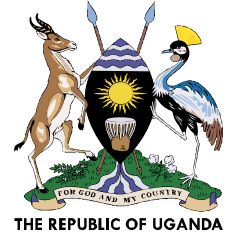




UGANDA MEDICAL AND DENTAL PRACTITIONERS COUNCIL
MINISTRY OF HEALTH

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Uganda Medical and Dental Practitioners Council

**Advertising guidelines for
regulated health services.**

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Section 1. Introduction

The core of Doctor–patient relationship, is trust. The patient trusts that in the hands of the doctor he or she will be handled competently and safely. The Code of Professional Ethical conduct is aimed at maintaining that trust. It states how a doctor will conduct herself/himself in order to provide and maintain the highest ethical standard of behaviour.

Section 5 of these guidelines deal with standard of professional practice and under this section the issue of advertising, touting and canvassing are dealt with. Whereas the code categorically states that canvassing and touting for patients in any manner whatsoever is not allowed, advertising is permitted so long as it is done in a professional manner. The degree to which advertising is allowed vary from country to county but there are basic universally accepted principles:

- a) Communication should be truthful and verifiable.
- b) Consumers have a right to information.
- c) That in this exercise, the focus should be the patient and not the interest of the practitioner.
- d) Health professionals should refrain from self-promotion
- e) Patients are entitled to protection from misleading advertisements.

The medical practice landscape has greatly changed over the years and so has the media for advertisement. These guidelines take this into account.

Section 2: Scope

These guidelines apply to registered and appropriately licensed medical and dental practitioners and their institutions registered in Uganda.

Section 3: Purpose

There is a great need to regulate advertisement in medical practice in a professional manner. The guidelines would help to streamline this.

Section 4: Definitions

- a) Advertisement,** is defined as any written, pictorial, visual or other descriptive matter or verbal statement or reference in respect thereof that appears in a newspaper, magazine, pamphlet, website, social media space or other publications; or it is distributed to members of the public or is brought to the attention of members of the public in any manner

This can further be broken down to include but not limited to

- a) Books
- b) Billboards
- c) Business cards
- d) Designs
- e) Internet
- f) interviews
- g) Letterheads
- h) Magazines
- i) Mobile communication
- j) Motion pictures
- k) Newspapers
- l) Office signs
- m) pamphlets

- n) Panel discussions
- o) Public address
- p) Radio
- q) Television
- r) Social Media
- s) Journals
- t) Newsletters

b) Canvasing, means conduct, which draws attention, either verbally or by means of printed or electronic media, to your personal qualities, superior knowledge, quality of service, Professional guarantees or best practice

c) Touting, means Conduct which draws attention, either verbally or by means of printed or electronic media, to one's offers, guarantees or material benefits that do not fall in the categories of professional services or items, but are linked to the rendering of a professional service or designed to entice the public to the professional practice.

d) Regulated health service, means a service provided by or usually provided by a registered health practitioner.

Section 5: Quality of the content of an advert

The advert should be truthful, accurate and verifiable. It should not be false, deceptive, misleading or unduly inducing. This means that:

- a) It should not lie about the services and the persons offering the services
- b) It should not create false expectations in the users which will result in making wrong decision.

- c) It should be accurate and informative and should not leave out any information that is vital in making a decision.
- d) It should not give information that implies that one professional is better qualified, more skillful, more competent or has unique qualities compared to other professionals in the same field of practice.
- e) It should not make the person feel that if they do not use that service they will be harmed.
- f) It should not encourage indiscriminate or unnecessary use of the advertised service for example by offering free services, discounts, bonuses or making time-limited offers that makes the subject make decision under pressure.
- g) It should not discriminate based on race, tribe, nationality, religion, sex and sexual orientation.

Section 6: Professional information about the health practitioner

i) Allowable information about self

These can be provided in business cards, professional stationery or signs outside the premises. This information can also be made available in directories and public listing.

- a) Names
- b) Profession (doctor or Dentist)
- c) Registered qualifications
- d) Area of specialty
- e) Address (physical and email)
- f) Opening hours
- g) Telephone number(s)
- h) Institutional responsibilities/positions held

ii) Use of Titles, Words or Letters

Practitioners who are considering the use of titles, words or letters to identify and distinguish them in advertising, should observe the following:

- Use this title, qualification, membership, words or letters in advertising material only if it's appropriate.
- The practitioner should be skilled in the services they are advertising.
- Qualifications, if displayed should be easy to understand.
- The words, letters or titles used should not mislead or deceive the public.
- The basis for one's use of title, qualification, membership, or other words or letters should be relevant to one's practice, current, verifiable, and credible.

Section 7: Relationship with organization advertising services

Any doctor who is in employment or any form of relationship with an organization who intends to advertise their services is required to observe the following

- a) That the information being sent out meets the qualities of the adverts as spelt out in Section 5.
- b) That it does not promote his personal qualities.
- c) That it does not use discriminatory and offensive remarks that promotes the organization above others.
- d) That no commissions will be made to those health professionals that refer patients to the organizations' facility.
- e) Avoid personal advertisement during the promotion of the organization.

