

No. S

**HEALTHCARE SERVICES ACT 2020
(ACT 3 OF 2020)**

**HEALTHCARE SERVICES
(ADVERTISEMENT) REGULATIONS 2021**

ARRANGEMENT OF REGULATIONS

Regulation

1. Citation and commencement
 2. Definitions
 3. Application of these Regulations
 4. Advertisement subject to these Regulations and other written law
 5. Content of advertisements
 6. Advertising media
 7. Advertisement in conjunction with any person
 8. Advertisement in conjunction with other services
 9. Interviews
 10. Contribution to good causes
 11. Filming on licensed premises or licensed conveyance
 12. Advertising of public workshops, etc.
 13. Display of accreditation, certification or award
 14. Display of testimonials, etc.
 15. Advertising of promotional programme
 16. Hyperlinks
 17. Compliance with Regulations
 18. Offences
-

In exercise of the powers conferred by section 57 of the Healthcare Services Act 2020, the Minister for Health makes the following Regulations:

Citation and commencement

1. These Regulations are the Healthcare Services (Advertisement) Regulations 2021 and come into operation on 2021.

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 a licensable healthcare service, for the purpose of promoting, inviting or soliciting (directly or indirectly) the use of the healthcare service;

“advertisement”, in relation to a licensable healthcare service, means any information that is published, disseminated or conveyed, or caused to be published, disseminated or conveyed, by any means or in any form or medium, about that licensable healthcare service;

“authorised person”, in relation to a licensee, means a person mentioned in section 31(1)(b) of the Act that is acting on the authority of that licensee in advertising a licensable healthcare service or causing the licensable healthcare service to be advertised;

“specified licensee” means a licensee that is —

- (a) an exempt charity within the meaning given by section 2(1) of the Charities Act (Cap. 37); or
- (b) a charity registered under section 5 of the Charities Act.

Application of these Regulations

3.—(1) These Regulations apply to an advertisement that is published, disseminated or conveyed, or caused to be published,

disseminated or conveyed, by a licensee or an authorised person acting on the authority of the licensee —

- (a) by any means or in any form or medium; and
- (b) that has a Singapore link.

(2) For the purposes of paragraph (1)(b), an advertisement has a Singapore link in any of the following circumstances:

- (a) a person who is physically present in Singapore is capable of having access to the advertisement;
- (b) the advertisement is addressed to a person or class of persons who the licensee or authorised person knows or has reason to believe is physically present in Singapore.

(3) In determining for the purposes of paragraph (2)(a) whether a person who is physically present in Singapore is capable of having access to the advertisement, it is to be assumed that the person will not falsify or conceal the person's identity or location.

Advertisement subject to these Regulations and other written law

4. Subject to these Regulations and any other written law, a licensee or an authorised person may advertise or cause to be advertised any licensable healthcare service that the licensee is authorised to provide by a licence under the Act.

Content of advertisements

5.—(1) A licensee must ensure that any advertisement that is published, disseminated or conveyed, or caused to be published, disseminated or conveyed, by the licensee or an authorised person (if applicable) complies with all of the following requirements:

- (a) the information contained in the advertisement —
 - (i) must be factually accurate and capable of being substantiated; and
 - (ii) 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 licensee can obtain results from the licensable healthcare service it provides that are not achievable by other licensees;
 - (ii) creates an unjustified expectation from the licensable healthcare service provided by the licensee;
 - (iii) compares and contrasts the quality of the licensable healthcare service provided by the licensee with the quality of the same licensable healthcare service provided by another licensee; or
 - (iv) deprecates any licensable healthcare service provided by another licensee;
- (d) the advertisement must not contain any photograph, picture, video or film showing the appearance or a feature of any individual 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 licensable healthcare services provided by the licensee;
- (f) except as provided in regulation 14, the information contained in the advertisement must not contain any testimonial or endorsement about the licensable healthcare

service provided by the licensee, including the services of any employee of the licensee in relation to the provision of the licensable healthcare service;

- (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 licensable healthcare service provided by any licensee.

(2) To avoid doubt, paragraph (1)(d) does not prohibit a licensee from showing to a patient, during a consultation by the patient, any photograph, picture, video or film that shows the appearance or a feature of the patient or any other individual before and after receiving any treatment provided by the licensee.

