

STANDARDS OF PRACTICE

Advertising

Under Review: **NoYes**

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

Reissued by Council: Jan 1, 2021; Jul 1, 2015 (*Advertising*)

DRAFT FOR REVIEW: CONSULTATION 33

The ***Standards of Practice*** of the College of Physicians & Surgeons of Alberta (“CPSA”) are the **minimum** standards of professional behavior 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.

PREAMBLE

Advertising can play an important role in informing the public about regulated members and the professional services or products they offer. Regardless of the communication method or platform used, advertising must support informed decision-making by providing information that is accurate, evidence-based, respectful of patient privacy and consistent with the ethical obligations of the profession.

Advertising must not exploit patients' vulnerabilities, create unreasonable expectations, provide misleading information or undermine public confidence in the medical profession. Regulated members remain responsible for all advertising made by or on their behalf, regardless of who creates or distributes it.

Related standards and companion resources can be found at the end of this document.

DEFINITIONS

Advertisement/advertising: any verbal, printed, or electronic communication made to the public by or on behalf of a regulated member, where a substantial purpose of the communication is to promote the regulated member, their practice setting, or any professional services, products, procedures, treatments, tests or devices they offer.

Before-and-after photographs or videos: photographs or videos of a patient taken before, during and/or after a medical service, and used to document the process or demonstrate the result.

Consent: permission for something to happen or agreement to do something; a regulated member must obtain a patient's consent in accordance with the *Informed Consent*

Commented [CD1]: Added to modernize (from [CPSO](#)).

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- “Must” refers to a mandatory requirement.
- “May” means that the physician or physician assistant may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient's legal guardian or substitute decision maker.

standard of practice. For more information, please refer to the Informed Consent for Adults and Informed Consent for Minors Advice to the Profession documents.

Evidence: the current best available proof supporting a claim or service.

Inducement: anything that persuades or influences a person to obtain or receive a service, including financial incentives or promotional practices.

Practice discipline: refers to a regulated member's scope of practice (e.g., family practice, general surgery, pediatrics).

Practice interest: refers to areas within a regulated member's scope of practice they concentrate on and/or have a special interest in (e.g., gynecology, obstetrics, surgery). **Note:** a glossary of terms can be found at the end of this document. Glossary terms are indicated in teal with a "G" throughout this document.

Privately funded service: a health service paid for directly by a patient or a private insurer. Some privately funded services may also be covered under the Alberta Health Care Insurance Plan, but a patient may choose to pay for them.

Protected title: a legally restricted professional designation that only certified, licensed or registered members of a specific regulatory body or organization can use.

Publicly funded service: a health service covered under the Alberta Health Care Insurance Plan.

Testimonial: a statement or communication by a patient or third party describing their personal experience with, or expressing an opinion about, a regulated member, clinic or medical service.

STANDARD

1. A regulated member who is responsible for an ~~advertisement~~^Gadvertisement 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;

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

- c. includes the ~~practice discipline^a as identified on the regulated~~ member's practice ~~permit discipline as identified on their CPSA-issued by CPSA;~~
- d. is accurate, clear and explicitly states all pertinent details of an offer, with disclaimers ~~featuring as prominent~~ prominently as other aspects of the message;
- e. is supported by current; best- available ~~medical evidence~~ evidence;
- f. is compatible with the best interests of the public and upholds the reputation of the medical profession;
- g. ~~is not false, incomplete, misleading or deceptive;~~
- g.h. ~~clearly specifies when whether advertised services being offered are not or may not be publicly funded through the Alberta Health Care Insurance Plan AHCIIP or privately funded, as applicable;~~
- h.i. ~~is not false, incomplete, misleading or deceptive;~~
- i. does not include ~~patient~~ claims, representations, endorsements or testimonials regarding the service or business; ~~unless they:~~
- i. ~~truthfully describe the patient's personal experience without inducement;~~
- ii. ~~do not exaggerate or overstate the patient's experience;~~
- iii. ~~do not make unfounded claims regarding potential or expected clinical outcomes; and~~
- iv. ~~are only used with the patient's prior written and documented consent;~~
- j. does not create unreasonable expectations of beneficial treatment, such as guarantees or warranties about results; and
- k. does not encourage the indiscriminate or unnecessary use of health services.

Commented [CD2]: Reworded to clarify and acknowledge dual billing.

Commented [CD3]: Instead of prohibiting testimonials, parameters have been added for all "reviews."

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

2. A regulated member **must**:

- a. ensure advertising done on their behalf by a third party complies with this standard;
- b. ~~show, in writing, where~~ maintain written evidence that advertising by a third party was reviewed and approved ~~before publication~~; and
- c. be able to demonstrate this review and approval to CPSA upon request.

