



College of Traditional Chinese Medicine
Practitioners and Acupuncturists of Ontario

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

ADVERTISING GUIDELINE

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Introduction

The advertising guideline is designed to provide guidance to members of the College on the appropriate and acceptable methods of advertising their practice and profession. The guideline will also educate members of the public as to what they can expect from members of the College. This guideline is intended to assist members in complying with the **Standard of Practice (7): Advertising**.

The Standard of Practice (7): Advertising, states that:

- Members must refrain from guaranteeing a certain result
- Advertising cannot create a demand for unnecessary treatment
- Members must be mindful of all claims made in advertisements
- Advertising cannot involve pressuring vulnerable persons or patients

In this digital age, it is also important to recognize that a member's online presence is as important as the advertising provided in a clinic. Informative, professional and ethical advertising ensures that the public makes knowledgeable decisions on their health care. **Members are accountable for all advertising related to their practice regardless of their involvement in their clinic's advertising practices.**

Members may submit proposed advertisements to the College for review if they are unsure whether the advertisements conform to the Standard.



What is 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. 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 including non-relevant, false, or unverifiable information.

Advertising can be in any medium and in any language, however, the member must advertise using the name registered with the College. 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.



General Expectations

Refrain from guaranteeing a certain result.

Members are unable to guarantee any results with any patient. Each patient responds to treatment differently and a "one size fits all" approach to treatment is misleading.

MAY STATE

- ✓ Acupuncture services may be used to treat the following conditions:
- ✓ Herbal prescriptions may help aid in weight loss.
- ✓ Use...
"may be able to help",
"may relieve"

MAY NOT STATE

- ✗ Our acupuncture treatment will increase your chances of conception!
- ✗ We are the BEST!
- ✗ Lose 20 pounds guaranteed!
- ✗ Do not use expressions such as...
"will help", "will cure",
"can cure", "relieves"

Advertising should not create a demand for unnecessary treatment.

An inherent power imbalance between members and patients exists because patients trust and rely on members for health information. Members must ensure that their advertising cannot be interpreted as an intention to create a demand for unnecessary treatment.

EXAMPLE:

- Advertising or offering of a product, service or treatment prior to the patient visit.
(eg. Free tuina massage with every acupuncture session booked, or free herbs with treatment)

✓ ACCEPTABLE

DO YOU SUFFER FROM ANY OF THE FOLLOWING CONDITIONS?

Back & Neck Pain • Headaches • Arthritis • Sciatica
Hay Fever • Poor Digestion • Poor Circulation • Acne

Our acupuncture services may be able to help!

Call today:
123-456-7890
FREE consultation

BEAUTIFUL
Acupuncture

Our herbal
prescriptions
may help with
weight loss

✗ NOT ACCEPTABLE

OUR ACUPUNCTURE SERVICES WILL CURE THE FOLLOWING:

Infertility • Headaches • Arthritis • Sciatica
Hay Fever • Poor Digestion • Poor Circulation • Acne

FREE herbs with any treatment over \$100

Call today:
123-456-7890
We're the Best!

BEAUTIFUL
Acupuncture

Lose 20 lbs
in 1 week
GUARANTEED

General Expectations ...continued

Members must be mindful of all claims made in advertisements.

Any claim about a remedy, treatment, device or procedure must be factual and verifiable. Advertisements must not contain any statement that cannot be verified. Providing the public with accurate, factual, objective and verifiable information to make an informed choice in health care is in the public's best interest. This factual information must be independent of personal feelings, beliefs, opinions or interpretations. Subjective opinions may cause confusion and create lack of trust.

EXAMPLE:

- ✗ Our practitioners are number one in the World.
- ✗ Acupuncture is 100% effective for infertility.

QUESTIONS TO ASK:

- Is this information verifiable ?
- Is this information accurate ?
- Is this information misleading to the public ?
- Would members of the public be misled to believe your practitioners are better than others because you claim to be number one ?

- These statements cannot be verified and are not accurate. They may mislead the public or indicate that one practitioner is better than another.

Instead use statements such as:

- ✓ Our practitioners have been practising traditional Chinese medicine for 10 years.
- ✓ Acupuncture may be able to help women conceive.

General Expectations ...continued

Advertising must not 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.

Any advertising that targets and pressures vulnerable persons, such as the elderly or those with terminal illnesses, is not acceptable.

Advertising must be current and accurate.

