



TRADITIONAL
CHINESE
MEDICINE
PRACTITIONERS
B O A R D

ETHICAL CODE AND ETHICAL GUIDELINES FOR TCM PRACTITIONERS

中医执业者道德准则及
道德指导原则

**ETHICAL CODE
AND ETHICAL GUIDELINES
FOR
TCM PRACTITIONERS**

TRADITIONAL CHINESE MEDICINE PRACTITIONERS BOARD
SINGAPORE

January 2006

*TCM practitioners mentioned in this
"Ethical Code and Ethical Guidelines for TCM Practitioners"
refer to
both the TCM physicians and the acupuncturists
registered under the
Traditional Chinese Medicine Practitioners Act,
unless otherwise specified.*

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1 INTRODUCTION

Traditional Chinese Medicine practitioners (“TCM practitioners”) have, since ancient times, been respected and trusted by the people in their practice of traditional Chinese medicine (“TCM”). They are looked upon for the relief of suffering and ailments. With the trust reposed in them, TCM practitioners must do their best to maintain a high level of self-discipline, competence, and standard of professional conduct and provide professional, proper and adequate service in their prescribed practice of TCM.

While the profession must adhere to the laws governing society and its practice, it must also be self-regulating, as society at large may not have the necessary knowledge or the experience of medical practice to make determinations on professional matters. This self-regulation must be vigorously and fairly pursued so that the profession continues to enjoy the trust of the society. Failure to do so could result in civil authorities taking action to reduce or even remove the profession’s right of self-regulation and may lead to the imposition of external regulation on the profession.

The Traditional Chinese Medicine Practitioners Board (the “Board”) is charged with the responsibility of regulating the practice and conduct of persons registered under the Traditional Chinese Medicine Practitioners Act and the Traditional Chinese Medicine Practitioners Regulations. The Board has the role of promulgating the “Ethical Code and Ethical Guidelines for TCM Practitioners” on acceptable professional TCM practice and conduct. The Board also has the responsibility to exercise its duty to discipline members of the TCM profession who fail to uphold the standard of practice and conduct befitting a registered TCM practitioner.

This “Ethical Code and Ethical Guidelines for TCM Practitioners” represents the fundamental tenets of conduct and behaviour expected of TCM practitioners practising in Singapore and elaborates on their applications. They are intended as a guide to all TCM practitioners as to what the Board regards as the minimum standards required of all TCM practitioners in the discharge of their professional duties and responsibilities in the practice of TCM in Singapore. It is the view of the Board that serious disregard or persistent failure to meet these standards can potentially lead to harm to patients or bring disrepute to the profession and consequently may lead to disciplinary proceedings.

The Board acknowledges that no set of published guidelines can be either exhaustive or final. The Board believes that the principles enunciated are generally applicable notwithstanding the continuous change in social norms and expectations as well as technological advances. TCM practitioners are exhorted to keep both the principles and the spirit of this “Ethical Code and Ethical Guidelines for TCM Practitioners” firmly in mind in the course of their practice.

2 TCM PRACTITIONER'S PLEDGE

The TCM Practitioner's Pledge is based on the spirit of the Declaration of Geneva and is a set of ethical values that each TCM practitioner in Singapore is expected to uphold professionally at all times. From 2006, every TCM practitioner upon being admitted as a registered TCM Practitioner with the Board has to make this pledge.

"I solemnly pledge to:

*dedicate my life to the service of humanity;
give due respect and gratitude to my teachers;
practise my profession with conscience and dignity;
make the health of my patient my first consideration;
respect the secrets which are confided in me;
uphold the honour and noble traditions of the medical profession;
respect my colleagues as my professional brothers and sisters;
not allow the considerations of race, religion, nationality or social standing to intervene between my duty as a TCM practitioner and my patient;
maintain due respect for human life;
use my medical knowledge in accordance with the laws of humanity;
comply with the provisions of the "Ethical Code and Ethical Guidelines for TCM Practitioners"; and
constantly strive to add to my knowledge and skill.*

I make these promises solemnly, freely and upon my honour."

3 ETHICAL CODE

Patients and the public must be able to trust TCM practitioners implicitly with their lives and well being. To justify this trust, TCM practitioners have to maintain a good standard of care, conduct and behaviour. The Board prescribes an "Ethical Code" (the "Code") which TCM practitioners are expected to uphold. These principles are applicable to a wide variety of circumstances and situations. Adherence to the Code will enable the public at large to have trust and confidence in the profession.

