
First published in the *Government Gazette*, Electronic Edition, on 15 January 2019 at 5 pm.

No. S 000

PRIVATE HOSPITALS AND MEDICAL CLINICS ACT
(CHAPTER 248)

PRIVATE HOSPITALS AND MEDICAL CLINICS
(ADVERTISEMENT) REGULATIONS 2019

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In exercise of the powers conferred by section 22 of the Private Hospitals and Medical Clinics Act, the Minister for Health makes the following Regulations:

Citation and commencement

1. These Regulations are the Private Hospitals and Medical Clinics (Advertisement) Regulations 2019 and come into operation on 15 April 2019.

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 any of the following services, for the purpose of promoting the service:

- (a) assessment, diagnosis, treatment, prevention or alleviation of an ailment, a condition, disability, disease or disorder or an injury affecting any part of the human body or mind;
- (b) nursing or rehabilitative care of an individual suffering from such ailment, condition, disability, disease, disorder or injury;
- (c) provision of any clinical procedure to change, or that is intended to change, the appearance or anatomy of an individual;
- (d) assessment of the health of an individual;

“healthcare institution” means any —

- (a) private hospital;
- (b) medical clinic;
- (c) clinical laboratory; or
- (d) 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;

“public scheme” means a scheme that —

- (a) is established —
 - (i) by or under any written law and administered by a public authority; or
 - (ii) by the Government in any other manner; and
- (b) is to provide financial relief, assistance or support to citizens or permanent residents of Singapore, or any part of them.

Advertisement subject to written law and these Regulations

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

Advertisement within Singapore

4.—(1) The licensee of a healthcare institution must ensure that any advertisement of the services of the healthcare institution published by the licensee or any other person on the licensee’s behalf complies with all of the following requirements:

- (a) the information contained in the advertisement must be factually accurate and capable of being substantiated, and 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 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 advertisement does not contain any photograph, picture, video or film showing the appearance or a feature of a person 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 services of the healthcare institution;
- (f) except as provided in regulation 12, the information contained in the advertisement must not contain any testimonial or endorsement of the services, including the services of any employee of the healthcare institution;
- (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 services provided by or at any healthcare institution.

(2) To avoid doubt, nothing in paragraph (1)(d) prohibits a licensee from showing to a patient of the licensee's healthcare institution, during a consultation by the patient at the premises of that healthcare institution, any photograph, picture or video screening that shows the appearance or a feature of any person before and after receiving any treatment from that healthcare institution.

(3) Where the licensee of a healthcare institution becomes aware of any advertisement relating to the services of the healthcare institution which contravenes any provision of these Regulations, the licensee must take all reasonable steps to procure the rectification or withdrawal of the advertisement, and to prevent its recurrence.

(4) Where it appears to the Director that any advertisement 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 advertisement or cause that advertisement to be altered, withdrawn, removed or discontinued.

Advertising media

5.—(1) The licensee of a healthcare institution must ensure that any advertisement that is not displayed within the premises of the healthcare institution and that is about the healthcare institution's services appears only in newspapers, directories, medical journals, magazines, brochures, leaflets, pamphlets and the Internet.

(2) However, paragraph (1) does not prohibit a licensee affixing any advertisement to any door, fence, grille, partition, wall or window of the healthcare institution's premises even if the advertisement is visible to any person from outside those premises.

(3) To avoid doubt, any advertisement that is displayed within the premises of a healthcare institution may appear in any form or medium.

(4) The licensee of a healthcare institution must not advertise the services of the healthcare institution —

- (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 the services of a healthcare institution appears on the Internet, the licensee of the healthcare institution must 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.

(6) Where an advertisement of the services of a healthcare institution appears in a brochure, leaflet or pamphlet, the licensee

of the healthcare institution must ensure that the brochure, leaflet or pamphlet contains the date of publication.

Advertisement in conjunction with any person

6. The licensee of a healthcare institution must ensure that the advertisement of the services of the healthcare institution in conjunction with the advertisement of any activity, event or programme of any person complies with regulation 4.

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 must ensure that any information provided in an interview by the licensee or an employee of the healthcare institution which relates to any advertisement of the services of the healthcare institution complies with regulation 4.

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, the licensee must 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 must ensure that neither the licensee nor an employee of the healthcare institution solicits to participate in any 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 must ensure that only the name of the healthcare institution is shown in the closing credits of the film as a form of acknowledgment.

Advertisement of public workshops, etc.

