

## **Healthcare Services Act (Advertisement) Regulations FAQ**

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## General

<p><b>1. [Updated as at 20 Apr 2021] Do HCS (Advertisement) Regulations cover advertisements by providers of non-licensable healthcare services (e.g. Traditional Chinese Medicine, physiotherapy, chiropractic)?</b></p>
<ul style="list-style-type: none"> <li>• HCS (Advertisement) Regulations only apply to advertisements by HCSA licensees or their authorised persons.</li> <li>• Healthcare advertisements by non-licensees are regulated under the Medicines (Advertisement and Sale) Act (MASA). In particular, section 4 of MASA prohibits the publication of any advertisement referring to any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body.</li> </ul>
<p><b>2. What is the purpose of regulating the advertisement of licensable healthcare services?</b></p>
<ul style="list-style-type: none"> <li>• Inappropriate advertising of licensable healthcare services may influence the public to unnecessarily consume these services.</li> <li>• It is important for MOH to regulate such advertisements to safeguard patients' welfare while allowing appropriate information on these services to be made available to consumers.</li> </ul>
<p><b>3. Can third parties be held liable for not complying with stipulated requirements for the advertisement of licensable healthcare services?</b></p>
<ul style="list-style-type: none"> <li>• Only a licensee or a person acting on the authority of a Healthcare Services Act (HCSA) licensee (referred to as an "authorised person" in the HCS (Advertisement) Regulations) may advertise licensable healthcare services, as stipulated in Section 31(1) of HCSA.</li> <li>• Advertisements made by authorised third-party advertising agents or third-party administrators, and medical concierges etc must comply with relevant Regulations.</li> </ul>
<p><b>4. Who can be appointed as an authorised person? Is this done through contracts?</b></p>
<ul style="list-style-type: none"> <li>• Any person acting on authority given by the licensee will be considered an authorised person for the purposes of the HCS (Advertisement) Regulations. For example, an employee acting under the direction of a licensee to advertise its services is an authorised person.</li> <li>• When an external third party is involved in advertising a licensee's services (e.g. companies that create or host the advertisement), these persons must be authorised by the licensee to do so. This can be done through a contractual arrangement between the licensee and the third party. If they are not authorised</li> </ul>

by the licensee, the external party is liable to an offence under Section 31 of the HCSA.

- Licensees may wish to seek independent legal advice on appointing an authorised person to advertise their services.

**5. [Updated as at 20 Apr 2021] What types of reviews (including testimonials and endorsements) are allowed?**

- Reviews are allowed where they are:
  - Organically provided by patients as a reflection of their experience with the service;
  - Unpaid, unsolicited, and not modified by the licensee or authorised person in any way as to compromise the independence and authenticity of the review (this does not preclude the licensee or authorised person from removing offensive comments (e.g. expletives)); and
  - Not reproduced by the licensee or authorised person, as this avoids the potential for the content of the review to be inappropriately modified in the course of reproduction.

**6. Why are paid reviews (including testimonials and endorsements) prohibited? Licensees are allowed to pay an authorised person to publish advertisements for the licensable healthcare service. Aren't paid reviews similar in nature to other forms of advertisements?**

- Paid reviews are similar in nature to other forms of advertisements in that they all provide information that promote the use of the service. However, the key difference is that reviews are generally viewed by consumers as genuine reflections of the writers' or presenters' personal opinion and experience, as distinct from other forms of advertisements where the content is generally understood to be determined by the provider whose service is being advertised. As such, paid reviews pose a greater risk of misleading consumers into thinking they are fully independent personal opinions, and inducing consumption of the reviewed healthcare service, compared to regular advertisements.
- The prohibition of such paid reviews is in line with Section G2(7) of the Singapore Medical Council's Ethical Code and Ethical Guidelines for medical practitioners (SMC ECEG), which states that "*testimonials are subjective and must not be used in advertising on any media where [the medical practitioners] have any control over the content. [Medical practitioners] must not ask or induce [their] patients or anyone to write positive testimonials about [them] in any media.*"

**7. Can paid reviews be allowed, if the sponsorship is disclosed upfront?**

- The disclosure of the sponsorship may enhance transparency in this regard to consumers. However, it is unethical and inconsistent to allow licensees to pay for and, in so doing, influence the content of the "review", while giving the

consumer the impression that the “review” is a genuine reflection of the writer’s or presenter’s personal experience (when there is in fact underlying commercial interest).

