



PROTECTING THE PUBLIC THROUGH REGULATED EDUCATION AND PRACTICE !

ETHICAL GUIDELINES

FOR

HEALTH PROFESSIONALS

2010

2. GUIDELINES FOR MAKING PROFESSIONAL SERVICES KNOWN

1. INTRODUCTION

- 1.1 Health professions in this country have long accepted the convention that health professionals should refrain from self-promotion, because the health professional who is most successful at getting publicity may not necessarily be the most appropriate one to treat a patient. Furthermore, patients (and their families) experiencing health problems are often particularly vulnerable to persuasive influences via unprofessional advertising.
- 1.2 It is primarily to protect the fundamental rights of patients, and health professionals themselves, that governance of notifications and advertisements is imperative.
- 1.3 Health professionals are encouraged to approach their professional associations, unions or societies for guidance if they have doubts as to the appropriateness and/or acceptability of an advertisement or notification.

2. GUIDING PRINCIPLES

- 2.1 Patients are entitled to expect that health professionals will give them comprehensive professional advice and guidance on alternative treatments and second opinions, where appropriate. Failure to respect these patient rights can erode the health professional/patient relationship on which good professional practice depends.
- 2.2 Health professionals are at all times responsible for their own professional conduct.
- 2.3 Patients are entitled to protection from misleading promotional, advertising or improper competitive activities among health professionals. Publications, improperly drawing attention to the titles, professional attainments, personal qualities, superior knowledge or quality of service of a particular health professional, or improperly drawing attention to the health professionals practice or reduced prices offered, may be construed as unprofessional conduct. In such cases account will be taken of:
 - 2.3.1 The motive of the health professional concerned in arranging for or agreeing to such publication;
 - 2.3.2 The nature, content and presentation of the material;
 - 2.3.3 Whether the material seeks to suggest the health professional has particular abilities as compared to other practitioners;
 - 2.3.4 Whether the material is published in a manner likely to attract patients to the health professional, or to promote his or her professional advantage or financial benefit;

- 2.3.5 Whether the material is likely to encourage patients to refer themselves directly to a particular health professional or organisation.
- 2.4 Advertising in an unprofessional manner or canvassing and touting for patients are regarded as unethical behaviour, and would constitute a breach of professional conduct.

3. INFORMATION THAT MAY BE INCLUDED IN NOTIFICATIONS

The aim of publication of notices is to inform patients of the whereabouts of practitioners. It is not intended to be an instrument for promoting individual practices.

- 3.1 A health professional may make information about his or her practice known by publishing notices in any medium, printed or electronic, including the Internet and television, provided that they comply with all the provisions of these guidelines.
- 3.2 There are no limitations on the size or number of times a notice may be published.
- 3.3 Direct mailing of pamphlets is permissible, i.e. mailing to post boxes or direct delivery to homeowners.
- 3.4 Bulk pamphlets may be made available for issue individually to existing patients at the rooms of health professionals and also at local information centres such as libraries and museums to persons enquiring about a health professional's practice or available services.
- 3.5 Bulk distribution of pamphlets, for example, at shopping malls and to passing motorists, is not permissible.
- 3.6 The use of passport photographs on notifications is permissible.
- 3.7 The following information may appear on notifications namely:
- 3.7.1 First name(s) and surname;
 - 3.7.2 Profession (only the practitioner's profession, as registered with the relevant Council, may be specified: Descriptive names, such as "*nose surgeon*" or "*family dentist*" or "*eye specialist*" are not permissible);
 - 3.7.3 Registered qualifications;
 - 3.7.4 Registration category and registration number with Council under the relevant Health Professions Act.
 - 3.7.5 Professional category registered with Council under the relevant Act;
 - 3.7.6 Practice address and, where necessary, a map with regard thereto;
 - 3.7.7 Consulting hours;
 - 3.7.8 Telephone number(s);

3.7.9 **Field (s) of practice:**

If a health professional chooses to make known that he or she practises in a specific field, such health professional assumes a legal and ethical responsibility for having acquired a level of professional competence within that field of expertise which must be demonstrable and acceptable to his or her peers.

Note that "field of practice" is not the same as "field of interest" and that an indication of a field of practice is only permissible if a practitioner limits, or for the most part, limits his or her practice to that field of practice;

Information on financial arrangements:

Such information must be limited to statements relating to formal arrangements, e.g.: acceptable credit cards, preferred form of payment ("*cash only*"), etc. Reference may not be made to discounts or *quantum* of fees.

Telephone directories:

Entries in bold letters are permissible, but no logos, body or anatomical parts are permitted to be published in the telephone directory or any other similar publication.

4. ADVERTISING OF EMPLOYMENT OPPORTUNITIES

It is permissible to advertise an employment opportunity for health professionals in newspapers and/or relevant professional journals as well as online professional web pages.

5. DUTY OF HEALTH PROFESSIONAL IN RELATIONSHIP WITH OR IN THE EMPLOY OF AN INDEPENDENT ORGANISATION

5.1 The duty of a health professional who is in relationship with or employed by independent organisations offering or advertising clinical, diagnostic or medical advisory services such as a private hospital, clinic, screening centre, nursing home or advisory bureau or agency or who intends to enter into such relationship or employment, except non remunerative professionals working for non profit organizations.

5.1.1 Can only do so on the basis of a written contract or agreement that should be available to the Council on request;

5.1.2 Must satisfy himself or herself before entering into a contract or written agreement with such organisation that:

- a. The advertisements of or promotional activities of the organisation concerned are factual;
- b. Such advertisements do not promote the personal qualities or services of individual health professionals connected with it;

- c. Such advertisements do not make invidious comparisons with the services of the public sector or with those of other organisations or health professionals;
 - d. The organisation discourages patients from approaching it without first consulting their own practitioners;
 - e. Patients referred to him or her are not likely to be attracted by misleading or promotional advertisements issued by the organisation or by counselling centres or other agents;
 - f. No commission or other payment has been made or will be made on behalf of the organisation for the referral of such patients;
- 5.1.3 Ensure in such a relationship that the autonomy of the health professional is maintained at all times.