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## General

### 2. **[Updated on 22 Nov 2024] What is the purpose of regulating the advertisement of licensable healthcare services?**

- Inappropriate advertising of licensable healthcare services may encourage the public to unnecessarily consume these services.
- 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.
- The HCS (Advertisement) Regulations make it clear that advertisements by licensees, among other requirements, must not create unrealistic expectations of the services provided or encourage consumption of healthcare services.
- Advertisements of licensable healthcare services must also comply with the laws that regulate advertisements of health products if applicable.
- To better ascertain the legislation that your healthcare advertisement is subject to, please refer to [Diagram 1](#) of the FAQs.

### 3. **[Updated on 22 Nov 2024] Can third parties (e.g., operators of telemedicine platforms) be held liable for not complying with stipulated requirements for the advertisement of licensable healthcare services?**

- As stipulated in section 31(1) of HCSA, only a licensee or a person acting on the authority of a HCSA licensee (referred to as an "authorised person" in the HCS (Advertisement) Regulations) may advertise licensable healthcare services.
- In this regard, third parties who are authorised by the licensees ("authorised persons") can be held liable under the HCS (Advertisement) Regulations if they fail to comply with the stipulated requirements for the advertisement of the licensable healthcare services.
- Advertisement of a licensable healthcare service by someone who is neither a HCSA licensee nor an authorised person (e.g., operator of a telemedicine platform not authorised by the licensee to publish such advertisements on the platform) contravenes section 31(1) of HCSA.
- Any individual who contravenes section 31(1) of HCSA is guilty of an offence and is liable on conviction to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both and, in the case of a continuing offence, to a further fine not exceeding \$1,000 for every day or part of a day during which the offence continues after conviction.

### 8. **[Updated on 22 Nov 2024] Will MOH provide a service to review advertisements of licensable healthcare services for legal compliance?**

- MOH does not vet or review specific advertisements or advertising materials to confirm their compliance with the legal requirements. Please be advised to review the applicable legislation and guidelines, including the FAQs, and to obtain your own legal advice, if necessary.

## Regulation 5: Contents of Advertisement

**19. [Updated on 22 Nov 2024] Are licensees allowed to mention medical certificates (MCs), or make references to MCs (e.g., acronyms, terms associated with MCs such as “sick leave”, “medical leave” or “medical excuse”, or any form of visual or graphic representation) in their advertisements?**

- No, licensees are not allowed to mention or reference MCs, if such references could be construed as an advertisement of the potential to obtain an MC through the licensable healthcare services provided by the licensee.
- The Singapore Medical Council’s Ethical Code and Ethical Guidelines (ECEG) requires doctors to issue MCs only on proper medical grounds arrived at through good clinical assessment.<sup>1</sup>
- Advertising the potential to obtain an MC could give the impression that an MC would be issued regardless of the patient’s complaint or condition. Therefore, such advertisements could have the effect of soliciting or encouraging the use of the licensable healthcare service provided by the licensee, in contravention of Regulation 5(1)(g) of the HCS (Advertisement) Regulations.
- Depending on the context, some examples of advertisements that improperly mention or reference MCs include:
  - “Get MC for as little as \$10.”
  - “Get sick leave MC from the comfort of your couch”
  - “MC in 1 minute!”
  - “Medical Consultation from \$10.”

**20. [Updated on 22 Nov 2024] Are licensees allowed to compare the licensable healthcare services they provide with that provided by other licensees, even though these other licensees are not named?**

- No, licensees are not allowed to compare their licensable healthcare services provided with that of other licensees.
- Such advertisements could contravene Regulation 5(1)(c)(iii) and (iv) of the HCS (Advertisement) Regulations, which prohibit advertisements that:
  - compare and contrast the quality of the licensable healthcare service provided by the licensee with the quality of the same licensable healthcare service provided by another licensee; or
  - deprecate any licensable healthcare service provided by another licensee.
- Such advertisements could contravene these prohibitions even though other licensee(s) may not be named. Depending on the timing and context, certain references in the advertisement, when taken together with information in the public domain, could be understood as references to certain licensees.

<sup>1</sup> Guideline B4(1).

- As an illustration, there might have been news reports that named a licensee which provided consultations that lasted for only one second. Under these circumstances, if an advertisement contains the claim that the licensee does not do “one-second consults”, this could be construed as a comparison with and reference to the licensee named in the news reports. The advertisement could contravene the above prohibitions if it suggests that the licensee does not do “one-second consults”.

**21. [Updated on 22 Nov 2024] Are licensees offering teleconsultations allowed to mention or to otherwise give the impression in their advertisements that the teleconsultations that they provide can be completed within a specified duration?**

- Licensees offering teleconsultations are not allowed to mention or to otherwise give the impression that the teleconsultations that they provide could be completed within a specified duration in their advertisements, if this would be factually inaccurate, exaggerated, false, misleading or deceptive, and thereby in contravention of Regulation 5(1)(a) of the HCS (Advertisement) Regulations.
- The duration of the teleconsultation must be sufficient for a proper clinical evaluation to be conducted and for the provision of medical advice, where appropriate. Therefore, the duration would vary depending on each individual patient and his or her individual condition. Such advertisements may therefore be factually inaccurate, exaggerated, false, misleading or deceptive, if the duration advertised is unrealistic for not factoring in these considerations.
- Depending on the context, examples of such advertisements include:
  - “Teleconsultation completed within 1 minute.”
  - “Our teleconsultations usually do not take more than 60 seconds.”

**Diagram 1: Decision Tree in Guiding Key Legislation to Refer to**

