



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

Ordre des praticiens en médecine traditionnelle
chinoise et des acupuncteurs de l'Ontario

NOTICE TO MEMBERS

August 04, 2016

Background:

On May 2, 2016, Council approved the proposed Standard of Practice (7): Advertising for circulation for consultation.

The Standard of Practice will help assist members in complying with the College's Professional Misconduct Regulation as it relates to advertising.

Advertising is any message under the member's direct or indirect control that communicates information about a member, his or her practice, what services he or she may offer, and fee information.

Advertisements impact how the public will perceive the profession. As such, this Standard of Practice will ensure that member's advertisements will be professional in appearance and tone.

The Standard of Practice will also address professional titles, designations, and language issues.

Deadline

We look forward to receiving your written comments by the **October 04, 2016 deadline**.

Please submit your comments by email (preferred) to info@ctcmpao.on.ca

Alternatively, you may fax your submission to (416) 214-0879 or mail your submission to:

Purposed By-Law Feedback
College of Traditional Chinese Medicine Practitioners and
Acupuncturists of Ontario
705- 55 Commerce Valley Drive
Thornhill, ON
L3T 7V9

For more information about the College and its activities, please visit our [website](#)



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DRAFT STANDARD OF PRACTICE (7): ADVERTISING

Standard of Practice: Advertising

Note to readers: In the event of any inconsistency between this document and the legislation that affects traditional Chinese medicine and/or acupuncture practice, the legislation governs.

Intent

The intent of this standard is to assist members to comply with the law in Ontario, specifically, the College's Professional Misconduct Regulation. Several paragraphs in the Professional Misconduct Regulation relate to advertising. This standard describes the College's expectations for members involved in advertising.

Background

Advertising is any message under the member's direct or indirect control that communicates information about a member, his or her practice, what services he or she may offer, and fee information. Advertising must be factual, accurate, easily verified, independent of personal opinion, understandable and professionally appropriate. It cannot include any information that is misleading by either leaving out relevant information, or include non-relevant, false, or unverifiable information.

Advertisements impact how the public will perceive the profession. As such, all advertisements need to be professional in appearance and tone.

Advertising can be in any medium and in any language. Advertising may include (but is not limited to) the following:

- Radio
- Television
- Websites
- Print based notices – i.e., letterheads, newspapers, magazines, journals, flyers, business cards
- Contact listing services – i.e., yellow pages
- Social Media – i.e., Facebook, LinkedIn, Twitter, YouTube, Weibo, WeChat, WhatsApp, Internet Forums, etc.

Members must take reasonable steps to ensure that advertisements placed by others (i.e., employees, marketing consultants, etc.) meet these standards. This can include making the employer aware of the standard and requesting changes (in writing) that do not comply with the standard.

General Expectations

- Refrain from guaranteeing a certain result. Each patient is individual and will respond to traditional Chinese medicine individually. As such, members are unable to guarantee any result with any patient.
 - For example, members cannot state that receiving acupuncture will increase their chance of successful conception. Each patient will respond to treatment differently.

- Be mindful of the inherent power balance between members and patients. This power balance is greater when the patient is in a vulnerable population.
 - Members should take this into consideration so as to ensure that their advertising does not create a demand for unnecessary treatment.
 - Members must be mindful of all claims as any claim about a remedy, treatment, device or procedure must be supported by reasonable professional opinion.
 - Advertising cannot involve pressuring vulnerable persons or patients. Calling people by telephone or sending them an email to ask them to become patients is unprofessional. However, it is acceptable to remind existing patients of appointments, new developments or changes in the office as long as it is done in a professional manner.
- Ensure the information about the member, his or her practice, what services he or she may offer, and fee information, are current and accurate.

Registered Name and Advertising Language

- Members must advertise in the same name they used to register with the College (the “Registered Name”).
 - To do otherwise would cause confusion and misplace the accountability of the member to his or her patients.
- If a member is using a common name in his or her advertising, the member’s legal name will also be listed. Both names must be registered with the College.
 - Members must only practise the profession in the names that are registered with the College. They may advertise with a common name, but the legal name must also be present.
- When advertising in a different language, the member ensures that his or her registered name appears in the advertisements. The registered name must be the name listed in the College Register.
 - This applies to all forms of advertising i.e. print based mediums, social media, or practice based social media. For example, if a member advertises in a foreign language newspaper, the advertisement may be in a different language but the member’s name must appear as the registered name.

