



Guidelines Regarding Advertising and Public Communications by Physicians

This document is a physician **guideline** approved by the Council of the College of Physicians and Surgeons of Nova Scotia.

Guidelines contain recommendations endorsed by the College of Physicians and Surgeons of Nova Scotia. The College encourages its members to be familiar with and to follow its **guidelines** whenever possible and appropriate. Note that **guidelines** may contain references to College **standards**.

Preamble

The Supreme Court of Canada has found that advertising by professionals is protected as free speech under the Canadian Constitution. However, the Court has recognized that there are certain reasons why such advertising may be regulated, including the need to protect the public from being confused or misled by information about professional services and to prevent misleading or false claims or endorsements.

College Position Regarding Advertising and Public Communications by Physicians

The College of Physicians and Surgeons of Nova Scotia sees no ethical objection to public notices designed to make the public aware of medical services provided by medical practitioners.

Complaints about Advertising and Public Communications

Complaints to the College about physician advertising and public communications are relatively rare, and are typically made by other physicians. When reviewing complaints, the College's investigations committees always consider the relevant College guidelines. Accordingly, the College encourages physicians to ensure that their advertising and public communications adhere to the principles and practices described in this document. The College does not evaluate or pre-approve advertising or public communications.

Principles of Fairness and Professionalism

In the interests of maintaining the integrity of the medical profession, the guiding principle of communicating with the public shall be to serve and to inform the public. Therefore, any communication with the public shall not:

- 1) be false or inaccurate;
- 2) contravene the Canadian Medical Association Code of Ethics, which the College has adopted;
- 3) be misleading or deceptive or reasonably capable of misleading or deceiving;
- 4) claim or imply any superiority of a particular physician over any other member of the profession;
- 5) contain any endorsements or testimonials concerning a physician, his or her ability or services;
- 6) create unrealistic or unjustified expectations of a physician's treatment; and
- 7) be contrary to the interests of the public.

Physicians may indicate, in communicating with the public, any field of special interest reflecting their training or practical experience if they do not contravene the principles of fairness and professionalism respecting relevant training and experience. Such physicians may not hold themselves out as specialists, unless their names are on the list of physicians approved as specialists by the College of Physicians and Surgeons of Nova Scotia.

Commencement of Practice

Physicians may communicate with the public upon the commencement of practice. Communications shall follow the principles of fairness and professionalism described above. When communicating with the public, physicians may include (among other things);

- 1) their name;
- 2) their academic degree(s) or other specialty recognition;
- 3) the type of practice or specialty, or professional corporation registered with the College of Physicians and Surgeons of Nova Scotia;
- 4) the full address of their practice;
- 5) their telephone/fax number or e-mail address;
- 6) their office hours;

- 7) special interests or limitations of practice; and
- 8) languages spoken.

Obligation to Communicate: Absence from Practice, Change of Practice, Cessation of Practice

Physicians shall communicate with the public when they:

- 1) are absent from their practice (for an extended period of time);
- 2) change their practice; or
- 3) cease to practice.

Under these circumstances, physicians should include all relevant information where applicable including:

- 1) their name;
- 2) the full address of their practice;
- 3) their telephone/fax number or e-mail address;
- 4) the effective dates involved;
- 5) arrangements for practice coverage;
- 6) the full re-location address, telephone and fax number; and
- 7) the availability of records and transfer of care.

The principle underlying communications to the public (when a physician is obliged to communicate) is this: When physicians move, the continuity of patient care should be assured, and patient records should be preserved. For further information, consult *A Physician's Guide to Medical Records*.

There is a responsibility to make reasonable arrangements for the transfer of care when a physician departs. The greater the need of the patient for ongoing medical care, the greater the degree of responsibility on the physician to ensure transfer. Notices in local newspapers serve a general purpose but are seldom enough.

Physicians in consultant practice should notify patients as the departure date draws near and should be active in returning patients to the care of primary care physicians or transferring their care to an appropriate specialist. Consultants should notify the primary care physicians who regularly refer to them and should provide them with advice about transferring patients to appropriate specialists.

Primary care physicians should, before leaving a practice, make specific arrangements for the care of patients being actively treated and should let the patients in the practice know of the planned

departure. The notification, which could be in the form of a letter to patients, should include information about who will be replacing the doctor or, at least, some advice on how to find a new physician. Of course, such a letter notifying patients can be a means of introducing a new physician and is very reassuring to the patients for whom change is a source of anxiety.

Before leaving, physicians should notify in writing, Doctors Nova Scotia, the College of Physicians and Surgeons of Nova Scotia, hospitals in which they hold privileges, and the Canadian Medical Protective Association (CMPA).