Section 8: Outside signs and nameplates

Signs and Name plates may be posted according to the following guidelines:

- a) It may contain all information about the practitioner as spelt out in Section 3.
- b) It may contain the services offered and the opening hours.
- c) Only one outside sign may be used but exception can be made for a complex facility.
- d) The sign should be placed on the premises or at most at the street corner closest to the facility.
- e) No billboards are allowed.
- f) In case of illuminated signs the only source of lighting shall be a constant white light.

Section 9: Other fields

- a) The doctor who is an author or a co-author, may indicate his or her names, qualifications and professional standing
- b) They should not divulge the details of their premises when participating in panel discussions, interviews on radio and Television, as this will tantamount to canvassing and touting.
- c) The practitioner shall not refer patients from a public institution to their private practices, unless that service is not available anywhere else. But in so doing must have the referral fully explained to the patient and the patient's consent is obtained.

Section 10: For Hospitals and Medical clinics

The hospitals and clinics, just as the health professionals are allowed to inform the public about the services offered. Similarly the qualities of the advertisement or

publicity, that are stated above should be observed. In addition they should specifically observe the following.

It should:

- a) Not imply any uniqueness.
- b) Not state any claims of awards or achievement unless that is recognized by the Ministry of health.
- c) Not include any photo of a person performing a medical procedure.
- d) Not include a photo of a doctor exceeding a passport size.
- e) Not include the photo of a celebrity.
- f) Not include pictures that are horrific or words that are seen as obscene.
- g) Not have content that causes unnecessary fear or worry by the public.
- h) Not include any statement that implies endorsement by a professional or professional body that is not recognized or registered by the Council.
- i) Not contain information that implies that treatment outcome from that facility are better than that obtainable from another facility.
- j) Not contain statement that promote their facilities as being better , such as “best”, “modern” “first”, “the only one” etc.
- k) It must not contain testimonials of past and current users.
- l) Not provide information that solicits or encourages the public to use it facility in preference to other similar institutions through the use of free services, discounted prices, bonuses, offers for a limited time or promotional prices of services. Free services should be in consultation with the Council.
- m) Use of Billboards are not allowed.
- n) The Hospitals may organize medical and surgical camps, but in so doing the following must be observed:
 - Date, location, time and services to be offered should be clearly stated.

- It must not be used as a ground for recruiting patients as this tantamount to canvassing and touting.
- The persons coming from outside the country should have the extra skills and competence above that of the locals and must be registered to practice in Uganda before coming into the country.
- It should be used as a means of transferring knowledge and skills to the local doctors and other health workers.
- There should be a well laid down plan to deal with emergencies, referral and follow up.
- Refer to the Guidelines on Medical Camps.

Section 11: Use of Social Media

There has been an explosion of use of social Media, and this can be a very important and effective means of sharing information with the public, patients and colleagues. These include Facebook, LinkedIn, WhatsApp, Skype, twitter, Youtube, etc.

As in other communications the same observation about truthfulness, accuracy, and completeness applies. However, patient confidentiality and privacy of the patients and consent should be observed. So one needs to be extra careful, because the messages sent or exchanged through this media get out there and there is no control on how it may be used or misused. Therefore before pressing the button “Send”, be sure of its contents and the consequences that may arise from its consumption.

Section 12: Failure to adhere to these guidelines

Failure to adhere to these guidelines may be investigated by the Council. A breach of these guidelines may constitute unprofessional conduct and/or professional misconduct and as such result into hearing by the Council.

If a practitioner/health unit does not follow these guidelines, the following penalties may be issued by the Council,

a) If default is by a practitioner

He/she may be given:

- A verbal warning.
- A warning in writing.
- A serious warning in writing with a copy to the employer
- Requiring practitioner to undertake further education.
- Imposing conditions on the registration of the practitioner (e.g requiring the practitioner to publish a retraction or correction)
- Imposing a fine.
- Any other penalty the Council may deem fit in the circumstances.

b) If default is by an institution/health facility

The penalty given may be:

- A verbal warning.
- A warning in writing.
- Suspension from advertising its services to the public for a specified period of time.
- Imposing conditions on the license of the facility.
- Imposing a fine.
- Any other penalty the Council may deem fit in the circumstances.

Section 13: General Provisions

- a) It is the responsibility of the doctor to comply and adhere to these guidelines and that all other people whom he may be associated with, also observe the same.

- b) These guidelines should be read side by side with relevant laws of Uganda governing advertisement.
- c) The Council retains the final authority in deciding acceptability of the contents of documents used in advertising.
- d) In case of breach of these guidelines appropriate disciplinary action will be taken and the cost borne by the doctor or organization or both.
- e) The Council shall charge a fee for the approval of advertisements under this guideline.
- f) In case of doubt contact the Registrar of the Uganda Medical and Dental Practitioners' Council.

Section 14: Acknowledgements

The following documents were consulted and provided invaluable input into this document

1. Advertising guideline for regulated health services. Australian Health Practitioner Regulatory Agency (2014)
2. Guidelines for making professional services known: Health Professional Council of South Africa (2007)
3. Regulatory Compliance and enforcement Department: Singapore Ministry of health
4. Good Medical Practice: General Medical Council (2014)
5. Ethical ways for physicians to market a practice: American association of Obstetricians and Gynecologist (2014)