**8. I currently have paid reviews in various media. What should I do with them, if paid reviews are not allowed under HCSA?**

- Paid reviews are currently not allowed, in accordance with the Explanatory Guidance to the Private Hospitals and Medical Clinics (Advertisement) Regulations 2019 (Paragraph 5.7.1.), which stipulates that licensees must not coerce or offer valuable consideration of any kind to induce patients, caregivers or members of the public to provide testimonials and/or endorsements.

**Regulation 4: Advertisement within Singapore**

**9. If a HCSA licensee places an advertisement targeted at foreigners who are not physically located in Singapore, will the advertisement be subject to HCS (Advertisement) Regulations?**

- This will depend on whether a person who is physically present in Singapore is capable of having access to the advertisement.
- Advertisements published on the licensee’s website will be subject to the requirements under the HCS (Advertisement) Regulations, even if these are targeted at foreigners not located in Singapore. This is because a person who is physically present in Singapore will be able to access the advertisement on the licensee’s website.

**10. Do the HCS (Advertisement) Regulations apply to foreign healthcare providers that advertise their services in the Singapore media to attract patients in Singapore?**

- Only HCSA licensees and their authorised persons are allowed to advertise licensable healthcare services, subject to the HCS (Advertisement) Regulations.
- If a foreign healthcare provider advertises its services through Singapore media (e.g. a local newspaper) directly or through a third party, the foreign entity or the third party may potentially contravene the Medicines (Advertisement and Sale) Act (MASA).
- The party putting up the advertisements may also contravene Section 31(1) HCSA, as the entity which authorised the advertisement is not a licensee authorised under HCSA to provide that licensable healthcare service.

**11. Can a licensee appoint a third-party administrator (based overseas) to advertise its licensable healthcare services in other jurisdictions?**

- The rules on advertising under HCSA are aimed at protecting the safety and welfare of patients in Singapore, and hence apply to advertisements that are accessible by persons physically located in Singapore.
- HCSA licensees that advertise their services in other jurisdictions will have to comply with the prevailing laws in that jurisdiction.

**Regulation 5: Contents of Advertisement**

**12. Are licensees allowed to publicise events (e.g. public workshop, seminar or symposium) as free of charge/free admission?**

- Yes. Under Regulation 12 of the HCS (Advertisement) Regulations, 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.
- While these sessions can be publicised as free, their contents remain subjected to the HCS (Advertisement) Regulations insofar as they relate to licensable healthcare services (e.g. must be factual and not laudatory).

**13. Can licensees advertise the option of using their airline miles / credit card points for patients to redeem their service?**

- While miles/points can be construed as a form of alternative currency, they are also at one and the same time solicitive. Using miles/points has a soliciting effect because the individual may perceive that he is getting the healthcare service without having to pay out of pocket for it, and this might contravene Regulation 5(1)(g) of the HCS (Advertisement) Regulations.

**14. [Updated as at 20 Apr 2021] Are licensees allowed to produce materials for educational purposes as part of patient care (e.g. wound care, rehabilitation exercises)?**

- Yes, materials purely for educational purposes are generally not considered advertisements and are allowed. However, if these materials include information that promotes the licensee's services or otherwise induces patients to use the services, it is considered an advertisement and subject to the HCS (Advertisement) Regulations.
- MOH will review the contents as a whole in determining whether a particular set of materials is deemed and regulated as an advertisement.