Advertising media

6.—(1) A licensee and an authorised person (if applicable) must ensure that any advertisement that is not displayed within the licensed premises or licensed conveyance of the licensee 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 licensed premises or licensed conveyance of the licensee, even if the advertisement is visible to any individual from outside the licensed premises or licensed conveyance, as the case may be.

(3) To avoid doubt, an advertisement that is displayed within the licensed premises or licensed conveyance of the licensee may appear in any form or medium.

(4) A licensee and an authorised person (if applicable) must not advertise any licensable healthcare service that the licensee provides —

- (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 any licensable healthcare service provided by a licensee appears in a brochure, leaflet or pamphlet, the licensee and an authorised person (if applicable) must ensure that the brochure, leaflet or pamphlet contains the date of publication.

(6) In paragraph (4)(b), “advertising material” includes a brochure, leaflet or pamphlet that contains all or any combination of the following information:

- (a) the name of the licensee;
- (b) the location of the licensed premises or licensed conveyance of the licensee;
- (c) the operating hours of the licensee;
- (d) the telephone number or email address of the licensee or any employee of the licensee.

Advertisement in conjunction with any person

7. Where a licensee or an authorised person (if applicable) advertises the licensable healthcare service provided by the licensee in conjunction with any goods or services provided by, or any activity, event or programme of, any other person, the licensee must ensure that the advertisement complies with regulation 5.

Advertisement in conjunction with other services

8.—(1) This regulation applies where the Director permits a licensee, under section 30(2) of the Act, to use any part (but not the whole) of the licensed premises or licensed conveyance of the licensee for any applicable purpose.

(2) Where a licensable healthcare service provided by the licensee is advertised in conjunction with any service in relation to the applicable purpose (called in this regulation the other service), the licensee and an authorised person (if applicable) must ensure that all the conditions in paragraph (3) are satisfied.

(3) The conditions mentioned in paragraph (2) are the following:

-
-
- (a) all reasonable steps are taken to distinguish information about the licensable healthcare service from information about the other service;
 - (b) the other service must be clearly identified as not being a licensable healthcare service;
 - (c) all information about the other service must be clearly identified or labelled as relating to a service that is not a licensable healthcare service.

(4) In this regulation, “applicable purpose” means a purpose that is not mentioned in section 30(1) of the Act for which the Director has permitted a licensee, under section 30(2) of the Act, to use any part (but not the whole) of the licensed premises or licensed conveyance of the licensee.

Interviews

9.—(1) A licensee or an employee of a licensee may, at the request of any print or broadcast media organisation, consent to be interviewed.

(2) A licensee must not solicit, or authorise any employee or other person to solicit, any media organisation to interview the licensee or an employee of the licensee.

(3) A licensee must ensure that any information provided in an interview by the licensee or an employee of the licensee which relates to the licensable healthcare service provided by the licensee complies with regulation 5.

Contribution to good causes

10. Where a licensee contributes to any good cause in the name of the licensee (whether by way of donation, sponsorship or subscription), the licensee must ensure that any public acknowledgment of the contribution by the recipient does not state any information pertaining to the licensee except the licensee’s name.

Filming on licensed premises or licensed conveyance

11.—(1) A licensee must not solicit, or authorise any employee of the licensee or other person to solicit, to participate in any filming on any licensed premises or licensed conveyance of the licensee.

(2) Where filming is carried out on the licensed premises or licensed conveyance of a licensee, the licensee must ensure that only the licensee's name is shown in the closing credits of the film as a form of acknowledgment.

Advertising of public workshops, etc.

12. A licensee or an authorised person (if applicable) may advertise any public workshop, seminar or symposium organised by the licensee that relates to the licensable healthcare service provided by the licensee.

Display of accreditation, certification or award

13.—(1) Except as provided in paragraph (3), a licensee must not display, or publish, disseminate or convey any information relating to, any accreditation, certification or award conferred on the licensee in relation to the licensee's provision of any licensable healthcare service.

(2) An authorised person must not publish, disseminate or convey any information relating to any accreditation, certification or award mentioned in paragraph (1) by any means or in any form or medium.

