

PHMC (Publicity) Regulations

Editorial note:

We reproduce, with permission, the PHMC (Publicity) Regulations which have been implemented on 17 May 2004, together with a list of FAQs prepared by MOH.

PRIVATE HOSPITALS AND MEDICAL CLINICS ACT (CHAPTER 248)

PRIVATE HOSPITALS AND MEDICAL CLINICS (PUBLICITY) REGULATIONS 2004

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In exercise of the powers conferred by section 22 (1) of the Private Hospitals and Medical Clinics Act, Mr Khaw Boon Wan, Senior Minister of State, Ministry of Finance, charged with the responsibility of the Minister for Health, hereby makes the following Regulations:

Citation and commencement

1. These Regulations may be cited as the Private Hospitals and Medical Clinics (Publicity) Regulations 2004 and shall come into operation on 17th May 2004.

Definitions

2. In these Regulations, unless the context otherwise requires – “healthcare institution” means any –
 - (i) private hospital;
 - (ii) medical clinic;
 - (iii) clinical laboratory; or
 - (iv) healthcare establishment, licensed under the Act;

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

“publicity” means any form of advertisement and includes any advertisement –

- (i) printed in any medium for the communication of information;
- (ii) appearing in, communicated through or retrievable from, any mass medium, whether electronic or otherwise; or
- (iii) contained in any medium for communication produced or for use by a healthcare institution.

Publicity subject to any written law and these Regulations

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

Publicity within Singapore

4. (1) The licensee of a healthcare institution shall ensure that any publicity of the services of the healthcare institution conducted by him or any other person on his behalf complies with the following requirements:
 - (a) the information contained in the publicity must be factually accurate and capable of being substantiated, and must not be exaggerated, false, misleading or deceptive;
 - (b) the publicity must not be offensive, ostentatious or in bad taste such as to undermine the honour and dignity of the medical, dental or nursing profession;
 - (c) the publicity 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 publicity must not contain any laudatory statements (including statements of prominence or uniqueness) or superlatives to describe the services of the healthcare institution;
 - (e) the information contained in the publicity must not contain any testimonial or endorsement of the services, including the services of any employee of the healthcare institution; and
 - (f) the publicity must not provide information to the public in such a manner as to amount to soliciting

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or encouraging the use of the services provided by or at any healthcare institution.

- (2) Where the licensee of a healthcare institution becomes aware of any publicity relating to the services of the healthcare institution which contravenes any provision of these Regulations, he shall take all reasonable steps to procure the rectification or withdrawal of the publicity, and to prevent its recurrence.
- (3) Where it appears to the Director that any publicity 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 publicity or cause the same to be altered, withdrawn, removed or discontinued.

Advertising media

5. (1) The licensee of a healthcare institution shall ensure that any publicity of the services of the healthcare institution appears only in newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet.
- (2) Where the publicity of the services of a healthcare institution appears in the Internet, the licensee of the healthcare institution shall 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.
- (3) Where the publicity of the services of a healthcare institution appears in brochures, leaflets or pamphlets, the licensee of the healthcare institution shall ensure that the brochures, leaflets or pamphlets contain the date of publication.

Publicity in conjunction with any person

6. The licensee of a healthcare institution shall ensure that the publicity of the services of the healthcare institution in conjunction with the publicity of any activity, event or programme of any person complies with regulation 4 (1).

Interviews

7. (1) The licensee or an employee of a healthcare institution may, at the request of any print or broadcast media organisation, consent to be interviewed.
- (2) The licensee of a healthcare institution shall ensure that any information provided in an interview by him or an employee of the healthcare institution which relates to any publicity of the services of the healthcare institution complies with regulation 4 (1).

Contributions to good causes

8. Where the licensee of a healthcare institution contributes to any good cause in the name of the healthcare institution, whether by way of donation,

sponsorship or subscription, he shall ensure that any public acknowledgment of the contribution by the recipient does not state any information pertaining to the healthcare institution except the name of the healthcare institution.

Filming on premises of healthcare institutions

9. (1) The licensee of a healthcare institution shall ensure that neither he nor an employee of the healthcare institution solicits for participation in filming on the premises of the healthcare institution.
- (2) Where filming is done on the premises of a healthcare institution, the licensee of the healthcare institution shall ensure that only the name of the healthcare institution is shown in the closing credits of the film as a form of acknowledgment.

Publicity of public workshops, etc.

10. The licensee of a healthcare institution may publicise any public workshop, seminar or symposium organised by the healthcare institution.

Publicity outside Singapore

11. The licensee of a healthcare institution may publicise the services of the healthcare institution in any country outside Singapore, and where he does so, regulations 4 to 9 shall not apply.