Advertising must ensure the information about the member, his or her practice, what services he or she may offer, and fee information is current and accurate. Members may advertise the professional services offered by them that are authorized by law or **within the scope of practice of TCM and Acupuncture.**

Members should ensure that they are competent by reason of their education, training and/or experience to provide the service(s) advertised, or to act in the manner or professional capacity advertised.

EXAMPLE:

- Practitioner A is an R. Ac who operates an independent clinic. Practitioner A may not advertise services that are outside of his/her scope of practice such as herbal prescriptions, spinal corrections, botox, etc.

✓ ACCEPTABLE

ACUPUNCTURE CLINIC NOW OPEN!
Private Sessions • Community Acupuncture
Training and Support • Free Consultations
Our acupuncture services may be able to help!
Di Di Chen, R.Ac
BEAUTIFUL
Acupuncture
Call today:
123-456-7890
FREE consultation
Senior discounts available!

✗ NOT ACCEPTABLE

SPINAL CORRECTIONS NOW AVAILABLE
Herbal Consultations • Acupuncture Sessions
Chiropractic Services • Massage Therapy
Your one stop shop for curing your body!
Di Di Chen, R.Ac
BEAUTIFUL
Acupuncture
Call today:
123-456-7890
We're the Best!
Ask about our many other service!

Registered Name & Advertising Language

Members must advertise and practice the profession using the name they have registered with the College (the "Registered Name"). Members of the public rely on the Public Register to ensure that their practitioner is a licensed professional. If the member does not advertise in his/her Registered Name, it may cause confusion and misplace the accountability of the member to his/her patients. Members may advertise with a common name, but the legal name must also be present and both names must be registered with the College.

EXAMPLE:

- "Daisy Di Di Chen" advertises herself as "Daisy Chen", but she is only registered under the name "Di Di Chen." A member of the public checks the Public Register to ensure Daisy Chen is registered and cannot find her listed.

Public Register Search

The College of Traditional Chinese Medicine Practitioners and Acupuncturists of Ontario maintains a register of members according to the requirements of its By-laws and the *Regulated Health Professions Act, 1991* (Statutes of Ontario 1991, Chapter 18). The current registry includes members in Grandparented and General classes of registration holding the following titles (designations):

- Traditional Chinese Medicine Practitioners can use the designation R. TCMP and are authorized to practice traditional Chinese medicine providing to patients a combination of therapies including TCM herbal medicine and acupuncture within the scope of traditional Chinese medicine practice; they are also entitled to use the title Acupuncturist and the designation R. Ac.
- Acupuncturists can use the designation R. Ac and are authorized to practice traditional Chinese medicine using acupuncture, including tuina, cupping and moxibustion etc., excluding TCM herbal medicine.

Members can be identified using the following codes to define their classes and titles of registration:

- GEN- R. TCMP - A general class certificate for a registered traditional Chinese medicine practitioner
- GEN- R. Ac - A general class certificate for a registered acupuncturist
- GEN- R. TCMP (Prov.) - A general class certificate for a registered provisional traditional Chinese medicine practitioner
- GEN- R. Ac (Prov.) - A general class certificate for a registered provisional traditional Chinese medicine practitioner
- GP- R. TCMP - A grandparented certificate for a registered traditional Chinese medicine practitioner
- GP- R. Ac - A grandparented certificate for a registered acupuncturist

Registration Number:

First Name:

Last Name:

City:

Clinic Name:

There are no records to display.

ACCEPTABLE

✓ Di Di Chen

NOT ACCEPTABLE

✗ Daisy Chen

✗ Di Chen

✗ Daisy Di Di Chen

When advertising in a different language, the member must ensure that his or her Registered Name appears in the advertisements. 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

A few helpful hints:

- Don't provide clinical advice to specific patients through social media. It is acceptable, however, to use social media to disseminate generic medical or health information for educational or information sharing purposes.
- Protect your reputation, the reputation of the profession, and the public trust by not posting content that could be viewed as unprofessional.
- In order to ensure compliance with legal and professional obligations to maintain privacy and confidentiality, exercise caution when posting information online that relates to a patient. Remember: an unnamed patient may still be identified through a range of other information.
- Avoid establishing personal connections with patients or persons closely associated with you online. This may not allow members to maintain appropriate professional boundaries. It is acceptable to create an online connection with patients for professional purposes only.



Social media is the collective of online communication channels dedicated to community-based input, interaction, content sharing and collaboration. Some common examples include Facebook, Twitter and LinkedIn. Social media may be used for both personal and professional purposes. Many practitioners are starting to use social media in their practices to interact with patients, and to share content with the public.



