



STANDARDS OF PRACTICE

Advertising

Under Review: Yes

Issued By: Council: January 1, 2010 (*Advertising by Regulated Members*)

Reissued by Council: July 1, 2011; October 1, 2015 (*Advertising*)

DRAFT

The **Standards of Practice** of the College of Physicians & Surgeons of Alberta ("CPSA") are the **minimum** standards 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. CPSA also provides **Advice to the Profession** to support the implementation of the Standards of Practice.

1. A regulated member who is responsible for an advertisement¹ **must** ensure the information provided:
 - a. conforms to the [Code of Ethics & Professionalism](#);
 - b. contains factual and relevant information about the nature of the practice;
 - c. includes the practice discipline as identified on the member's practice permit issued by CPSA;
 - d. is accurate, clear and explicitly states all pertinent details of an offer, with disclaimers as prominent as other aspects of the message;
 - e. is supported by ~~evidence that is readily current, best-~~available ~~to the public~~**medical evidence**;
 - f. is compatible with the best interests of the public and upholds the reputation of the medical profession;
 - g. ~~clearly specifies which services being offered are not publicly funded through the Alberta Health Care Insurance Plan~~;
 - g.h. ~~_____~~ is not false, incomplete, misleading or deceptive;

Commented [CD1]: Wording updated to align with *Practising Outside Established Conventional Medicine*.

Commented [CD2]: Re-added based on consultation feedback.

¹"Advertisement" or "advertising" means any communication made orally, in print, through electronic media or via the internet (including websites [and social media](#)), by or on behalf of a registered member, to the public where its substantial purpose is to promote the regulated member, the regulated member's services, or the clinic or group where the regulated member practices or with which the regulated member is associated. ~~from CPSBC~~~~(from CPSBC's Advertising Practice Standard)~~

Terms used in the Standards of Practice:

- "Regulated member" means any person who is registered or who is required to be registered as a member of this College. The College regulates physicians, surgeons and osteopaths.
- "Must" refers to a mandatory requirement.
- "May" means that the physician may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

h.i. does not include claims, representations, endorsements or testimonials regarding the service or business;

h.j. does not create unreasonable expectations of beneficial treatment, such as guarantees or warranties about results; and

h.k. does not encourage the indiscriminate or unnecessary use of health services.

2. A regulated member **must** ~~ensure advertising done on their behalf/by a third party complies with this standard;~~

a. ensure advertising done on their behalf by a third party complies with this standard;

b. show, in writing, where advertising by a third party was reviewed and approved; and

c. be able to demonstrate this review and approval to CPSA upon request.

3. A regulated member **must** promptly comply with direction from the Registrar to:

a. substantiate any advertising claim or representation;

b. confirm whether a specific advertisement is made by or on behalf of the regulated member; or

c. change or stop using any advertising message(s) that the Registrar deems in violation of any part of this standard or the [Code of Ethics & Professionalism](#).

4. A regulated member **must not** directly or indirectly participate in advertising that:

a. discredits, disparages or attacks another product, service, facility, clinic, provider or group;

b. promises or offers more effective services or better results than those available from another provider unless substantiated to the satisfaction of the Registrar based on publically available information; or

c. offers any inducement to ~~provide a patient to receive~~ a medical service ~~to a patient~~, including but not limited to;

Commented [CD3]: Requirements expanded upon based on consultation feedback.

Commented [CD4]: Clarified per legal review: previous language indicated advertising was directed at another regulated member when the prohibition is on inducing a patient to receive a service.

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- i. time-limited prices for a service;
- ii. discount coupons, gift certificates, or prizes for a service;
- iii. communal gatherings (“parties”) where consultation or medical services are offered;
- iv. a service in conjunction with “makeovers” created for entertainment or promotional purposes; or
- v. events, including “education sessions,” where registration fees are donated.

5. A regulated member **must not**:

- a. disclose the name or identifying features of a patient unless the regulated member has obtained the patient’s prior written ~~consent~~consent to use the information for advertising purposes ~~(documentation of this consent must be noted in the patient’s record and available for CPSA to verify, if requested upon request)~~ or
- b. use a protected title listed in Schedule 21 of the [Health Professions Act \(HPA\)](#) alone or in combination with other descriptors to imply specialization in an area or branch of medicine unless recognized by CPSA or authorized by the Registrar to use that title.

Commented [CD5]: Reworded based on consultation feedback.

6. Notwithstanding clause 5(b), a regulated member **may** use a protected title as authorized by the ~~Department of National Defence~~[Department of National Defence](#).

7. ~~A~~**In advertisements, a** regulated member **may** indicate a practice interest in advertisements only if:

Commented [CD6]: “in advertisements” added to clarify where practice interests may be indicated since being removed from the RIF/public profiles.

- a. the area of interest falls within the context of the member’s practice discipline;
- b. the area of interest is a demonstrated, significant focus of the member’s practice; and
- c. the regulated member pursues continuing medical education related to the area of interest.

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RELATED STANDARDS OF PRACTICE

- [Code of Ethics & Professionalism](#)
- [Conflict of Interest](#)
- [Responsibility for a Medical Practice](#)
- [Sale of Products by Physicians](#)

COMPANION RESOURCES

- [Advice to the Profession: Advertising](#)
- [Are You Up to Standard? Advertising](#)
- [Canadian Code of Advertising Standards](#)
- [Health Canada Regulation of Health Products Advertising](#)

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