Country where publicity is conducted

12. (1) For the purposes of these Regulations, publicity shall be deemed to be conducted in the country in which it is reasonably expected to be received or accessible in the normal course of events.
- (2) Publicity shall not be regarded as being conducted in a country if its receipt in such country is incidental.
- (3) For the avoidance of doubt, where the publicity is conducted through a mass medium, whether electronic or otherwise, accessible in the normal course of events to the general public in Singapore as well as in other countries, including but not limited to publicity conducted through the Internet, such publicity shall be subject to regulations 4 to 9.

Penalty

13. Any person who contravenes regulation 4 (1) or (2), 5, 6, 7 (2), 8 or 9 shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Made this 13th day of May 2004.

MOSES LEE

*Permanent Secretary,
Ministry of Health,
Singapore.*

[MH 36:38; AG/LEG/SL/248/2002/1 Vol. 1]

Frequently Asked Questions

ADVERTISING MEDIA

1. **Can a healthcare institution (HCI) provide information about its services in other media that are not listed in the Private Hospitals and Medical Clinics (PHMC) Publicity Regulations?**

HCI can only publish information about its services in media listed in PHMC (Publicity) Regulation which are:

- (i) newspapers
- (ii) directories
- (iii) medical journals
- (iv) magazines
- (v) brochures
- (vi) leaflets
- (vii) pamphlets, and
- (viii) Internet.

HCI cannot publish information about its services in media not listed in the PHMC (Publicity) Regulations e.g. billboard / light box, banner, poster.

INFORMATION ON HCI'S SERVICES

2. **Is there any limit to the number of times that HCIs can publish information about their services in the newspapers or any of the other approved media?**

There are no limits to the number of times that HCIs can publish information about their services. However, the licensee must ensure that all relevant requirements under the PHMC (Publicity) Regulations are complied with at all times.

3. **Is there any restriction on the size of the media for publishing of information of the services of HCIs?**

There is no restriction on the size. However, the licensee must ensure compliance with all relevant requirements under the PHMC (Publicity) Regulations e.g. the publicity must not be offensive, ostentatious or in bad taste such as to undermine the honour and dignity of the medical, dental or nursing profession.

GENERAL PRINCIPLES

4. **What does "the publicity must not provide information to the public in such a manner as to amount to soliciting or encouraging the use of services provided by or at any healthcare institution" mean?**

It means that HCIs can only provide factual information such as the types of services provided, clinic address, contact numbers, opening hours and charges (actual pricing). Phrases such as "discounts", "0% instalments", "preferential rates", "free screening" etc. cannot be used to entice the public to use the HCI's services.

5. **Can HCIs tie up with a club or society, such that members of the club or society can identify themselves at the HCIs**

to get a preferential rate or special treatment package?

We have no objection to any tie-up or contractual agreement between a licensed healthcare institution and a club or society for the healthcare institution to provide preferred rates or special treatment packages to members of the club or society. However, the publicity for such arrangements to the members of the club or society must adhere to the PHMC (Publicity) Regulations. In particular, the information must not be provided in such a manner as to amount to soliciting or encouraging the use of the services provided by or at any healthcare institution. Phrases such as "discounts", "0% instalments", "preferential rates", "free screening" etc. cannot be used to entice the public to use the HCI's services. Instead, HCIs should just list down the exact price for the packages / services.

6. **Can HCIs conduct promotions like giving of souvenirs, promotional coupons, lucky draws and sale campaigns etc?**

No, HCIs are not allowed to conduct such promotions as this amounts to soliciting or encouraging the use of services provided by or at the HCI.

7. **Can HCIs put up directional signs to inform the public on their location?**

Yes, but HCIs would have to ensure that their directional signs are in compliance with other relevant laws under other authorities e.g. Land Transport Authority.

8. **What phrases are considered laudatory?**

Examples of laudatory phrases are "best medical care available", "world class medical services", "state of the art technology".

PUBLICITY OUTSIDE SINGAPORE

9. **Can HCIs advertise outside Singapore?**

Yes, HCIs can advertise or promote their services outside Singapore and comply with the relevant laws including advertising rules of that country. However, if the advertisement is also accessible in Singapore, it must comply with relevant requirements under the PHMC (Publicity) Regulations.

PUBLICITY BY THIRD PARTY

10. **Can HCIs engage the services of an advertising company or a third party to publish information on their services?**

Yes, as long as the information provided complies with the requirements under the PHMC (Publicity) Regulations. ■

If you have further queries on the PHMC (Publicity) Regulations, please call the Licensing & Accreditation Branch at 6325 2611, or fax your query to 6325 2600, or email to moh_hrd@moh.gov.sg.