TCM practitioners must use the Code as a yardstick for their own conduct and behaviour. In addition, it is advisable for TCM practitioners to understand medical ethics, train in ethical analysis and decision making, develop knowledge, skills and attitude needed to deal with ethical conflicts. Consult with colleagues, ethical committees and other experts when ethical conflicts arise.

In general, a TCM practitioner is expected to:

- Be dedicated to providing competent, compassionate and appropriate medical care to patients.
- Be an advocate for patients' care and well being and endeavour to ensure that patients suffer no harm.
- Provide access to and treat patients without prejudice of race, religion, creed, social standing, disability or financial status. A TCM practitioner shall also be prepared to treat patients on an emergency or humanitarian basis when circumstances permit.
- Abide by all laws and regulations governing TCM practice and abide by the "Ethical Code" of the TCM profession.
- Maintain the highest standards of moral integrity and intellectual honesty.
- Treat patients with honesty, dignity, respect and consideration, upholding their right to be adequately informed and their right to self-determination.
- Maintain a professional relationship with patients and their relatives and not abuse this relationship through inappropriate personal relationships or for personal gain.
- Keep confidential all medical information about patients.
- Regard all fellow professionals as colleagues, treat them with dignity, accord them respect and manage those under his/her supervision with professionalism, care and nurturing.
- Be open, truthful, factual and professionally modest in communications with other members of the profession, with patients and with the public at large.
- Maintain professionalism in informing the public about his/her services, ensuring that information projected is purely factual and devoid of any attempt at self-aggrandisement.
- Keep abreast of TCM knowledge relevant to practice and ensure that clinical and technical skills are maintained.
- Participate in activities contributing to the good of the community, including public health education.
- Endeavour to abide by the "Ethical Code" when making use of modern or new technology in treatment modalities, communication means or information handling.

4 ETHICAL GUIDELINES

The Code enunciated in the previous chapter shall be applied to clinical practice and all areas of professional activity conducted by TCM practitioners. The following sections provide interpretation and guidance on how the Code shall be applied to various areas of professional activity. Obviously it is impossible to be exhaustive, but TCM practitioners shall conscientiously study the guidelines, endeavour to follow them and extend their application to areas that may not be addressed specifically. Breaches of these guidelines could lead to TCM practitioners being asked to answer to the Board for their breaches, and defend their actions and ultimately to face disciplinary proceedings for professional misconduct.

4.1 STANDARD OF GOOD TCM PRACTICE

4.1.1 *Good clinical care*

The standard of care expected of the attending TCM practitioner encompasses the following:

a) Adequate clinical evaluation of patients

A TCM practitioner is expected to have a sense of responsibility for his patients and to provide medical care only after an adequate assessment of a patient's condition through good history taking and appropriate TCM clinical examination.

If treatment is suggested or offered to a patient without such personal evaluation, the TCM practitioner must satisfy himself that he has sufficient information available and that the patient's best interest is being served. Such information could be transmitted by voice, electronic or other means by a referring TCM practitioner or a registered medical practitioner. Only in exceptional or emergency circumstances should a diagnosis or treatment be offered without personal contact and without the intermediation of a referring TCM practitioner or a registered medical practitioner.

b) Remote initial consultations

In a technological age with numerous means of communications including (but not limited to) the internet, there are situations in which a previously unknown patient could initiate a consultation over a web-based educational platform in which a TCM practitioner is participating, or simply through his email. Such consultation is inappropriate. Only general information may be provided in such instances and the person shall be advised to seek a personal consultation. No TCM practitioner-patient relationship can be established through electronic means and consequently no consultation fee may be received.

c) Remote consultations in continuing care

If a TCM practitioner has already established a professional relationship through direct personal contact with a patient, previously made a diagnosis and has commenced treatment, adjusting treatment or providing continued treatment following remote contact with a patient or receipt of electronically transmitted medical data is allowable, provided the well-being, treatment and safety of the patient is not compromised. If on the other hand

it appears from the communication that the patient has developed a new problem or a significant complication, then the TCM practitioner shall endeavour to see the patient personally for a further evaluation before offering further treatment.

d) Delegation of duties

A TCM practitioner may delegate another TCM practitioner or TCM student to provide treatment or care on his behalf, but this person must be competent to carry out the care or procedure required and the patient's well-being, treatment and safety are not compromised. A TCM practitioner retains responsibility for the overall management of the patient when he delegates such treatment or care. If the person delegated is not duly registered as a TCM practitioner with the Board, the treatment or care must be in the context of a legitimate training programme and the TCM practitioner must exercise effective supervision over this person. In any event, the TCM practitioner is ultimately answerable for the treatment or care provided to such patient(s).