(3) A licensee may display, or publish, disseminate or convey any information relating to, any accreditation, certification or award mentioned in paragraph (1) only —

- (a) within the licensed premises or licensed conveyance of the licensee; or
- (b) on the licensee's website or account on any social media or social network service.

(4) To avoid doubt, an accreditation, a certification or an award conferred on a licensee does not include a professional qualification that is conferred on a medical practitioner, dentist or other healthcare

professional providing a licensable healthcare service for and on behalf of the licensee.

Display of testimonials, etc.

14.—(1) Except as provided in paragraph (2) or (3), a licensee and an authorised person (if applicable) must not display, publish or disseminate a testimonial or an endorsement by any person about any licensable healthcare service provided by the licensee (including the services of any employee of the licensee in relation to the provision of the licensable healthcare service), unless the testimonial or endorsement —

- (a) is displayed, published or disseminated —
 - (i) within the licensed premises or licensed conveyance of the licensee; or
 - (ii) on the licensee’s website or account on any social media or social network service; and
- (b) was given by the person directly to the licensee and is not reproduced by the licensee.

(2) A licensee may publish any testimonial or endorsement about any licensable healthcare service provided by the licensee in any corporate publication of the licensee that is disseminated or distributed only to the licensee’s employees.

(3) A specified licensee may publish any testimonial or endorsement about any licensable healthcare service provided by the specified licensee in any corporate publication of the specified licensee that is disseminated or distributed only to any of the following persons:

- (a) a person who has donated or may donate money or other property for the benefit of the specified licensee;
- (b) a person who has participated or may participate in the charitable activities of the specified licensee as a volunteer.

Advertising of promotional programme

15.—(1) A licensee and an authorised person (if applicable) must not advertise any programme —

- (a) under which a gift (whether in the form of a good or service) or other benefit may be obtained by a patient of the licensee on the basis of the amount or type of any licensable healthcare service purchased from the licensee —
 - (i) whether or not the programme extends to the purchase of other services; and
 - (ii) whether or not the patient may accept another gift or benefit; and
- (b) for which the purpose is to solicit or encourage the consumption of the licensable healthcare services provided by the licensee.

(2) Paragraph (1) does not apply to the advertising of any of the following:

- (a) a programme that is available to patients of the licensee only at the point of payment offering a payment plan for the purchase of the licensee's licensable healthcare service;
- (b) a programme that is funded (in whole or in part) or endorsed by the Government or the Health Promotion Board relating to health screening;
- (c) a programme that is initiated by the Government relating to any public scheme;
- (d) a corporate social responsibility programme undertaken by the licensee that satisfies all of the following conditions:
 - (i) every advertisement of the programme must specify that the advertisement is in relation to a corporate social responsibility programme undertaken by the licensee;
 - (ii) subject to paragraph (3), the licensee, the authorised person (if applicable) and any business partner of the licensee must not derive, or intend to derive, any direct

financial benefit from the advertisement of the programme;

(iii) the licensee must not use the advertising of the programme to solicit for new patients;

(e) a programme undertaken by a specified licensee that satisfies all of the following conditions:

(i) the programme relates to the provision of any licensable healthcare service by the specified licensee for no charge or a charge that is lower than the charge normally payable for that service;

(ii) the specified licensee must not use the advertising of the programme to solicit for new patients;

(3) Paragraph (2)(d)(ii) does not prohibit a licensee from giving to an authorised person, or the authorised person from receiving from the licensee, any money that is or comprises —

(a) remuneration or compensation for any services provided by the authorised person in relation to the advertisement of the licensee's corporate social responsibility programme; or

(b) reimbursement of any expenses reasonably incurred by the authorised person for the purpose of advertising the licensee's corporate social responsibility programme.

