activities of the charitable healthcare service provider as a volunteer.</li> </ul>
<p><b>Regulation 15: Advertising of promotional programme</b></p>
<p><b>47. Can an authorised person be paid by the licensee in relation to the advertisement of the licensee's corporate social responsibility programme?</b></p>
<ul style="list-style-type: none"> <li>• Yes, the authorised person can receive compensation for services it provided to the licensee in relation to advertising the corporate social responsibility programme.</li> </ul>
<p><b>48. [Updated on 31 Dec 2021] Are licensees allowed to have promotional packages through a referral programme (e.g. family/friends referral)?</b></p>
<ul style="list-style-type: none"> <li>• Promotional packages offered by licensees in relation to healthcare services are not prohibited. However, advertisements of promotional packages are not allowed as they may induce consumption of the service.</li> <li>• Patients can be informed of such promotional packages only at the point of payment (e.g. at the physical payment counter or payment page. Patient referral (by word of mouth) will not be subjected to the HCS (Advertisement) Regulations. However, the mention of such promotions in advertisements contravenes the HCS (Advertisement) Regulations and is not allowed.</li> </ul>

<b>49. [Updated on 31 Dec 2021] Is the licensee and/or authorised person allowed to provide incentives (cash/free treatment) in our referral programme to our patients?</b>
<ul style="list-style-type: none"> <li>• Licensees and/or authorised person are allowed to provide incentives for referral programmes. However, advertisements of such referrals are not allowed as they may induce consumption of the service.</li> <li>• Patients can be informed of such programmes only at the point of payment, e.g. at the physical payment counter or online payment page.</li> </ul>
<b>50. [Updated on 31 Dec 2021] Is the licensee and/or authorised person liable if the patient screenshots the referral programme on his/her document and shares it on his/her social media?</b>
<ul style="list-style-type: none"> <li>• Screenshots of the referral programme are strictly prohibited, as they may encourage the public to consume services. If the licensee / authorised person is <u>made aware</u> of an offending material relating to their licensable healthcare services, they are obliged to rectify or remove the material, in accordance with Regulation 17 of the HCS (Advertisement) Regulations.</li> </ul>
<b>51. [Updated on 31 Dec 2021] Can I include membership packages and pricing structures in the advertisement?</b>
<ul style="list-style-type: none"> <li>• Licensees would only be able to list the exact and final price of the services, subject to the following conditions: <ul style="list-style-type: none"> <li>○ The advertisement does not indicate any prefix/description to the price; and</li> <li>○ The advertisement does not include a comparative listing of the prices / original price.</li> </ul> </li> </ul>

## Regulation 16: Hyperlinks

<b>52. [Updated on 31 Dec 2021] The hyperlinked websites published on the licensee's website have been changed and contained laudatory statements that relate to the healthcare service provided by the licensee. Will the licensee be liable in such cases?</b>
<ul style="list-style-type: none"> <li>• Yes, a hyperlink which contains non-factual information about the <u>healthcare service</u> provided by the licensee could potentially be a contravention under Regulation 17(1)(a) which pertains to the accuracy of the information contained in any hyperlinked website published on the healthcare institution's website. Where the licensee becomes aware of a non-compliant hyperlinked website, the licensee must immediately remove the contravening hyperlink from the healthcare institution's website. If, despite being aware of this non-compliant hyperlink, the licensee does not take reasonable steps to rectify/withdraw the non-compliant hyperlink, the licensee commits an offence under this Regulation.</li> </ul>

**53. [Updated on 31 Dec 2021] Is the licensee liable for a non-compliant hyperlink published by an authorised person?**

- Generally, the onus is on the licensee to take steps to rectify/withdraw the non-compliant hyperlink, regardless of how the licensee comes to be aware that the hyperlink is not compliant. The licensee's duty to ensure that the hyperlink is compliant is non-delegable.
- Where the non-compliant hyperlink is published by the authorised person, the licensee must take all reasonable steps to ensure and **verify** that the authorised person carries out the rectification/withdrawal. The authorised person must also inform the licensee of the steps the authorised person has taken.
- If, despite being informed by the licensee, the authorised person does not take reasonable steps to rectify/withdraw the non-compliant hyperlink, the authorised person commits an offence under this Regulation.

