



POLICY ON INFORMATION TO THE PUBLIC

BACKGROUND

The MDPCZ believes that clear and accurate information about the services provided by doctors benefits all parties in the healthcare system. The MDPCZ also believes that constraints to a doctor's freedom of expression should be minimal and reasonable. However, advertising can have adverse consequences for patients when it is false, misleading, deceptive, creates unrealistic expectations, leads to the provision of inappropriate or unnecessary professional services.

The purpose of this statement is to provide information to the public on services offered by registered medical and dental practitioners. It will also protect the public from advertising that is false, misleading or deceptive, and provide guidance to doctors about the advertising of services. This will enable the public to appropriately use available health resources and ensure that patients are able to make informed decisions about their health care.

DEFINITION

For the purposes of this policy, information to the public, is **APPROVED** information **BY THE COUNCIL** on health services provided to the public via billboard, list, display, web site or directory, and includes business cards, announcement cards, office signs, letterhead, telephone directory listings, professional lists, professional directory listings and similar professional notices, and which are intended to inform on health services by a doctor or an institution or group with which a doctor is associated.

Importantly this definition excludes material issued to patients during consultations where such material is designed to provide the patient with clinical or technical information about health conditions or procedures and where the patient is afforded sufficient opportunity to discuss and ask questions about the material. Also, this definition is not intended to apply to material issued by a person or organization for the purpose of public health information or as part of a public health services.

POLICY

Registered Practitioners may be permitted to disseminate information to the public that benefits members of the public and patients in making choices of the available health resources.

RESPONSIBILITY FOR CONTENT/GUIDELINES

1. A registered practitioner is expected to take reasonable steps to control the content of any information about his professional services, regardless of authorship.

2. If the practitioner is in sole practice or a partnership he/she cannot delegate responsibility for ensuring compliance with this statement to an administrator, manager, director or any other person. If he/she holds responsibility for management mentorship and governance within a corporate organization he/she shall reasonably be held responsible for the content of any information published by that organization. **(cf POLICY ON CLINICAL DIRECTOR)**
3. Information must contain truthful and balanced representations. Claims must be valid, evidence based and be substantiated. Although you should always discuss different treatment options with patients, you should not make direct comparisons between the quality of your services and the quality of services your colleagues provide.
4. Information provided must not encourage, or be likely to encourage, inappropriate or excessive use of health services. You must not put pressure on people to use a service, for example, by arousing ill-founded fear for their future health.
5. The information must not unduly glamorize products and services or foster unrealistic expectations.
6. Information must not prey on the vulnerability of particular audiences, and you should be careful how your information will be received by vulnerable groups.
7. You must not falsely overstate your qualifications. Patients can find medical titles confusing and to reduce confusion you should not use titles such as "specialist" that refer to an area of expertise, unless you are registered with the Council in an appropriate specialty.
8. You must not provide information about your services by visiting, emailing or telephoning prospective patients, either in person or through an agent.
9. It is not appropriate to offer, manufacture, promote or distribute discount coupons or gift certificates for medical treatments.
10. It is not appropriate to offer medical treatments as prizes or gifts where this is done to promote a commercial service or for financial gain.

INFORMATION CRITERIA

Statements on services provided must be in good taste, accurate, and not capable of misleading the public. Any conduct, either directly or indirectly or through any medium or agent that:

- (i) misrepresents facts;
- (ii) compares either directly, indirectly or by innuendo, the member's services or ability with that of any other practitioner or clinic, or promises or offers more effective service or better results than those available elsewhere;
- (iii) deprecates another member or institution as to service, ability or fees;
- (iv) is made under any false or misleading guise, or takes advantage, either physical, emotional, or financial of any patient or uses coercion, duress or harassment;

- (v) is undignified, in bad taste or otherwise offensive so as to be incompatible with the best interests of the public or members of the Profession or tends to harm the standing of the medical profession generally;
- (vi) discloses the names of patients; or,
- (vii) makes statements which are not statements of fact or makes statements that cannot be proven to be accurate by the member or institution

Is to be strictly avoided as such conduct is contrary to the interest of the public and the profession.

Such conduct is improper and shall be referred to the Executive Committee for action in terms of Section 112 of the Health Professions Act (Chapter 27:19)

TELEPHONE DIRECTORIES

- (a) A physician may place his name, address and telephone number in two areas of a telephone directory, the white and the yellow pages.
- (b) The white pages may indicate, in alphabetical order in bold print, the physician's name and address and telephone number or, if he so wishes, his home and his office.
- (c) The yellow pages may indicate in bold print the physician's name, office address and office telephone number.
- (d) The name of the physician in the yellow pages may be followed, in regular print, by a brief reference to the physician's field of practice i.e., Family Practice, etc.

INSTITUTION AND OFFICE SIGNS

- (a) A free standing institution with direct patient access from the street may erect a sign on the hoarding usually provided for advertising purposes. The sign shall be restricted to two contrasting colours, may be illuminated and shall indicate:
 - (i) the name of the Institution
 - (ii) office hours and services provided.
- (b) Printing on or in a door or window may indicate the names and medical degrees of physicians practising in the institution and specialists certificates if any.
- (c) Institutions located in separate non-commercial structures in residential areas may erect a tasteful sign on or adjacent to the building indicating:
 - (i) the name of the Clinic;
 - (ii) office hours; and services provided

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STATEMENTS TO AND INTERVIEWS WITH THE MEDIA

- (a) Media and Public interest in medicine is growing and there is increasing pressure on physicians to participate in radio, television and newspaper interviews.
 - (i) Practitioners may initiate a press release or media interview to disseminate information of an educational nature designed to warn of a current, proven health hazard or inform of a technique of preventive medicine.
 - (ii) Practitioners shall not initiate but may respond to request for interviews exploring new research breakthroughs, proven effective innovations in treatment, and philosophical examination of medical history and changing trends.
 - (iii) Practitioners shall not participate in interviews extolling their personal professional accomplishments or the availability through the physician of a facility, medical device, or mode of treatment.
 - (iv) In all statements and interviews the practitioners will exercise caution that he be seen as speaking for the profession rather than promoting his own qualifications and professional services by advertising his address, telephone number and office hours;
- (b) An announcement upon commencing practice, being absent, or changing the location of a member's practice, that
 - (1) Does not exceed two standard newspaper columns in width and 10 centimeters in depth;
 - (2) Does not contain references to, procedures or equipment, but may contain academic degrees,

ADVERTISING AND PUBLIC STATEMENTS

1. A physician may not, by whatever means, advertise or make a representation to the public or to a person having recourse to his services or allow such to be made in his name, about him or for his benefit, that is false, misleading or incomplete, particularly as to his level or competence or the scope of effectiveness of his services, or favouring a medication, products, or method of investigation or treatment.
2. A physician who addresses the public must communicate factual, exact and verifiable information.

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