Letters should also be sent to regional cancer centres, laboratories, and other such places that may already be dealing with the physician's patients. Letters should include the date when the physician will be stopping work, the physician's forwarding address and the person and address to whom correspondence and reports about patients should be sent. It is important that these steps be taken because lab, biopsy, x-ray, and clinical follow-up reports can go astray when physicians move. Physicians have some responsibility to take reasonable steps to ensure that such reports will be reviewed and acted upon. It may be necessary to enlist the help of a colleague who agrees to help during the transition by watching the absent physician's mailbox and reviewing any incoming reports.

Signs, Newspaper Notices, Professional Cards, Stationery Letterhead, Notices to Colleagues, Telephone Books, Radio and Television Advertisements, and Websites

Physicians may communicate using any of these media. Information shall conform to the principles of fairness and professionalism described above. A selection of sample physician notices for print publication appear in the appendix at the end of this document.

Best practices in the area of internet and electronic communications by physicians are evolving. Physicians are advised to stay abreast of current College and Canadian Medical Protective Association information.

Public Appearances and Statements

- 1) Physicians who appear or participate in or make statements on radio or television programs or to the press relative to medical matters shall conform to the relevant provisions of the Canadian Medical Association *Code of Ethics* and to the principles of fairness and professionalism described above.
- 2) Physicians shall not purport to speak on behalf of:
 - a) Doctors Nova Scotia or a section of it;
 - b) The College of Physicians and Surgeons of Nova Scotia
 - c) the Faculty of Medicine or a department of it; or
 - d) any other recognized medical body unless they are a member of or associated with such organization and have its prior approval to do so.
- 3) A physician speaking as an individual shall make it clear that the views expressed are his or her own and do not necessarily represent those held by organized medicine.

Promotion of Products and Services by Physicians

Physicians shall follow the Canadian Medical Association Code of Ethics. They shall not participate directly or indirectly, or allow their name or services to be used in advertising which results in the payment of fees or services by para-medical or allied health fields. Similarly, physicians shall not actively promote or advertise allied medical service facilities in which they have a financial interest. Physicians must be cognizant of all conflicts of interest in advertising or in otherwise communicating with the public.

Physicians are encouraged to consult Selling Products out of the Office and *Conflict of Interest Guidelines* for College guidelines regarding the sale and promotion of products and services.

Appendix: Sample Physician Notices for Print Publication

These sample notices are provided for information only. Physicians are encouraged to consult principles of fairness and professionalism described above. The College does not evaluate or pre-approve advertising or public communications. Physicians may wish to consult the Canadian Medical Protective Association (CMPA) or other legal counsel for further advice in this area.

Sample New Practice Notice

Solange Y. Lafleur, MD, CFPC

Dr. Solange Y. Lafleur is pleased to announce that she has joined Dr. Edmund H. Yin in the practice of Family Medicine. Dr. Lafleur will be accepting new patients at Suite 201, 211 Main Street, Halifax beginning June 11, 2005. Please call 555-5555 to book an appointment.

Dr. Lafleur has a special interest in geriatric family medicine. The office is wheelchair accessible.

Drs. Lafleur and Yin are pleased to provide patient consultations in English, French, and Cantonese.

Sample Retirement / Closure Notice

Doris L. Nixon, MD

Dr. Doris L. Nixon wishes to announce her retirement from medical practice at Suite 201, 211 Main Street, Sydney on June 11, 2005. / Dr. Doris L. Nixon wishes to announce that she is relocating to Newfoundland and will cease practicing medicine at Suite 201, 211 Main Street, Sydney on June 11, 2005.

Dr. Nixon wishes to thank her many patients for the privilege of serving them over the years.

Requests for patient records from Dr. Nixon's practice should be directed to 555-5555.

Provision for ongoing patient care has been arranged through the Maynard Creek Medical Clinic. For further information, call 555-5555.

[Patients should ideally be informed that the physician is leaving at least three months before the expected departure date. As many patients as possible should be informed in person.]

Sample Move Notice

Baruti T. Ndaba, MD, FRCPC

Dr. Ndaba wishes to announce the relocation of his practice in endocrinology and metabolism from Suite 201, 211 Main Street, Halifax to Suite 500, 311 North Avenue, Halifax effective June 11, 2005. Please note that phone and fax numbers have also changed: Phone: 555-5555 Fax: 555-5555. Appointments by referral only.

Sample Absence Notice

Aaron J. Fiedler, MD, FRCPC - Allergy and Immunology

Dr. Fiedler will be undertaking one year of advanced study in the United States beginning in September 2005. Provision for ongoing patient care has been arranged through the Maynard Creek Allergy and Immunology Clinic. For further information, call 555-5555.

Sample Death Notice

Vaughan B. Melton, MD, FRCSC (1952-2005)

The surgical practice of Dr. Melton has closed immediately due to his sudden and untimely passing. Patients requiring access to copies of their surgical records should call 555-5555. Patients requiring ongoing care are requested to contact their family physicians.

Document History

This document was reviewed and re-approved without changes by the Council of the College of Physicians and Surgeons of Nova Scotia: **December 10, 2010**

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