Testimonials

Members must not post patient (or former patient) testimonials, comments or pictures.

For example, members may not provide before and after photos of how one's services improve a patient's appearance as this is inherently misleading and unverifiable. Even if information is provided anonymously, it can still qualify as a testimonial. Members should not encourage or allow patients to leave testimonials. These are often a subjective statement from a patient or other individual expressing an opinion about the nature or quality of the member's services. As such, testimonials may mislead the public.

The College recognizes that members do not have control over third party websites such as RateMD, Yelp or Google. If the member becomes aware that a testimonial is on another site, the member must make all reasonable efforts to have the testimonial removed. A reasonable step would be to contact these types of websites and keep a record of your attempts in the event that the College inquires about the advertising. For example, RateMD has an email where concerns can be reported.

EXAMPLE:

- ✗ I recommend Mr. X if you have back pain. Within 3 treatments I no longer felt the pain I had felt for a lifetime!
- ✗ Ms. X is friendly, professional and always sees me on time.

QUESTIONS THE PUBLIC MAY THINK:

- Does Mr. X cure back pain?
- If I see this practitioner, he can help me too. Maybe he is better than the practitioner I am currently seeing.
- Is this a one sided opinion?
- Does this testimonial make it seem other practitioners are not always friendly, professional and punctual?

Success Cases

Some members advertise success cases. Although these case studies do not contain patient names or personal information and seem to contain verifiable facts, they usually appear to be a listing of numerous "successful cases" and do not include unsuccessful cases. This is a one-sided approach to advertising which may be misleading to the public and provide a false sense of success from treatment. The College does not recommend this type of advertising as it appears to be testimonial-like. If a member decides to advertise in this way, the member must ensure that the public receives all the information necessary to make an informed decision.

Terms, Titles & Designations

Under the Traditional Chinese Medicine Act, 2006, only the College has the authority to establish educational and examination requirements for the profession. No other organization's certification programs or examinations are legally recognized in Ontario.

The title and designation that each class of registered members may use in their dealings with the public and their colleagues are set out below:

Certificate of Registration	Title	Designation
Grandparented	<ul style="list-style-type: none"> Traditional Chinese Medicine Practitioner Acupuncturist 	<ul style="list-style-type: none"> R. TCMP R. Ac
General	<ul style="list-style-type: none"> Traditional Chinese Medicine Practitioner Acupuncturist 	<ul style="list-style-type: none"> R. TCMP R. Ac
Student	<ul style="list-style-type: none"> Student Traditional Chinese Medicine Practitioner Student Acupuncturist 	
Inactive	<ul style="list-style-type: none"> Traditional Chinese Medicine Practitioner (Inactive) Acupuncturist (Inactive) 	<ul style="list-style-type: none"> R. TCMP (Inactive) R. Ac (Inactive)
Temporary	<ul style="list-style-type: none"> Traditional Chinese Medicine Practitioner (Temp.) Acupuncturist (Temp.) 	<ul style="list-style-type: none"> R. TCMP (Temp.) R. Ac (Temp.)

Only qualified practitioners who meet the requirements of the College and who practice to the professional and ethical standards of the College are authorized to use these titles and designations. Having a uniform, clear and easily understood title and designation for members to use ensures that there is no confusion to the public.

Upon proclamation of the Traditional Chinese Medicine Act, 2006 in April 2013, members of the College are not able to use a term, title or designation that is not authorized by the College. This includes those that indicate or imply a specialization such as D. Ac, DOMP, etc. If a member is also registered with another regulatory health profession, the member may use the titles authorized by those Colleges (e.g., RMT).

Accurate descriptions of one's additional education, training and certification may be included in one's biography or résumé so long as they do not indicate or imply specialization. However, other than basic, legitimate educational degrees (e.g., PhD), other terms, titles or designations must not be used after one's name (e.g., on business cards, letterhead, promotional material or office signage).

EXAMPLE:

✓ ACCEPTABLE



BEAUTIFUL
Acupuncture

Di Di Chen, R. Ac

Ms. Chen is an MD in China, and has a PhD in Traditional Chinese Medicine and a Diploma of Acupuncture.

✗ NOT ACCEPTABLE



BEAUTIFUL
Acupuncture

**Di Di Chen, MD (China),
PhD, D.Ac., R. Ac**

Ms. Chen has many years of study in Traditional Chinese Medicine.

■ D. Ac misleads the public to believe that Ms. Chen is a Doctor of Acupuncture. Terms, titles or designations that indicate or imply specialization, or are not authorized by the College are not permitted.