A "TCM student" refers to a student of TCM, registered with an approved institute of TCM, and is at the material time receiving TCM training, but does not include those who have completed their course of training.

e) Duty of care

A TCM practitioner shall provide competent, compassionate and appropriate care to his patient. This includes making necessary and timely visits, arranging appropriate and timely investigations and ensuring that results of investigations are communicated to the patient and the most appropriate management is expeditiously provided.

A TCM practitioner who avails his patient of any supporting medical service is responsible for the adequate provision of such supporting medical service and must be reasonably confident that the standard and reliability of such service.

A TCM practitioner shall only use appropriate and generally accepted methods of TCM treatment when attending to his patient. He shall not use unorthodox TCM treatment or any treatment that may tarnish the reputation of the TCM profession. Where a TCM practitioner has any doubt as to whether any treatment is unorthodox or may tarnish the reputation of the TCM profession, the TCM practitioner shall obtain clarifications from the Board in writing before proceeding with such treatment.

Subject to the Traditional Chinese Medicine Practitioners Act and the Traditional Chinese Medicine Practitioners (Registration of Acupuncturists) Regulations, a registered acupuncturist can only attend to his patients using acupuncture as defined in the Act.

A TCM practitioner shall not offer treatment package(s) in a form of 'guarantee of a cure'.

f) Practise within competence and referral of patients

A TCM practitioner should practise within the limits of his own competence in managing a patient. Where he believes that this is exceeded, he shall offer to refer the patient to another TCM practitioner or a registered medical practitioner with the necessary expertise. A TCM practitioner shall not persist in unsupervised practice of a branch of medicine without having the appropriate knowledge and skill or having the required experience.

A TCM practitioner shall continue to care for his patient until the patient is properly handed over to the referred TCM practitioner or registered medical practitioner.

4.1.2 Medical records

A TCM practitioner shall ensure that proper and accurate records are kept to enable proper aftercare and service for his patients.

Medical records kept by TCM practitioners shall include the particulars of the patients and shall be clear, accurate, and legible and shall be made at the time that a consultation takes place.

Medical records shall be of sufficient detail so that any other TCM practitioner or a registered medical practitioner reading them would be able to take over the management of a patient when a referral is made. A medical record shall include the following information:

- a) particulars of patient (name, NRIC, gender, age, address, contact number);
- b) drug allergies;
- c) medical history;
- d) main complaint;
- e) other observations;
- f) diagnosis;
- g) treatment;
- h) prescription;
- i) instructions to patient; and
- j) others.

All clinical details, investigation results, discussion of treatment options, informed consents and treatment by herbal medicines or TCM procedures and prescriptions should be documented.

4.1.3 Prescription of herbal medicines

A TCM physician may only prescribe herbal medicines that are legally available in Singapore and must comply with all relevant statutory requirements governing their use.

A TCM physician shall prescribe, dispense or supply medicines on clear medical grounds and in reasonable quantities as appropriate to the patient's needs. TCM physicians shall use the proper names of herbal medicines as used in "The Chinese Herbal Medicine Materia Medica" (本草纲目), the latest edition of "A Dictionary of Chinese Pharmacy" (中药大辞典) and "Zhong Hua Ben Cao" (中华本草) in the prescriptions.

The prescription shall include the following information:

- a) name of the TCM physician;
- b) signature of the TCM physician;
- c) name and address of the place of practice;
- d) name and address of patient;
- e) date of the prescription;
- f) names and dosages of all herbal medicines;
- g) total amount to be supplied;
- h) route of administration; and
- i) preparation method.

Patients shall be appropriately informed about the purpose of the prescribed medicines, method of preparation, dosage, contraindications and possible side effects.

A TCM physician shall prescribe herbal medicines only following an adequate personal consultation and relevant diagnosis. A decision to prescribe solely based on information provided by telephone or any electronic means is allowable for continuing care, or for exceptional situations, provided the patient's best interests are served and the patient's treatment and safety are not compromised.

TCM physicians shall prescribe only herbal medicines as defined in the Traditional Chinese Medicine Practitioners Act section 2:

"Herbal Medicine" means any material or product known or claimed to have therapeutic or other health benefits which contains either raw or processed ingredients of plant, inorganic or animal origin.