## Regulation 17: Compliance with Regulations

**54. [Updated on 31 Dec 2021] Is the licensee liable for a non-compliant advertisement published by an authorised person?**

- Yes, the onus is on the licensee to take steps to rectify/withdraw the non-compliant advertisement, regardless of how the licensee comes to be aware that the advertisement is not compliant.
- Where the non-compliant advertisement is published by the authorised person, the licensee must take all reasonable steps to ensure and verify that the authorised person carries out the rectification/withdrawal. The authorised person must also inform the licensee of the steps the authorised person has taken.
- If, despite being informed by the licensee, the authorised person does not take reasonable steps to rectify/withdraw the non-compliant advertisement, the authorised person commits an offence under this Regulation.

**55. What happens if the authorised person does not remove the non-compliant advertisement as instructed by the licensee? Will the licensee be held liable?**

- The authorised person will be held liable if they fail to take corrective action despite being informed by the licensee. In this regard, the licensee would not be held liable.

**56. [Updated on 20 Apr 2021] What happens if an unauthorised person has advertised a licensee's service and the licensee is unaware of the advertisement? Will the licensee be held liable for the advertisement?**

- If it is ascertained that the licensee did not authorise and was not otherwise involved in the publication of the advertisement, the unauthorised person contravenes section 31 of HCSA.
- Nonetheless, once the licensee is made aware of such an advertisement, the licensee should take reasonable steps to get the unauthorised person to remove it and verify that the unauthorised person had done so properly.

**57. [Updated on 31 Dec 2021] What can licensees do when we see a non-compliant advertisement relating to licensable healthcare services?**

- You may write to us via [HCSA\\_Enquiries@moh.gov.sg](mailto:HCSA_Enquiries@moh.gov.sg) with details of the advertisement.

## EXEMPTION ORDER

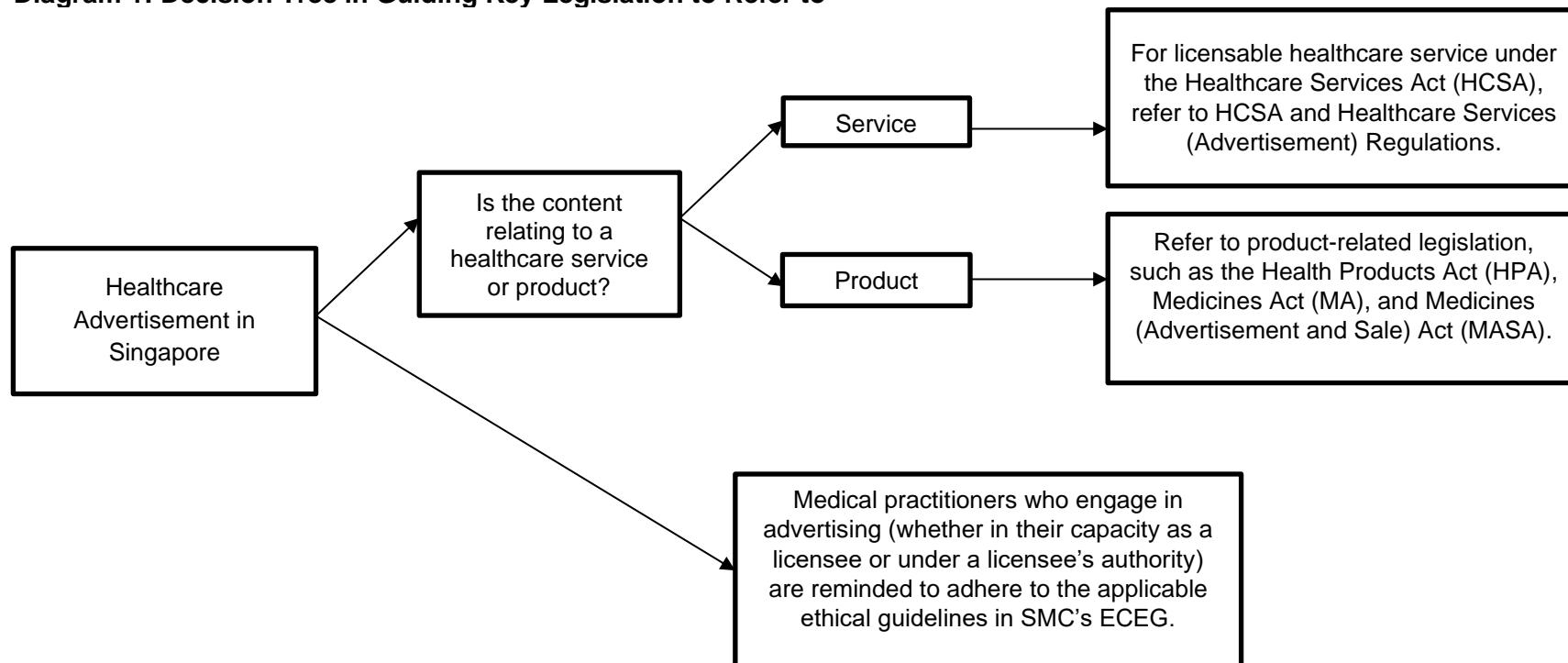
**58. [Updated on 31 Dec 2021] What are some examples of advertisements that are exempted from the HCS (Advertisement) Regulations?**