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

Display of accreditation, certification or award

11.—(1) Except as provided in paragraph (2), the licensee of a healthcare institution must not display, or publish, disseminate or convey any information relating to, any accreditation, certification or award conferred on the licensee's healthcare institution.

(2) The licensee of a healthcare institution may display, or publish, disseminate or convey any information relating to, an accreditation, a certification or an award mentioned in paragraph (1) only —

- (a) within the premises where the services of that healthcare institution are provided; and
- (b) on that healthcare institution's website and account on any social media or social network service.

(3) To avoid doubt, an accreditation, a certification or an award conferred on a healthcare institution does not include any professional qualification that is conferred on a healthcare professional providing a healthcare service for and on behalf of that healthcare institution.

Display of testimonials, etc.

12.—(1) The licensee of a healthcare institution must not display, publish or disseminate a testimonial or an endorsement by any person about the services of the healthcare institution, including the services of any employee of the healthcare institution, unless the testimonial or endorsement —

- (a) is displayed, published or disseminated —
 - (i) within the premises where the services of that healthcare institution or employee are provided; or
 - (ii) on that healthcare institution'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) The licensee of a healthcare institution may publish any testimonial or endorsement about the services mentioned in paragraph (1) in any of the healthcare institution's corporate publications that is disseminated or distributed only to the licensee's employees.

Advertising of promotional programme

13.—(1) The licensee of a healthcare institution 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 healthcare institution on the basis of the amount or type of service purchased from the healthcare institution —

(i) whether or not the programme extends to the purchase of other services; and

(ii) whether or not the patient may accept another gift; and

(b) for which the purpose is to solicit or encourage the consumption of the services of the healthcare institution.

(2) This regulation does not apply to the advertising of any of the following:

(a) a programme that is available to patients of the healthcare institution only at its payment counter offering a payment plan for the purchase of the healthcare institution's services;

(b) a programme that is funded (in whole or 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;

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- (d) a corporate social responsibility programme undertaken by the licensee of the healthcare institution 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) the licensee and any of the licensee's business partners must not derive, or intend to derive, any direct financial benefit from the advertisement of the programme;
 - (iii) the licensee must not use the advertisement of the programme to solicit for new patients.

Hyperlinks

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

- (a) contains information that is not factually accurate or capable of being substantiated, or is exaggerated, false, misleading or deceptive;
- (b) is offensive, ostentatious or in bad taste, or undermines the honour and dignity of the medical, dental or nursing profession;
- (c) contains 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 deprecates the services of other healthcare institutions;

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- (d) contains any photograph, picture, video or film showing the appearance of a person 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 services of the healthcare institution;
 - (f) except as provided in regulation 12, contains any testimonial or endorsement of the services of the healthcare institution, including the services of any employee of the healthcare institution; or
 - (g) provides information to the public in such a manner as to amount to soliciting or encouraging the use of the services provided by the healthcare institution or at the premises of the healthcare institution.

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

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

Advertisement outside Singapore

15. The licensee of a healthcare institution may advertise the services of the healthcare institution in any country outside Singapore, and where the licensee does so, regulations 4 to 14 do not apply.

Country where advertisement is published

16.—(1) For the purposes of these Regulations, an advertisement is deemed to be published in the country in which it is reasonably expected to be received or accessible in the normal course of events.

(2) An advertisement is not regarded as being published in a country if its receipt in such country is incidental.

(3) To avoid doubt, where an advertisement is published 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 advertisement published through the Internet, regulations 4 to 14 apply to such publicity.

Offence

17. A person who contravenes regulation 4(1) or (3), 5(1), (4), (5) or (6), 6, 7(2), 8, 9(1) or (2), 11(1), 12(1), 13(1) or 14(1) or (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000.

Revocation

18. The Private Hospitals and Medical Clinics (Publicity) Regulations (Rg 3) are revoked.

Saving provisions

19. These Regulations do not affect —

- (a) any investigation commenced under the revoked Private Hospitals and Medical Clinics (Publicity) Regulations and which is not completed before 15 April 2019, and every such investigation may be continued and everything in relation to such investigation may be done in all respects after that date as if these Regulations had not been made; and
- (b) the continued effect of any order of the Director made under regulation 4(3) of the revoked Private Hospitals and Medical Clinics (Publicity) Regulations.

Made on

2019.

CHAN HENG KEE
*Permanent Secretary,
Ministry of Health,
Singapore.*

[MH 36:38; AG/LEGIS/SL/248/2015/4 Vol. 1]