## Regulation 6: Advertising media

<p><b>15. Are licensees allowed to distribute leaflets containing only the directory listing of the licensee’s licensable healthcare service?</b></p>
<ul style="list-style-type: none"> <li>No. The prohibition on push technology and distribution also applies to such materials which include only basic factual information on the healthcare service akin to that included in a directory, e.g. name, address and contact details.</li> </ul>
<p><b>16. [Updated as at 20 Apr 2021] What are the approved media allowed for the advertising of the licensee’s licensable healthcare service?</b></p>
<ul style="list-style-type: none"> <li>Such advertisements are only allowed in the following: newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet.</li> </ul>
<p><b>17. If materials are produced for educational purposes (e.g. to provide general information and raise awareness on a certain health condition, and tips on disease prevention), can these materials be shown publicly (e.g. as clips in cinemas, MRT’s platform and in-train screens)?</b></p>
<ul style="list-style-type: none"> <li>Yes. However, if these materials include information that promote the licensee’s services, they would be considered as advertisements and cannot be shown in MRT stations and in-train screens as these are not in the list of “approved media”.</li> </ul>
<p><b>18. Is the display of banners showing information on healthcare services allowed (e.g. at roadshows or community events)?</b></p>
<ul style="list-style-type: none"> <li>Such banners may only include basic factual information on the healthcare service akin to that included in a directory (e.g. name, logo, address, website, contact details).</li> </ul>
<p><b>19. Can call-to-action statements be used in advertisements on licensed healthcare services?</b></p>
<ul style="list-style-type: none"> <li>All call-to-action statements must comply with the HCSA Advertisement Regulations. For example, call-to-action statements must not include time-limited promotions or discounts which may induce customers/patients to consume the service.</li> </ul>
<p><b>20. [Updated as at 20 Apr 2021] Can licensees send information and updates to individuals who have consented to receiving such materials?</b></p>
<ul style="list-style-type: none"> <li>Yes. The licensee may do so if prior written consent has been obtained from the individual. However, these materials should not include content that contravenes the HCS (Advertisement) Regulations.</li> </ul>



## Regulation 7: Advertisement in conjunction with any person

<p><b>21. Will a licensee of an aesthetic practice be subject to the HCS (Advertisement) Regulations if an advertisement is made in conjunction with the sale of face creams?</b></p>
<ul style="list-style-type: none"> <li>• Yes. Advertisements in conjunction with any goods or services by another person are subject to HCS (Advertisement) Regulations and their contents must abide by the rules in Regulation 5.</li> </ul>
<p><b>22. Can we allow insurance companies to have a hyperlink to a licensee's website, as part of their value-added service for their policy holders?</b></p>
<ul style="list-style-type: none"> <li>• Similar to bloggers posting hyperlinks to the licensee's website, insurance companies are not licensed by MOH.</li> <li>• If there is a hyperlink to the licensee's website, MOH will need to assess if there are any collaborations between the insurance company and the licensee. If there are collaborations, MOH will look at the contents and determine whether they comply with the HCS (Advertisement) Regulations.</li> <li>• If the insurance company advertises any licensable/licensed healthcare service, it will be in breach of Section 31 of HCSA if it has not been authorised by the licensee to do so.</li> <li>• If the insurance company has been appointed as an authorised person, it must comply with its obligations under the HCS (Advertisement) Regulations (e.g. ensuring that the advertisement is published in approved media only). Licensees are still liable to ensure that the contents of the advertisement are compliant with the HCS (Advertisement) Regulations.</li> </ul>
<p><b>23. [Updated as at 20 Apr 2021] Are panel doctors under an insurance plan allowed to be listed on the insurance provider's publicity materials and directory listing, etc?</b></p>
<ul style="list-style-type: none"> <li>• Yes. This is a form of collaboration. However, where such materials constitute healthcare advertisements (e.g. promotes the services), they are subject to HCS (Advertisement) Regulations.</li> </ul>
<p><b>24. Is it considered advertising if a patient takes a photo of advertisement content (e.g. a clinic's brochures) and shares it further (e.g. uploads it on his social media account)?</b></p>
<ul style="list-style-type: none"> <li>• It would not be considered advertising if a patient does so on his or her own accord.</li> <li>• However, if found that the photos were uploaded because of an arrangement (formal/informal) between the licensee and the patient, or under the solicitation of the licensee, the patient is considered an authorised person and can be held responsible if there is an infringement of HCS (Advertisement) Regulations.</li> </ul>