- Examples of advertisements that are exempted from the HCS (Advertisement) Regulations include:
  - Pure directory listings comprising only factual contact details of licensees and/or other businesses/occupants listed, e.g. building directories.
  - Directional signs that are affixed on an immovable object (e.g. LED panels, banners fixed to a wall of a building, billboards at the bus-stop) that function as directional guides, and which only contain factual details as provided for in Regulation 5(1).
  - Publicity materials that seek to raise awareness and encourage public participation for activities that serve a public good, e.g., publicity for non-directed blood, bone marrow and organ donation for the purpose of transplant, medical or dental education or research.
  - Publicity materials on national schemes and health programmes administered by the Government (and the Health Promotion Board), such as the COVID-19 Vaccination Programme, Community Health Assist Scheme (CHAS), and Screen for Life (SFL).
- Nonetheless, these advertisements must be factually accurate and not misleading.

**59. [Updated on 31 Dec 2021] Are free educational webinar showing pre- and post-surgery photos allowed?**

- Generally, an educational webinar is not considered as an advertisement under HCS (Advertisement) Regulations and the stipulated requirements will not apply and medical practitioners must follow the SMC's ECEG. However, if the education webinar comprises any information relating to a licensable healthcare service which seeks to solicit use of that licensable healthcare service, it will be subject to the stipulated requirements.

**Diagram 1: Decision Tree in Guiding Key Legislation to Refer to**



<sup>1</sup> Healthcare service means any of the following services:

- (a) assessment, diagnosis, treatment, prevention or alleviation of an ailment, a condition, disability, disease, disorder or an injury affecting any part of the human body or mind; or
- (b) nursing or rehabilitative care of an individual suffering from an ailment, a condition, disability, disease, disorder or an injury mentioned in paragraph (a); or
- (c) conduct of any clinical procedure to change, or that is intended to change, the appearance or anatomy of an individual; or
- (d) assessment of the health of an individual; or
- (e) any other service of a medical or healthcare nature that is prescribed.

<sup>2</sup> Licensable healthcare service means a healthcare service specified in the First Schedule of the HCSA.

<sup>3</sup> Therapeutic product means any substance that as defined in the First Schedule of the HPA.