Commented [CD4]: Reworded to modernize.

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 publicly available information; or
- c. ~~offers any inducement⁶ to a patient~~ uses inducements or other promotional practices that are likely to improperly influence a patient's decision to receive a medical service, including but not limited to:
 - i. time-limited prices for a service;
 - ii. discount coupons, gift certificates, or prizes for a service;
 - iii. ~~promotional events (including communal gatherings~~ ("or" "parties") where consultation or medical services are offered; ~~or~~

Commented [CD5]: Reworded for clarity.

Commented [CD6]: Reworded to modernize requirement.

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

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:

i. the regulated member has obtained the patient’s prior written ~~consent~~⁶ consent to use the information for advertising purposes ~~(documentation of this; and~~

a.ii. the consent ~~must be~~ is documented in the ~~noted in the patient’s~~ record ~~patient’s record~~ and available for CPSA to verify upon request); ~~or~~

iii. ;

b. use before-and-after patient photographs or videos in advertising unless:

i. the regulated member has obtained the patient’s prior written and documented consent specifically authorizing their use for advertising purposes;

ii. the photographs or videos accurately depict the results achieved by the regulated member;

iii. the photographs or videos are not altered in a manner that misrepresents the outcomes;

iv. any material information necessary to accurately interpret the outcome is clearly disclosed; and

v. the photographs or videos do not create unreasonable expectations regarding outcomes.

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

Commented [CD7]: Added to modernize standard and align with other provinces.

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- “Must” refers to a mandatory requirement.
- “May” means that the physician or physician assistant may exercise reasonable discretion.
- “Patient” includes, where applicable, the patient’s legal guardian or substitute decision maker.

~~b.a.~~ use a protected ~~title~~⁶~~title~~ listed in Schedule 21 of the ~~Health Professions Act~~^{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; ~~or~~

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

~~7.~~ In advertisements, a regulated member ~~may~~ indicate a practice interest⁶ in advertisements ~~only~~ if:

~~b.~~ advertise a practice interest unless:

~~a.i.~~ the area of interest falls within the context of the member's practice discipline;

~~b.ii.~~ the area of interest is a demonstrated, significant focus of the member's practice; and

~~c.iii.~~ the regulated member pursues continuing medical education related to the area of interest.

GLOSSARY

Advertisement/advertising: 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's Advertising Practice Standard)

~~7.~~ Notwithstanding clause (6), a regulated member ~~may~~ use a protected title as authorized by the Department of National Defence.

ACKNOWLEDGEMENTS

CPSA acknowledges the work of the College of Physicians and Surgeons of Ontario (CPSO) in preparing this document.

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

Consent: permission for something to happen or agreement to do something; a regulated member must obtain a patient's consent in accordance with the Informed Consent standard of practice. For more information, please refer to the Informed Consent for Adults and Informed Consent for Minors Advice to the Profession documents.

Evidence: rigorous, peer-reviewed clinical research that supports a claim and/or service.

Inducement: anything that persuades or influences someone to do something.

Practice discipline: refers to a regulated member's scope of practice (e.g., family practice, general surgery, pediatrics).

Practice interest: refers to areas within a regulated member's scope of practice they concentrate on and/or have a special interest in (e.g., gynecology, obstetrics, surgery).

Protected title: a protected title is part of the agreement between the province and the regulated profession. This indicates anyone using the title is appropriately trained and registered with the appropriate regulatory body. A person not trained and/or registered cannot use the protected titles listed in Schedule 21 of the *Health Professions Act*.

RELATED STANDARDS OF PRACTICE

- [Code of Ethics & Professionalism](#)
- [Conflict of Interest](#)
- [Dual Practice](#)
- [Informed Consent](#)
- [Patient Record Content](#)
- [Responsibility for a Medical Practice](#)
- [Sale of Products by Physicians](#)
- [Sale of Products by Physicians](#)

COMPANION RESOURCES

- Advice to the Profession:
 - [Advertising](#)
 - [Conflict of Interest](#)
 - [Dual Practice](#)
 - [Informed Consent for Adults](#)
 - [Informed Consent for Minors](#)

Commented [CD8]: In development.

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.

- [Responsibility for a Medical Practice](#)
- [Health Professions Act](#)
- [Canadian Code of Advertising Standards](#)
- ~~CPSBC's Advertising Practice Standard~~
- [Health Canada Regulation of Health Products Advertising](#)

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. CPSA regulates physicians, surgeons, osteopaths and physician assistants.
- "Must" refers to a mandatory requirement.
- "May" means that the physician or physician assistant may exercise reasonable discretion.
- "Patient" includes, where applicable, the patient's legal guardian or substitute decision maker.