**25. Are free online listing platforms allowed? Doctors pay to get listed, to get reviews and to post before and after pictures. How does MOH intend to regulate this platform?**

- Yes, they are allowed. However, similar to other non-HCSA-licensees, they are subjected to provisions under the MASA, which prohibits certain advertisements relating to medical matters and regulates the sale of substances recommended as a medicine.
- The entity running such platforms must be an authorised person appointed by a licensee of a licensable healthcare service if they wish to advertise the licensable healthcare service. In such cases, the contents of the advertisement are subject to the HCS (Advertisement) Regulations and must not be worded to induce readers to seek treatment from the specific medical practitioner.

**26. [Updated as at 20 Apr 2021] Can financial institutions partner with licensees to offer discounts on consultation fees for their customers?**

- MOH does not prohibit such collaborations. As is the case for other forms of collaborations between licensees and third parties, advertisements on such collaborations are subject to the HCS (Advertisement) Regulations. Licensees remain responsible for the content featured on the advertisement.
- Licensees are reminded that the mention of such discounts is not allowed in the advertisement, as it may induce unnecessary consumption of their services by the customers.

**27. Can educational information (e.g. provision of information on disease prevention or to raise awareness on a particular condition) be displayed on third-party e-commerce websites?**

- If what is displayed is purely educational content and does not promote the services of a healthcare institution, it is generally not considered an advertisement.
- MOH will ultimately look at the actual content to determine whether there is a breach of the HCS (Advertisement) Regulations.

## **Regulation 8: Advertisement in conjunction with other services**

**28. Some spas advertise their services with an intent to channel customers to medical clinics under their same company group. Is this acceptable?**

- Spas are not licensed by MOH and are not allowed to advertise medical procedures as this will be a contravention of the MASA.
- If the spa wishes to advertise the clinic services, it must be an authorised person appointed by the licensee of the clinic. In such cases, the contents of the advertisement are subject to the HCS (Advertisement) Regulations and must not

<p>be drafted in a manner to induce readers to seek treatment from the specific clinic.</p>
<p><b>29. For licensees who have been given approval to co-locate with a non-licensee, can information regarding these services appear in the same advertisement or webpage?</b></p>
<ul style="list-style-type: none"> <li>• Licensees should take all reasonable steps (e.g. putting up signs or partition) to distinguish information about the licensable healthcare service from information about the other service.</li> <li>• Licensees should also ensure that the other service and information about the other service must be clearly identified or labelled as relating to a service that is not a licensable healthcare service.</li> <li>• While information about licensable healthcare services can appear in the same advertisement/webpage as information about the “unlicensed services”, steps should be taken to distinguish the different services (e.g. using different colours/font sizes, borders, placing the information on different pages or different sections/modules of a webpage or an application).</li> </ul>
<p><b>30. [Updated as at 20 Apr 2021] Can clinics refer patients to purchase items from a co-located retail pharmacy? Does this constitute a breach under the HCS (Advertisement) Regulations?</b></p>
<ul style="list-style-type: none"> <li>• The HCS (Advertisement) Regulations do not regulate such referrals as they are not advertisements. However, as stipulated in the HCS General Regulations, patients should not be compelled to patronise the co-located retail pharmacy as a pre-requisite for treatment.</li> </ul>
<p><b>31. Can information on employee benefit schemes be disseminated to employees? Or are these considered advertisements?</b></p>
<ul style="list-style-type: none"> <li>• Publication or dissemination of information for employee benefit schemes does not fall within this requirement on promotional programmes, as such schemes are offered to attract and retain employees, and not to encourage or incentivise consumption of healthcare services.</li> <li>• This position will be set out in the Explanatory Guidance for HCS (Advertisement) Regulations.</li> </ul>

## Regulation 9: Interviews

**32.If an employee of the licensee decides to give an interview without the knowledge of, or any consent or authorisation from the licensee, will the licensee be held liable?**

- The licensee must not solicit interviews by media organisations, whether the licensee does so itself or through another person (such as an employee, an authorised person or some other person).
- However, the licensee will not be held responsible if a third party, acting on its own accord, and over whom the licensee has little or no control, arranges for the media organisation to interview the licensee’s employee.