Terms, Titles & Designations ...continued

If a member has a PhD, and uses the Doctor title in an academic context, and not in the course of offering or providing healthcare, the College has no issues with the use of Doctor title. Section 33 of the *Regulated Health Professions Act, 1991* states "Except as allowed in the regulations under this Act, no person shall use the title "doctor", a variation or abbreviation or an equivalent in another language in the course of providing or offering to provide, in Ontario, health care to individuals."

Members may not use titles that infer expertise or a specialty.

The College does not currently have any areas of specialities and as such, it would be misleading to the public to claim any level of expertise or specialty. Members may not refer to themselves as a "Pediatric", "Gynecological" or "Chief" Acupuncturists or TCM practitioners. Members may not refer to themselves as "Senior" Acupuncturists, or "Head" TCM Practitioners/Acupuncturists. While the College recognises that some members may receive training in a specialized field and that a large number of their clients may present with similar conditions, members must not advertise that they are specialists in an area.

EXAMPLE:

ACCEPTABLE

- ✓ Conditions we have treated include: a. b. c....

NOT ACCEPTABLE

- ✗ We are specialist in ...
- ✗ Our specialists can treat...



Billings & Fees

The College does not set fees for the members to charge, nor is this part of the mandate of the College. However, fees must meet expectations for honesty and accuracy (generally accepted rates for the profession) and must not be excessive. A fee is excessive when it takes advantage of a patient or is so high that the profession would conclude that the member is exploiting patients. Prior to receiving treatment, patients must be advised of the fee to be charged so that they can make an informed decision before proceeding.

Members may advertise their fees but it must be clear and should not be misleading or hard to understand. Members are encouraged to advertise their fees using a clear list with descriptions of services provided. The list of fees must include all charges such as administration fees, and penalties for late payment, missed appointments or cancellations on short notice. By itemizing fees, the patient is clearly aware of what the member is charging for each service and product.

Members are expected to bill per service and are not permitted to accept payment in advance of treatment. This means that a receipt should be provided after each and every treatment. An example of an unaccepted practice would include accepting payment for ten treatments up front. Invoicing patients prior to treatment means a member is falsifying records and submitting charges for treatments that have not yet occurred. If the patient saw results before ten treatments, the member would be providing unnecessary treatment. The College does not recommend accepting post-dated cheques for multiple treatments as it puts the member at risk of a billing dispute with their patient. Additionally, the patient may claim to have been billed for treatments not rendered.

Members must not offer a reduction in fees as a result of patients paying more quickly. Doing so would give wealthier patients an advantage. Members may, at their discretion, provide discounts as long as they meet the Standards of the College, are not discriminatory or put certain patients at a disadvantage, and clearly advertised. Some members also offer "free" consultations. If a member chooses to do so, the advertisement must be honest. The consultation must be complete and not just a partial service, and there must be no requirement to attend a second time (e.g., to get the results). There must also be no hidden charges.

EXAMPLE:

ACCEPTABLE

- ✓ "Student discount: 20% off posted treatment prices"
- ✓ "When you complete 10 sessions, you will not be charged for your 11th session"



NOT ACCEPTABLE

- ✗ "If you pay immediately, I will reduce the amount you have to pay by 20%"
- ✗ "Buy 10 sessions now and receive the 11th session free"



Legislative Context

Below is a list of the acts of professional misconduct from the Ontario Reg. 318/12:

Professional Misconduct, under the *Traditional Chinese Medicine Act, 2006*, which are spoken to in the advertising standard. The College recommends you review the Act regularly to ensure you are aware and compliant.

Acts Of Professional Misconduct

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.

Advertising Checklist

Is the advertised information:

- ☐ Factual
- ☐ Accurate
- ☐ Easily verified
- ☐ Independent of personal opinion
- ☐ Understandable
- ☐ Professionally appropriate

Does the advertised information:

- ☐ Meet the Standards of Practice (7): Advertising
- ☐ Use a public medium
- ☐ Relate to the scope of practice of TCM/Acupuncture
- ☐ Facilitate informed choice

Does the advertisement avoid:

- ☐ Promoting a demand for unnecessary service
- ☐ The use of endorsements, testimonials or guarantees



When considering the content of an advertisement, members may find the checklist helpful. This is not an exhaustive list, but rather it is intended to provide members with an optional tool to facilitate the application of the Advertising Standard in practice.

This checklist is not intended to be a substitute for thorough reading and understanding of the expectations outlined in the Standard and expanded upon in this Guideline, and should not be used in isolation.





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