

**Code of Ethics on  
ADVERTISING and  
FINANCIAL CONDUCT  
by MEDICAL / DENTAL  
PRACTITIONERS**

**Medical Council  
Malta**

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**Code of Ethics on ADVERTISING and  
FINANCIAL CONDUCT  
by Medical/Dental Practitioners**

**General Principles**

1. It should be recognized that people who are ill or people who are seeking medical attention for their families may be particularly vulnerable to advertising. This opens the door to competition and a consumer attitude among private health care providers.
  
2. Advertisements must be subject to review by the Medical Council in order to assess that they give objective advice and do not make use of photos or slogans that are, or may be interpreted to be deceptive in nature. Clear examples are the use of images of young people, exploitation of the female body, and slogans that in themselves are deceptive and manipulative.
  
3. Companies often have their own websites. Doctors and dentists are always subject to the existent rules of the Medical Council and therefore cannot advertise on such websites.

4. Companies are at liberty to decide what range of services to offer. As such they can produce factual information to the public. Doctors and dentists associated with companies have the responsibility to oversee that the information provided on services is factual and includes both benefits and risks. Doctors' and dentists' names should not be associated with such information.

5. Doctors and dentists are obliged to be honest and open with patients in any financial arrangements. In particular:

i. Patients must be informed about fees and charges, wherever possible before asking for their consent to treatment.

ii. Patients' vulnerability or lack of medical knowledge must not be exploited when making charges for treatment or services.

iii. Patients must not be encouraged to give, lend or bequeath money or gifts that will directly or indirectly benefit the doctor.

iv. No pressure must be put on patients or their families to make donations to other people or organizations.

v. Pressure must not be put on patients to accept treatment in the private sector.

vi. If fees are charged, the patient must be informed if any part of the fee goes to another health care professional.

**6.** Doctors and dentists must be honest in financial and commercial dealings with employers, insurers and other organization, patients or other individuals. In particular:

i. Before taking part in discussions about buying or selling goods or services, one must declare any relevant financial or commercial interest that one or one's family might have in the transaction.

ii. If one manages finances, one must make sure the funds are used for the purposes for which they were intended and are kept in a separate account from one's personal finances.

**7.** One must act in one's patients' best interests when making referrals and when providing or arranging treatment or care. One must not ask for or accept any inducement, gift or hospitality which may affect or be seen to affect the way one prescribes, treats, or refers patients. One must not offer such inducements to colleagues.

**8.** If one has financial or commercial interests in organizations providing healthcare or in pharmaceutical or other biomedical companies, these interests must not affect the way one prescribes, treats or refers patients.

**9.** If one has financial or commercial interests in an organization to which one plans to refer a patient for treatment or investigation, one must tell the patient about one's interest. (see also Article 16)

### **Other Medical Services**

**10.** Doctors and dentists may offer services or may have additional expertise in complementary therapies. In this regard, doctors and dentists are at liberty to decide what range of services to offer, provided that the services do not form part of a speciality in another field, such as, Anaesthesia, Paediatric Surgery etc.

**11.** Doctors and dentists providing limited or specialized range of services, even though they may not see themselves as 'specialist', are still subject to restrictions. Therefore medical and dental practitioners who concentrate on a specific group of patients or single specialized treatments may not advertise directly to the public.



## **Editorial Control**

**12.** There may be instances where editorials or articles appearing in the media, mention or praise a particular surgery/clinic or company which offers medical or dental services or other services in which medical or dental practitioners are involved. Such articles may also appear in specialized journals and are targeted to potential suppliers of such companies/clinics. Since these articles/editorials may be a form of indirect or secondary advertising, doctors and dentists involved in such companies retain editorial control over any material advertising or alluding to their services, as they may be held responsible for the content.

## **Leaflets**

**13.** Practices and hospitals offer leaflets to the public in order to convey the services that they offer. As long as such leaflets do not in any way reflect false hopes for the patient, they should be allowed. Practices and practitioners are not obliged to produce such leaflets. If they do so, they must only list factual information and not promote the service in any way that would portray that their service is better than that offered by others. Leaflets may contain an advert of a product or other business which sponsored the said leaflet. One should restrict the advertising of any product which is harmful to health, such as tobacco.