**33.Are licensees allowed to let vloggers or mainstream media interview medical personnel and feature it on their social media platforms or publications?**

- Yes. However, the content of such interviews posted must comply with the HCS (Advertisement) Regulations.

**34.[Updated as at 20 Apr 2021] Does sending information on new services offered by HCSA-registered licensees to the media constitute advertising?**

- This depends on the information provided, and whether the content constitutes an advertisement (e.g. promotes and solicits consumption of the healthcare service, as opposed to providing factual information).

## Regulation 13: Display of testimonials, etc.

**35.Are licensees allowed to post pictures of or reviews by celebrities or social media influencers, who are their patients, on their website or social media accounts?**

- Licensees are not allowed to reproduce (be it in whole, or in part) any testimonials, endorsements or photos in their premises, website or social media accounts. This includes re-sharing the original user’s post on Facebook or on any social media. Exception: Testimonials, endorsements or photos can be reproduced in internal corporate publications that are disseminated only to the licensee’s employees. Specified licensees (e.g. charities) are also allowed to circulate such information to its donors.
- Displaying or publishing of any testimonial, endorsement, or photos within a licensee’s premises, website or social media account is allowed as long as these testimonials, endorsements or photos were given by the patient directly to the healthcare institution.

## Regulation 14: Advertising of promotional programme

<p><b>36. Can an authorised person be paid by the licensee in relation to the advertisement of the licensee's corporate social responsibility programme?</b></p>
<ul style="list-style-type: none"> <li>• Yes, the authorised person can receive compensation for services it provided to the licensee in relation to advertising the corporate social responsibility programme.</li> </ul>
<p><b>37. [Updated as at 20 Apr 2021] Are licensees allowed to have promotional packages through a referral program (e.g. family/friends referral)?</b></p>
<ul style="list-style-type: none"> <li>• The act of providing such promotions does not fall under and is not prohibited by the HCS (Advertisement) Regulations. However, the mention of such promotions in advertisements contravenes the HCS (Advertisement) Regulations and is not allowed.</li> </ul>

## Regulation 17: Compliance with Regulations

<p><b>38. [Updated as at 20 Apr 2021] Is the licensee liable for a non-compliant advertisement published by an authorised person?</b></p>
<ul style="list-style-type: none"> <li>• Yes. The onus is on the licensee to take steps to rectify or withdraw the non-compliant advertisement. Where the non-compliant advertisement is published by the authorised person, the licensee must take all reasonable steps (e.g. informing the authorised person of the non-compliance and instructing that the advertisement be taken down without undue delay) to ensure that the authorised person carries out the rectification or withdrawal.</li> </ul>
<p><b>39. What happens if the authorised person does not remove the non-compliant advertisement as instructed by the licensee? Will the licensee be held liable?</b></p>
<ul style="list-style-type: none"> <li>• If the authorised person fails to take corrective action despite being informed, the authorised person commits an offence and not the licensee.</li> </ul>
<p><b>40. [Updated as at 20 Apr 2021] What happens if the licensee tries to pressure an authorised person to include non-compliant information in the advertisement?</b></p>
<ul style="list-style-type: none"> <li>• Licensees are responsible for the content of the advertisements as stipulated under the HCS (Advertisement) Regulations, and will be held fully culpable for any such contraventions.</li> </ul>

**41. [Updated as at 20 Apr 2021] What happens if an unauthorised person has advertised a licensee's service and the licensee is unaware of the advertisement? Will the licensee be held liable for the advertisement?**

- If it is ascertained that the licensee did not authorise and was not otherwise involved in the publication of the advertisement, the unauthorised person contravenes section 31 of HCSA.
- Nonetheless, on being aware of such an advertisement, the licensee should take reasonable steps to get the unauthorised person to remove it.