Social Media and Testimonials

- When using social media, ensure any advertising is consistent with this Standard.
- The name registered with the College must be used, regardless of the language used on any social media. The registered name should be easily visible and verifiable to the public.
- Members cannot post patient (or former patient) testimonials, comments or pictures.
 - For example, members cannot provide before and after pictures of how one's services improve a patient's appearance as this is inherently misleading and unverifiable.
 - Even if information is anonymized, it can still qualify as a testimonial.
 - If the member becomes aware that a testimonial about the member is on another site not controlled by the member, the member must make all reasonable efforts to have the testimonial removed.

Terms, Titles, and Designations

- Members must use appropriate titles on all advertisements and do not use titles that are not authorized by law or the College.
 - Under the *Traditional Chinese Medicine Act, 2006, S.O. 2006, c.27*, there are two protected designations and titles:
 - R. TCMP, Traditional Chinese Medicine Practitioner and/or Acupuncturist
 - R. Ac, Acupuncturist
- Members must only use the title and designation given to them by the College for their class of registration.
 - Members of this College cannot use the title of Doctor.
 - Non-Ontario qualifications need to be verifiable and clearly stated. For example, if a member obtained an MD in India, this must be clearly stated MD (India).
- Members cannot use titles that infer expertise or a specialty.
 - The College does not currently have any areas of specialties and as such, it would be misleading to the public to claim any level of expertise or specialty.

- Members cannot refer to themselves as a “Pediatric”, “Gynecological” or “Chief” acupuncturists or TCM practitioners.
- Members cannot refer to themselves as “Senior” Acupuncturists, or “Head” TCM Practitioners/Acupuncturists.

Billings and Fees

- Fees cannot be excessive.
 - Fees or prices advertised should meet expectations for honesty and accuracy (generally accepted rates for the profession).
 - Fees should not be misleading or hard to understand. Fees are to be clearly understood by all.
 - Prior to receiving treatment, patients must be advised of the fee to be charged for the treatment so that they can make an informed decision before proceeding with the service.
 - Fees should be itemized so that the patient is clearly aware of what the member charged for each service and product.
- Refrain from offering or giving a reduction of fees in exchange for prompt payment.
 - Fees for service should be objective and fair. Members should not unduly pressure patients to pay their accounts. As such, fees for treatment should be consistent and should not reduce as a result of patients paying more quickly than needed.

Legislative Context

O. Reg. 318/12: Professional Misconduct, under the *Traditional Chinese Medicine Act, 2006*, S.O. 2006, c. 27.

Acts of professional misconduct

1. The following are acts of professional misconduct for the purposes of clause 51 (1) (c) of the Health Professions Procedural Code:

1. Contravening, by act or omission, a standard of practice of the profession or failing to maintain the standard of practice of the profession.
7. Recommending or providing unnecessary treatment when the member knows or ought to know that the recommendation or the provision of treatment is unnecessary.
19. Submitting an account or charge for services that the member knows or ought to know is false or misleading.
20. Charging a fee that would be regarded by members as excessive in relation to the service provided.
21. Failing to advise a patient or a patient's authorized representative, prior to providing a service, of the fee to be charged for the service or of any penalties that will be charged for late payment of the fee.
22. Failing to itemize an account for professional products or services while practising the profession.
23. Offering or giving a reduction for prompt payment of an account.
24. Breaching, without reasonable cause, an agreement with a patient or a patient's authorized representative relating to professional services for the patient or fees for such services.
28. Making a claim about a remedy, treatment, device or procedure other than a claim that can be supported as reasonable professional opinion.
29. Permitting the advertising of the member or his or her practice in a manner that is false or misleading or that includes statements that are not factual and verifiable.
30. Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member's practice.
31. Soliciting or permitting the solicitation of an individual in person, by telephone, electronic communications or other means unless,
 - i. the person who is the subject of the solicitation is advised, at the earliest possible time during the solicitation, that,
 - A. the purpose of the communication is to solicit use of the member's professional services, and
 - B. the person may elect to end the solicitation immediately or at any time during the solicitation if he or she wishes to do so, and
 - ii. the communication ends immediately if the person who is the subject of the solicitation so elects.
32. Using a term, title or designation in respect of the member's practice that is not authorized by the College.
33. Using a term, title or designation indicating or implying a specialization in an area or areas of practice of the profession where the use of the term, title or specialty designation is not authorized by the College.
34. Practising the profession or offering to provide services using a name other than the member's name as set out in the register.
39. Contravening, by act or omission, a provision of the Act, the *Regulated Health Professions Act, 1991* or the regulations under either of those Acts.