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Public Communications and Advertising by Physicians

This policy has been developed to outline the expectations of the College of Physicians and Surgeons of PEI regarding public communications, including advertising, by registrants.

Introduction:

The College recognizes that the *Canadian Charter of Rights and Freedoms* grants registrants the right to communicate. However, as a regulated health professional, a registrant's right to freedom of expression is not unlimited. The public communications of registrants, including advertising, are subject to regulatory purview.

Definitions:

Public communication: the transmission of information to the public in any medium, including online and social media communications.

Advertising: any communication, whether paid or unpaid, made in print, through electronic media, social media or via the internet by or on behalf of a registrant (i.e., by a third party) that has as one of its purposes the promotion of the registrant, a service they provide, or a clinic, facility or group with which the registrant is directly or indirectly associated.

Policy:

1) When advocating or communicating publicly as a registrant, registrants must:

    a) not commit professional misconduct, which includes engaging in conduct or an act relevant to the practice of medicine that, having regard to all the circumstances, would reasonably be regarded by medical practitioners as disgraceful, dishonourable or unprofessional;

    b) ensure all public communications are civil, ethical, and do not reflect poorly on the medical profession;

    c) ensure all public communications are grounded in science and address matters within their scope of practice; and,

    d) not encourage or incite unlawful behaviour.

2) Registrants must also be mindful of the fact that public communication as an individual, without identification as a registrant, could still result in a finding of professional misconduct if the communication is found to be harmful to the integrity of the profession.

3) Public communications by registrants, including advertising, may contain the registrants's name, contact information, academic degrees, specialty as recognized by the College, areas of practice or special interest, languages spoken, and office address and information regarding accessibility.

4) Public communications by registrants, including advertising must **not**:

   a) contain statements that are unprofessional, false, misleading, or deceptive;

   b) promote or offer incentives for the use of the physician's services;

   c) claim or imply any superiority of a particular registrant or service over any other member or services of the profession;

   d) contain any claims, endorsements or testimonials regarding a registrant's ability or services;

   e) create unrealistic or unjustified expectations of beneficial treatment or warranties about results;

   f) refer to specific drugs, appliances or equipment;

   g) include associations between the registrant and any company or product, unless the product is closely identified with a procedure performed by the registrant and the association with the product is reasonable for the purposes of adequately informing the public; and,

   h) contravene the CMA *Code of Ethics and Professionalism*.

Applicable Legislation:

Regulated Health Professions Act sections 57 and 92
Medical Practitioners Regulations section 34(1)(z) and section 35
CMA *Code of Ethics and Professionalism*

Document History:

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