

# **Healthcare Services (Advertisement) Regulations 2021**

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### **No. S 1033**

#### **HEALTHCARE SERVICES ACT 2020 (ACT 3 OF 2020)**

#### **HEALTHCARE SERVICES (ADVERTISEMENT) REGULATIONS 2021**

In exercise of the powers conferred by section 57 of the Healthcare Services Act 2020, the Minister for Health makes the following Regulations:

#### **Citation and commencement**

1. These Regulations are the Healthcare Services (Advertisement) Regulations 2021 and come into operation on 3 January 2022.

#### **Definitions**

2. In these Regulations, unless the context otherwise requires —

“advertise” means to publish, disseminate or convey any information that is related to the provision of a licensable healthcare service, for the purpose of promoting (directly or indirectly) that licensable healthcare service;

“advertisement”, in relation to a licensable healthcare service, means any information that is published, disseminated or conveyed, or caused to be published, disseminated or conveyed, by any means or in any form or medium, to advertise that licensable healthcare service;

“authorised person”, in relation to a licensee, means a person mentioned in section 31(1)(b) of the Act who is acting on the authority of the licensee in advertising a licensable healthcare service that the licensee is authorised to provide under a licence or causing that licensable healthcare service to be advertised;

“authorised publisher”, in relation to a licensee, means an authorised person

who —

- (a) acting on the authority of the licensee, publishes or causes to be published an advertisement relating to a licensable healthcare service that the licensee is authorised to provide under a licence; but
- (b) does not prepare, determine or influence (wholly or partially) the contents of the advertisement;

“business name”, in relation to a licensee, means the name under which the licensee is authorised by a licence to provide any licensable healthcare service;

“charitable healthcare service provider” means a licensee that is —

- (a) a charity registered under section 5 of the Charities Act 1994; or
- (b) an exempt charity as defined in section 2(1) of the Charities Act 1994,

that is established to provide healthcare services;

“contact information”, in relation to a licensee, means all or any combination of the following information:

- (a) the business name and logo (if any) of the licensee;
- (b) the location of the licensed premises of or licensed conveyance used by the licensee, including information on the directions to that location;
- (c) the operating hours of the licensee;
- (d) the telephone number or email address of the licensee or any individual employed or engaged by the licensee to assist the licensee in the provision of a licensable healthcare service;

“healthcare profession” means any of the following:

- (a) the dental profession;
- (b) the medical profession;
- (c) the nursing profession;
- (d) opticianry or optometry as defined in section 2 of the Optometrists and Opticians Act 2007;
- (e) pharmacy;
- (f) a prescribed allied health profession as defined in section 2 of the Allied Health Professions Act 2011;

- (g) a prescribed practice of traditional Chinese medicine as defined in section 2 of the Traditional Chinese Medicine Practitioners Act 2000;

“healthcare professional” means —

- (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 person who is a registered nurse, a registered midwife or an enrolled nurse under the Nurses and Midwives Act 1999 and holds a valid practising 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 practising certificate under that Act;

“review”, in relation to a licensable healthcare service, includes an opinion, expressed using a numerical or other system of rating, of the quality of the licensable healthcare service.

### **Advertisements to which these Regulations apply**

**3.—**(1) These Regulations apply to an advertisement that is published, disseminated or conveyed, or caused to be published, disseminated or conveyed, by a licensee or an authorised person —

- (a) by any means or in any form or medium; and
- (b) that has a Singapore link.

(2) For the purposes of paragraph (1)(b), an advertisement has a Singapore link in any

of the following circumstances:

- (a) the advertisement is accessible by a person who is physically present in Singapore;
- (b) the advertisement is addressed to a person or class of persons whom the licensee or authorised person knows or has reason to believe is physically present in Singapore.

(3) In determining for the purposes of paragraph (2)(a) whether a person who is physically present in Singapore is capable of having access to the advertisement, it is assumed that the person will not falsify or conceal the person's identity or location.

(4) Except as otherwise provided, these Regulations do not apply to an authorised publisher.

### **Advertisements subject to these Regulations and other written law**

4. Subject to these Regulations and any other written law, a licensee or an authorised person may advertise or cause to be advertised any licensable healthcare service that the licensee is authorised to provide by a licence under the Act.

### **Content of advertisements**

5.—(1) A licensee must ensure that any advertisement that is published, disseminated or conveyed, or caused to be published, disseminated or conveyed, by the licensee or an authorised person (if applicable) complies with all of the following requirements:

- (a) the information contained in the advertisement —
  - (i) must be factually accurate and capable of being substantiated; and
  - (ii) must not be exaggerated, false, misleading or deceptive;
- (b) the advertisement must not —
  - (i) be offensive, ostentatious or in bad taste; or
  - (ii) undermine the honour and dignity of any healthcare profession;
- (c) the advertisement must not contain any information that —
  - (i) implies that the licensee can obtain results from the licensable healthcare service the licensee provides that are not achievable by other licensees;
  - (ii) creates an unjustified expectation from the licensable healthcare