



MINISTRY OF HEALTH
SINGAPORE

Date: 10 May 2023

(BY EMAIL)

The Association of Podiatric Medicine (Singapore)
1090 Lower Delta Road
#06-06
Singapore 169201

Dear Sir/ Madam,

This letter is to:

- a) inform The Association of Podiatric Medicine (Singapore) (“APM(S)”) of two advertising provisions under Section 31A¹ and 31B² of the Healthcare Services Act (HCSA) that non-licensed healthcare service providers and non-registered healthcare professionals will have to comply with when advertising their services; and
- b) seek APM(S)’s assistance to inform and remind members about the two advertising provisions that will come into force in June 2023.

Background

2 HCSA was enacted in 2020 with the aim of safeguarding patient safety and welfare while allowing the MOH to adopt a more flexible approach in regulating and catering to the evolving healthcare landscape. HCSA is being implemented progressively in three (3) phases from January 2022 to December 2023.

3 Apart from regulating licensed healthcare service providers, an enhanced advertising control is also introduced under HCSA for (a) non-HCSA licensed healthcare service providers and (b) non-registered healthcare professionals. The purpose is to ensure that consumers are not provided with false or misleading information; and are not enticed to use healthcare services which may not be necessary.

Two advertising provisions under HCSA that non-HCSA licensed healthcare service providers and non-registered healthcare professionals will have to comply with

4 Non-HCSA licensed healthcare service providers and non-registered healthcare professionals such as podiatry clinics and podiatrists respectively will need to take note and comply with two advertising provisions under HCSA when advertising their services, viz.:

¹ Please refer to Annex A.

² Please refer to Annex B.

- A. **Section 31A** of HCSA which restricts any persons (apart from HCSA licensed healthcare service providers) from advertising any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body; and
- B. **Section 31B** of HCSA which imposes restrictions on the use of the title 'Doctor' or any abbreviation or derivative of that title ("protected title") by non-registered healthcare professionals in healthcare advertisements.

A. Section 31A of HCSA - Advertisements by persons (apart from HCSA licensed healthcare service providers)

5 Section 31A of HCSA is largely ported over from section 4³ of the Medicines (Advertisement and Sale) Act which restricts any persons (apart from HCSA licensed healthcare service providers) from advertising any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body.

6 Under Section 31A of HCSA, non-HCSA licensed healthcare service providers such as podiatry clinics and podiatrists **cannot advertise treatments of any ailment, disease, injury, infirmity or condition affecting the human body**. For example, an advertisement by a podiatry clinic cannot state "podiatry services can treat arthritis". Instead, non-HCSA licensed healthcare service providers may consider using other terms which truthfully states the nature of the service that they provide such as describing the service offered as supporting the management of a particular condition, instead of treating the condition.

B. Section 31B of HCSA - Restrictions on use of "protected title" by non-registered healthcare professionals

7 Section 31B of HCSA requires a person who advertises a healthcare service and, in the advertisement, refers to any person who is a non-registered healthcare professional by the title 'Doctor' or any abbreviation or derivative of that title ("protected title") must include in the healthcare advertisement —

- (a) the non-registered healthcare professional's educational qualification in relation to the use of the "protected title" whenever the "protected title" is used in the healthcare advertisement; and
- (b) where the non-registered healthcare professional's educational qualification mentioned in paragraph (a) is not a medical or dental qualification — a disclaimer stating that fact.

8 For example, in the case of a podiatrist who has obtained a Doctor of Podiatric Medicine qualification, if he/ she is being referred to by the title 'Doctor' or any abbreviation or derivative of that title in a healthcare advertisement⁴, he/she must **state his/her educational qualification in relation to the use of the "protected title" and a disclaimer stating the fact that his/ her educational qualification is not a medical or dental qualification**.

9 Please refer to the two examples appended below on how the relevant information can be included in an advertisement:

³ Please refer to Annex C.

⁴ 'healthcare advertisement' includes a chiropractor's curriculum vitae on the provider's website advertising the services.

Example 1

Dr ABC

Doctor of Podiatric Medicine (XYZ College, USA) – not a medical or dental qualification

Example 2

Dr DEF [Doctor of Podiatric Medicine (XYZ College, USA) – not a medical or dental qualification] is a podiatrist who has over 8 years of experience.

For PA(S)'s assistance

10 We have been alerted that some of the current advertisements by podiatry clinics and podiatrists do not meet the requirements under Section 31A and 31B of HCSA.

11 We seek PA(S)'s assistance to inform and remind members of the two advertising provisions under Section 31A and 31B of HCSA which will come into force in June 2023, and for all members to ensure that their advertisements made in any format will be in compliance with the HCSA.