Annex A

Advertisements must be factually accurate and must not contain laudatory statements such as subjective praises, commendations, and compliments. Table 1 sets out a list of non-exhaustive terms that are likely to be regarded as laudatory:

Table 1: List of Laudatory Terms

Laudatory Terms starting with A-F	Laudatory Terms starting with G-N
<ul style="list-style-type: none"> <li>• Always at the forefront;</li> <li>• Astounding level of accuracy;</li> <li>• Best e.g. options, available techniques;</li> <li>• Better;</li> <li>• Breakthrough;</li> <li>• Centre of excellence;</li> <li>• Champions;</li> <li>• Choice/only choice;</li> <li>• Consistently accurate;</li> <li>• Cutting-edge;</li> <li>• Excellent;</li> <li>• Exceptional outcomes;</li> <li>• Exclusive;</li> <li>• Extensive experience;</li> <li>• Extremely e.g. high degree, high degree of surgical control, precise;</li> <li>• Fastest, e.g. growing segment;</li> <li>• First e.g. in the world, in Asia, breakthrough, of its kind, and only, generation;</li> <li>• Five star services;</li> <li>• Forefront;</li> </ul>	<ul style="list-style-type: none"> <li>• Ground-breaking e.g. work, procedure;</li> <li>• Gold standard;</li> <li>• Greater / Greatest e.g. accuracy, precision;</li> <li>• Highest e.g. safety, success rate;</li> <li>• Highest volume e.g. surgeon, precision;</li> <li>• Highly e.g. sophisticated, skilled and experienced, experienced, trained staff, sophisticated, resolution available, precise, accurate;</li> <li>• Improved e.g. method;</li> <li>• Industry leader;</li> <li>• International repute;</li> <li>• Internationally renowned;</li> <li>• Latest e.g. version, technology, innovations, evolution, breakthrough;</li> <li>• Leads the industry;</li> <li>• Leader</li> <li>• Leading;</li> <li>• More or Most e.g. efficient, established, recent, advanced, sophisticated technology, significant, up-to-date, accurate;</li> </ul>

<ul style="list-style-type: none"> <li>• Fully experienced;</li> </ul>	<ul style="list-style-type: none"> <li>• Mother of all [medical/ dental product/ service];</li> <li>• Newly evolved;</li> <li>• Next generation;</li> <li>• Number 1 / One;</li> </ul>
<b>Laudatory Terms starting with O-R</b> <ul style="list-style-type: none"> <li>• Only e.g. expert, key opinion leader;</li> <li>• Outstanding e.g. accuracy, precision;</li> <li>• Pioneer e.g. experience;</li> <li>• Pioneered;</li> <li>• Pioneering;</li> <li>• Precise;</li> <li>• Premier;</li> <li>• Premium e.g. medical products;</li> <li>• Recognised and trusted name, brand;</li> <li>• Remarkable;</li> <li>• Renowned;</li> <li>• [Medical / dental product/ service] revolution;</li> <li>• Revolutionary e.g. technique;</li> <li>• Representative e.g. beginning of a new era, the next generation;</li> <li>• Rich/richer experience;</li> </ul>	<b>Laudatory Terms starting with S-Z</b> <ul style="list-style-type: none"> <li>• Safest e.g. option, technology;</li> <li>• Smoother;</li> <li>• Spectrum of cutting-edge;</li> <li>• State-of-the-art e.g. technology;</li> <li>• Superior e.g. speed, outcomes;</li> <li>• Thinnest possible;</li> <li>• Tomorrow's solution;</li> <li>• Top [medical / dental specialty] doctor;</li> <li>• Trail blazing;</li> <li>• Ultimate;</li> <li>• Ultra e.g. precise, safe;</li> <li>• Uncompromised e.g. treatment, outcomes;</li> <li>• Unmatched;</li> <li>• Vast experience;</li> <li>• Wealth of experience;</li> <li>• Well-established;</li> <li>• Whiter;</li> <li>• Wide/widest experience;</li> <li>• World's e.g. most advanced, fastest, pioneer</li> </ul>