



COLLEGE OF
NATUROPATHIC PHYSICIANS
OF BRITISH COLUMBIA

Guideline: Advertising and Improper Inducements to Treatment

The College recognizes registrants' legitimate interest in promoting their services and sharing information with the public about the benefits of naturopathic medicine. The purpose of this guideline is to assist registrants in interpreting provisions from the College's Bylaws and Code of Ethics pertaining to marketing, advertising, and improper inducements to treatment.

Why are inducements to treatment a public safety issue?

Inducements, enticements, and/or incentives to patients may interfere with patients' autonomy and naturopathic doctors' fiduciary responsibility. They put the public at risk because they may:

- allow the self-interest of naturopathic doctors to displace their concern for patients' wellbeing;
- promote the minimization of the inherent risk of treatment, whether this is understated by the naturopathic doctor or minimized in the mind of the patient, and thereby interfere with the patient's ability to give informed consent to treatment;
- create an environment in which provision of services to patients unsuitable for those services is more likely; and
- interfere with the naturopathic doctors' ability to maintain the confidentiality and privacy of patient information.

Relevant provisions from the bylaws, Code of Conduct, and Code of Ethics

As set out in section 100 of the College's bylaws and the College's Advertising Policy, naturopathic doctors must ensure that information provided in advertising, marketing, and/or promotional materials is not false, inaccurate, misleading, unverifiable, or contrary to the public interest in practising the profession.

Under section 22 of the *Code of Ethics*, a naturopathic doctor must recommend only diagnostic procedures and treatments believed necessary for the well-being of the patient and provide such information to enable the patient to reach a decision. Under section 8(f) of the *Code of Conduct* for naturopathic physicians it is professional misconduct to exercise undue influence on a patient including for the promotion of the sale of services, treatments, goods, or remedies in such a manner as to exploit the patient for the financial gain of the member or of a third-party.

Under section 5 of the *Code of Conduct* and section 10 of the *Code of Ethics*, a naturopathic doctor must maintain the confidentiality of patient information, including information about the identity of a patient. Finally, under section 8(b), it is professional misconduct for a naturopathic doctor to charge a fee for services not performed.

Examples

Discounts *per se* do not conflict with the professional obligations of naturopathic doctors; a naturopathic doctor is free to provide services gratis or at a reduced rate. The **advertisement of discounts**, on the other hand – for example, “25% off Meyers IV treatments every Monday” – have the potential to bring the profession into disrepute, and may also encourage patients to undergo diagnostic procedures and treatments that the naturopathic doctor would not under other circumstances recommend as necessary for their well-being.

Inappropriate inducements such as the service of alcoholic refreshments in the treatment setting or at informational sessions promoting treatments, including cosmetic treatments, interfere with patients’ ability to provide informed consent to treatment and bring the profession into disrepute. They are inconsistent with public safety and continued public confidence in the profession.

Offers of prizes and gifts for attendance at activities such as lectures, informational sessions, or visits to health fare information booths, may or may not be appropriate. Naturopathic doctors should consider the appropriateness of the items offered, as well as the manner in which they are offered. The gift of a book about the benefits of naturopathic medicine to the fiftieth patient to visit an information booth on a given day may be perfectly appropriate. On the other hand, **the collection of personal information about individuals for a draw, with the “prize” of a specific treatment**, may interfere with a naturopathic doctor’s ethical obligations in several respects:

- the “winner” of the draw may not require the treatment “won,” creating improper expectations in the minds of both doctor and patient that the naturopathic doctor will provide treatment for which the patient is unsuited;
- even if s/he does require such a treatment, s/he may fail to appreciate the risks of a treatment “won” in a draw, which may interfere with his or her ability to give informed consent to treatment; and
- confidentiality and privacy may be compromised by the announcement of the “winning” patient and the collection of personal information for all entrants into the draw.

Alternative methods of payment, including gift certificates, card points, bonus points, and time-limited benefits for naturopathic services sometimes (but not always) create a situation in which a naturopathic doctor has charged a fee for services not performed, and may also encourage patients to undergo diagnostic procedures and treatments that the naturopathic doctor would not under other circumstances recommend as necessary for the well-being of the patient.

These concerns are unlikely to be engaged when a naturopathic doctor tells a patient that s/he expects the patient’s complaint to resolve within four acupuncture treatments, and offers the fifth or sixth treatment at a discount should further treatment be required. If a naturopathic doctor charges a patient for a package of 10 acupuncture treatments to a patient on the date of his or her first treatment, on the other hand, s/he is likely in violation of the *Code of Conduct* and *Code of Ethics*.

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