12 Thank you.

Yours sincerely,



**ADJ ASSOCIATE PROF (DR) RAYMOND CHUA
DEPUTY DIRECTOR-GENERAL OF HEALTH
HEALTH REGULATION GROUP
MINISTRY OF HEALTH**

Section 31A of the Healthcare Services Act 2020 states:

Advertisement of non-licensable healthcare services

(1) Subject to subsection (2), a person (called in this section the advertiser) must not advertise, or cause to be advertised, any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body so as to induce any person to seek the advice of or treatment from the advertiser or any person referred to in the advertisement in connection with that skill or service.

(2) Subsection (1) does not apply in relation to the advertisement of a licensable healthcare service provided by a licensee, where the advertisement is published by the licensee or a person acting on the authority of the licensee.

(3) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) 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.

(4) In any proceedings for an offence under subsection (3), it is a defence for the person charged to prove, on a balance of probabilities, that the advertisement was published only in a publication of a technical character intended for circulation mainly amongst persons of the following classes, or of one or some of them:

- (a) medical practitioners;
- (b) dentists;
- (c) registered nurses and midwives;
- (d) registered pharmacists and holders of licences to sell poisons set out in the Schedule to the Poisons Act 1938;
- (e) persons undergoing training with a view to becoming registered medical practitioners, registered dentists, registered nurses or registered pharmacists.

(5) Where in any proceedings for an offence under subsection (3) it is proved that an advertisement was referring to any skill or service provided by the person charged, then, unless the contrary is proved, it is to be presumed for the purpose of these proceedings that the person charged had advertised or caused the advertisement of the skill or service, but without prejudice to the liability of any other person.

Section 31B of the Healthcare Services Act 2020 states:

Restrictions on use of protected title

(1) A person who advertises, or causes to be advertised a healthcare service and in the advertisement refers to any person who is not a specified person (called in this section the subject person) by a protected title must include in the healthcare advertisement —

- (a) the subject person’s educational qualification in relation to the use of the protected title whenever the protected title is used in the healthcare advertisement;
- (b) where the subject person’s educational qualification mentioned in paragraph (a) is not a medical or dental qualification — a disclaimer stating that fact;
- (c) where the subject person is not a specified person only because the subject person does not hold a valid practising certificate under the Act that the subject person is registered — a disclaimer stating that the subject person does not hold such a valid practising certificate; and
- (d) where the subject person has a medical or dental qualification — a disclaimer stating that the subject person does not hold a valid practising certificate under the Medical Registration Act 1997 or Dental Registration Act 1999, as the case may be.

(2) A person who contravenes subsection (1) shall be guilty of an offence and shall be liable on conviction —

- (a) to a fine not exceeding \$20,000 or to imprisonment for a term not exceeding 12 months or to both; and
- (b) 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.

(3) In this section —

“advertisement” includes any notice, circular, pamphlet, label, wrapper or other document, any announcement made orally or by any means of producing or transmitting light or sound and any other form of advertising;

“medical or dental qualification” means any degree, diploma or other qualification that is recognized or approved in any jurisdiction to enable or entitle the holder of the degree, diploma or qualification to practise as a medical practitioner or dentist (as the case may be) in that jurisdiction;

“protected title” means the title “Doctor”, or the abbreviation or derivative of that title, in any language

“specified person” means an individual who is —

- (a) an allied health professional who is registered under the Allied Health Professions Act 2011 and holds a valid practising certificate under that Act;
- (b) a dentist or an oral health therapist who is registered under the Dental Registration Act 1999 and holds a valid practising certificate under that Act;
- (c) a medical practitioner who is registered under the Medical Registration Act 1997 and holds a valid practising certificate under that Act;
- (d) a nurse or midwife who is registered, or an enrolled nurse who is enrolled, under the Nurses and Midwives Act 1999 and holds a valid practicing certificate under that Act;
- (e) an optometrist or optician who is registered under the Optometrists and Opticians Act 2007 and holds a valid practising certificate under that Act;

- (f) a pharmacist who is registered under the Pharmacists Registration Act 2007 and holds a valid practising certificate under that Act; or
- (g) a traditional Chinese medicine practitioner who is registered under the Traditional Chinese Medicine Practitioners Act 2000 and holds a valid practicing certificate under that Act.

Section 4 of the Medicines (Advertisement and Sale) Act states:

Prohibition of advertisements relating to medical skill or service

4. No person shall take part in the publication of any advertisement referring to any skill or service relating to the treatment of any ailment, disease, injury, infirmity or condition affecting the human body so as to induce any person to seek the advice of the advertiser or any person referred to in the advertisement in connection with such skill or service.