Hyperlinks

16.—(1) Subject to paragraph (2), a licensee must not publish on the licensee's website a hyperlink to any other website that —

(a) contains information that —

(i) is not factually accurate or capable of being substantiated; or

(ii) is exaggerated, false, misleading or deceptive;

(b) is either of the following:

(i) offensive, ostentatious or in bad taste;

-
-
- (ii) undermines the honour and dignity of the medical, dental or nursing profession;
- (c) contains any information that —
- (i) implies that the licensee can obtain results from any licensable healthcare service it provides that are not achievable by other licensees;
 - (ii) creates an unjustified expectation from the licensable healthcare service provided by the licensee;
 - (iii) compares and contrasts the quality of the licensable healthcare service provided by the licensee with the quality of the same licensable healthcare service provided by another licensee; or
 - (iv) deprecates any licensable healthcare service provided by another licensee;
- (d) contains any photograph, picture, video or film showing the appearance or a feature of an individual 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) contains any laudatory statement (including a statement of prominence or uniqueness) or superlative to describe the licensable healthcare service provided by the licensee;
- (f) except as provided in regulation 14, contains any testimonial or endorsement about the licensable healthcare service provided by the licensee, including the services of any employee of the licensee in relation to the provision of that licensable healthcare service; or

(g) provides information to the public in such a manner as to amount to soliciting or encouraging the use of the licensable healthcare service provided by the licensee.

(2) Paragraph (1) does not apply if, at the time of setting the hyperlink to a website, the licensee does not know, and has no reason to believe, that that website is a website mentioned in paragraph (1)(a) to (g).

(3) Where the licensee becomes aware of any hyperlinked website mentioned in paragraph (1)(a) to (g), the licensee must immediately remove from the licensee's website the hyperlink to that website.

Compliance with Regulations

17.—(1) Where a licensee becomes aware of any advertisement which contravenes any provision of these Regulations (called in this regulation the non-compliant advertisement), the licensee must take all reasonable steps to procure the rectification or withdrawal of the non-compliant advertisement and to prevent its recurrence.

(2) Without limiting paragraph (1), where a non-compliant advertisement is published or caused to be published by an authorised person, the licensee must, as soon as the licensee becomes aware of the non-compliant advertisement —

- (a) inform the authorised person that the advertisement is a non-compliant advertisement; and
- (b) take all reasonable steps to ensure that the authorised person rectifies or withdraws the non-compliant advertisement and prevents its recurrence.

(3) An authorised person that is informed by a licensee under paragraph (2)(a) that an advertisement is a non-compliant advertisement must —

- (a) take all reasonable steps to rectify or withdraw the non-compliant advertisement; and
- (b) inform the licensee of the steps the authorised person has taken under sub-paragraph (a).

(4) Where it appears to the Director that an advertisement is a non-compliant advertisement, the Director may, after making due inquiry into the matter, order the licensee or authorised person to alter, withdraw, remove or discontinue the non-compliant advertisement or cause that advertisement to be altered, withdrawn, removed or discontinued.

Offences

18.—(1) A licensee that contravenes regulation 5(1), 6(1), (4) or (5), 7, 8(2), 9(2) or (3), 10, 11(1) or (2), 13(1) or (3), 14(1), 15(1) or 16(1) or (3) shall be guilty of an offence.

(2) An authorised person that contravenes regulation 6(1), (4) or (5), 7, 8(2), 13(2), 14(1) or 15(1) shall be guilty of an offence.

(3) A licensee convicted of an offence under paragraph (1), or an authorised person convicted of an offence under paragraph (2), shall be liable on conviction to be punished in accordance with section 31(3) of the Act.

(4) A licensee that, without reasonable cause —

(a) contravenes regulation 17(1) or (2); or

(b) does not comply with an order made by the Director under regulation 17(4),

shall be guilty of an offence.

(5) An authorised person that, without reasonable cause —

(a) contravenes regulation 17(3); or

(b) does not comply with an order made by the Director under regulation 17(4),

shall be guilty of an offence.

(6) A licensee convicted of an offence under paragraph (4), or an authorised person convicted of an offence under paragraph (5), shall be liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding

\$1,000 for every day or part of a day during which the offence continues after conviction.

Made on 2021.

CHAN YENG KIT
*Permanent Secretary,
Ministry of Health,
Singapore.*

[please insert file ref.; AG/LEGIS/SL/122E/2020/2 Vol. 1]

Note 1: SK/HCS (Advertisement) Regs 2021 (v1.10) 25112020

DRAFT