

Private Hospitals and Medical Clinics (Advertisement) Regulations 2019

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PRIVATE HOSPITALS AND MEDICAL CLINICS ACT (CHAPTER 248)

PRIVATE HOSPITALS AND MEDICAL CLINICS (ADVERTISEMENT) REGULATIONS 2019

In exercise of the powers conferred by section 22 of the Private Hospitals and Medical Clinics Act, the Minister for Health makes the following Regulations:

Citation and commencement

1. These Regulations are the Private Hospitals and Medical Clinics (Advertisement) Regulations 2019 and come into operation on 15 April 2019.

Definitions

2. In these Regulations, unless the context otherwise requires —

“advertise” means to publish, disseminate or convey any information that is related to the provision of any of the following services, for the purpose of promoting the service:

- (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;
- (b) nursing or rehabilitative care of an individual suffering from such ailment, condition, disability, disease, disorder or injury;
- (c) provision of any clinical procedure to change, or that is intended to change, the appearance or anatomy of an individual;
- (d) assessment of the health of an individual;

“healthcare institution” means any —

- (a) private hospital;
- (b) medical clinic;
- (c) clinical laboratory; or
- (d) healthcare establishment,

licensed under the Act;

“licensee” means any person issued with a licence under section 6 of the Act to use any premises or conveyance as a healthcare institution;

“public scheme” means a scheme that —

- (a) is established —
 - (i) by or under any written law and administered by a public authority; or
 - (ii) by the Government in any other manner; and
- (b) is to provide financial relief, assistance or support to citizens or permanent residents of Singapore, or any part of them.

Advertisement subject to written law and these Regulations

3. Subject to these Regulations and to any other written law, the licensee of a healthcare institution may advertise or cause to be advertised the services of the healthcare institution.

Advertisement within Singapore

4.—(1) The licensee of a healthcare institution must ensure that any advertisement of the services of the healthcare institution published by the licensee or any other person on the licensee’s behalf complies with all of the following requirements:

- (a) the information contained in the advertisement must be factually accurate and capable of being substantiated, and must not be exaggerated, false, misleading or deceptive;
- (b) the advertisement must not —
 - (i) be offensive, ostentatious or in bad taste; or
 - (ii) undermine the honour and dignity of the medical, dental or nursing profession;

- (c) the advertisement 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;
- (d) the advertisement does not contain any photograph, picture, video or film showing the appearance or a feature of a person before and after, or only after, receiving any treatment —
 - (i) whether or not the photograph, picture, video or film creates an unjustified expectation from the treatment provided; and
 - (ii) whether all the photographs, pictures, videos or films relating to the same treatment are contained in one advertisement or more than one advertisement;
- (e) the advertisement must not contain any laudatory statement (including a statement of prominence or uniqueness) or superlative to describe the services of the healthcare institution;
- (f) except as provided in regulation 12, the information contained in the advertisement must not contain any testimonial or endorsement about the services of the healthcare institution, including the services of any employee of the healthcare institution;
- (g) the advertisement 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) To avoid doubt, nothing in paragraph (1)(d) prohibits a licensee from showing to a patient of the licensee's healthcare institution, during a consultation by the patient at the premises of that healthcare institution, any photograph, picture, video or film that shows the appearance or a feature of any person before and after receiving any treatment from that healthcare institution.

(3) Where the licensee of a healthcare institution becomes aware of any advertisement relating to the services of the healthcare institution which contravenes any provision of these Regulations, the licensee must take all reasonable steps to procure the rectification or withdrawal of the advertisement, and to prevent its recurrence.

(4) Where it appears to the Director that any advertisement relating to the services of a healthcare institution contravenes 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 advertisement or cause that advertisement to be altered, withdrawn, removed or discontinued.

Advertising media

5.—(1) The licensee of a healthcare institution must ensure that any advertisement that is not displayed within the premises of the healthcare institution and that is about the healthcare institution's services appears only in newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet.

(2) However, paragraph (1) does not prohibit a licensee from affixing any advertisement to any door, fence, grille, partition, wall or window of the healthcare institution's premises even if the advertisement is visible to any person from outside those premises.

(3) To avoid doubt, any advertisement that is displayed within the premises of a healthcare institution may appear in any form or medium.

(4) The licensee of a healthcare institution must not advertise the services of the healthcare institution —

- (a) by sending any advertisement to an individual through push technology; or
- (b) by distributing or giving, free of charge, any advertising material to an individual,

unless the licensee has obtained the prior written consent of that individual to do so.

(5) Where an advertisement of the services of a healthcare institution appears on the Internet, the licensee of the healthcare institution must ensure that the Internet is not used for patient consultation with any employee of the healthcare institution if the patient is not an existing patient of the healthcare institution.

(6) Where an advertisement of the services of a healthcare institution appears in a brochure, leaflet or pamphlet, the licensee of the healthcare institution must ensure that the brochure, leaflet or pamphlet contains the date of publication.

Advertisement in conjunction with any person

6. The licensee of a healthcare institution must ensure that the advertisement of the services of the healthcare institution in conjunction with the advertisement of any activity, event or programme of any person complies with regulation 4.