**14.** The use of the Clinic for the promotion of any business, either through promotional literature or electronic advertising is not allowed. The promotion of life insurance or financial services in exchange for a retainer fee to the practice, is unethical.

### **Advertising by Medical and Dental Practitioners**

**15.** Doctors and dentists may include their qualifications and contact information in national directories, but the same information may not be distributed in an unsolicited manner to the general public. Conversely they are permitted to inform professional colleagues of the services they offer and invite referrals as this is the only way in making themselves known.

**16.** Such material should not however claim superiority to other practitioners in their field or superiority of qualifications, qualities, experience or skill.

**17.** All practitioners should be vigilant where companies or hospitals they own or are employed with, advertise their services.

**18.** Doctors/Dentists may also wish to sponsor various publications belonging to cultural societies (eg. band clubs etc). This is permitted provided one's clinic hours and words promoting one's professional capabilities are not included.

## **Websites**

**19.** It is becoming common for practices and hospitals to have websites directed to the general public. Such websites may legitimately list the practitioners working in their premises and list their qualifications following the same principles in the preceding paragraph. They may not in any way promote the specialist or his/her services by any method which may be portrayed as unsolicited promotion.

## **Relations between Private Practitioners**

**20.** Increasingly, practitioners share premises where they work. Conversely many practitioners bring other specialists on a periodic basis to their premises. In this regard the autonomy of patients to choose their specialist or doctor or dentist must be respected. Whilst it is natural that a doctor or dentist may recommend someone working within the same premises, care must be taken that the message does not convey a subtle coercive message or pressure. Such actions compromise the voluntary choice of the individual, making the informed choice null. Practitioners must be able to offer and inform patients of alternative services to those provided by colleagues with whom they share the same premises.

## **Financial Interests in Institutions providing care or treatment**

**21.** Some doctors/dentists or members of their immediate family own or have financial interests in care homes, nursing homes or other institutions providing care or treatment. Where this is the case, one should avoid conflicts of interest that may arise, or where this is not possible, ensure that such conflicts do not adversely affect one's clinical judgment.

**22.** If one has a financial interest in an institution and is working under an employer's policy, one should satisfy oneself, or seek assurances from one's employing or contracting body, that systems are in place to ensure transparency and to avoid, or minimize the effects of conflicts of interest.

## **Recommending Services outside Healthcare**

**23.** Accepting or offering fees for referring patients to particular services is likely to undermine patients' trust that the referral has been made solely on the basis of what is best for them. It would be an abuse of that trust to put pressure on patients to use specific product or service which will be to one's financial advantage.

**24.** It is also unacceptable if one is offered fees for recommending that one's patients access services provided by firms or organization outside healthcare, including insurance companies, solicitors and others. These schemes often involve making payment according to the number of customers referred.

**25.** Generally doctors or dentists will not have a professional expertise in these areas outside health care on which to base their recommendation of a particular firm, and their chief interest in such schemes is a financial one. For these reasons one should not accept fees for referring patients to, or recommending patients to use the services of, particular organizations, companies or individuals, whether or not the services are health-related.

**26.** Please also be guided by the Council's guidelines and guidelines of the Malta Broadcasting Authority regarding participation by medical/dental practitioners on TV programmes.

**Advertising of Services of Companies formed by Doctors/  
Dentists or in which Doctors/Dentists are partners.**

27. Doctors or dentists forming companies or services with a commercial interest, may or may not have the aim of providing directly or indirectly services related to healthcare. In companies relating to health, professionals working within and for the company the following guiding principles are to be adhered to:

- a. To act in patients' best interests
- b. Not to damage the reputation of the Medical or Dental Profession by being seen as having the profit motive as the main motive of the business concern.
- c. To act within the accepted limits of one's registered specialty
- d. All the guidelines in 4 to 6 above

**28.** Doctors and dentists involved in such companies should be vigilant on their part to follow proper codes of conduct laid out by the Medical Council with regards to advertisement of their own services and that of the company they form a part of. Moreover they are also to be held accountable for any query which a patient, lay person or other medical or dental professional makes to the Medical Council and on which the latter makes a judgment.