4.1.4 Association with persons not qualified to provide TCM/medical or TCM/medical support services

A TCM practitioner shall not associate himself professionally with anyone who is not qualified to provide medical care, or other accepted medical support services.

A TCM practitioner shall not in his professional capacity support the services provided by persons or organisations that do not provide legitimate TCM or TCM support services.

4.1.5 Decisions about providing services

a) Non discrimination of patients

A TCM practitioner is obliged to provide access to medical care and treat patients without prejudice of race, religion, creed, social standing, disability or socio-economic status. A TCM practitioner shall not allow his personal beliefs to influence his management of his patients. Where a TCM practitioner feels unable to continue his care for a patient due to such beliefs, the patient should be referred to another TCM practitioner or a registered medical practitioner who is able and willing to care for the patient. The TCM practitioner shall continue to care for this patient until the patient is properly handed over to the referred TCM practitioner or registered medical practitioner.

b) Treatment in emergency situations

A TCM practitioner shall be prepared to treat patients on an emergency or humanitarian basis unless circumstances prevent him from doing so.

c) Relationship with system of care

Every TCM practitioner practises within a national system of healthcare that is governed by legislation and rules. Every TCM practitioner is expected to abide by these laws and rules while providing the most appropriate treatment for his patients. TCM practitioners shall however base their counsel to patients on the interest of the individual patient, regardless of the constraints of the system of care. It is recognised that in third party payer systems, the TCM practitioner is often constrained to give only cheaper treatment. This is acceptable provided the treatment is appropriate.

4.1.6 Maintaining knowledge and competency

The TCM practitioner is expected to be up to date with the most appropriate methods of TCM management, procedures and clinical techniques. TCM practitioners therefore have a responsibility to keep themselves updated through continuing TCM education.

4.2 RELATIONSHIPS WITH PATIENTS

4.2.1 Attitude towards patients

Patients shall be treated with courtesy, consideration, compassion and respect. They shall also be offered the right to privacy and dignity. It is recommended that a female chaperone be present where a male TCM practitioner examines a female patient. This will protect both the patient's right to privacy and dignity, as well as the TCM practitioner from complaints of molestation or other allegations of outrage of modesty.

On the other hand, a TCM practitioner is not obliged to allow himself to be subjected to abuse of any kind by patients or their relatives. Where such abuse occurs, provided that there is no need for self-defence against physical harm, TCM practitioners shall not retaliate, but end the engagement with the patient as quickly as possible, in a professional manner.

4.2.2 Informed consent

It is a TCM practitioner's responsibility to ensure that a patient under his care is adequately informed about his medical condition and options for treatment so that he is able to participate in decisions about his treatment. If a procedure needs to be performed, e.g. acupuncture, the patient shall be made aware of the benefits, risks and possible complications of the procedure and any alternatives available to him. If the patient is a minor, or of diminished ability to give consent, this information shall be explained to his parent, guardian or person responsible for him for the purpose of his consent on behalf of the patient.

4.2.3 Medical confidentiality

a) Responsibility to maintain medical confidentiality

A TCM practitioner shall respect the principle of medical confidentiality and not disclose without a patient's consent, information obtained in confidence or in the course of attending to the patient. However, confidentiality is not absolute. It may be over-ridden by legislation, court orders or when the public interest demands disclosure of such information. An example is national disease registries which operate under a strict framework which safeguards medical confidentiality.

There may be other circumstances in which a TCM practitioner decides to disclose confidential information without a patient's consent. When he does this, he must be prepared to explain and justify his decision if asked to do so.

A TCM practitioner is expected to take steps to ensure that the means by which he communicates or stores confidential medical information about patients are secure and the information is not accessible to unauthorised persons. This is particularly relevant to sending or storing medical information by electronic means, via a website or by email.

b) Communication of information to other TCM practitioners

A TCM practitioner may disclose information to healthcare team members or TCM practitioners referred to if they are directly involved in the patient's care. A patient may request that information be withheld from other TCM practitioners or team members, in which case the TCM practitioner shall explain to the patient the benefit to his own care of information being shared. If a patient still objects, the TCM practitioner must comply, but then shall do his best to ensure that the overall management is not adversely affected by this lack of disclosure. If appropriate care cannot be effected as a result of this non-disclosure, the patient should be informed of this. It is accepted that indirect disclosure may also be inevitable in a large institution where a large number of medical, paramedical and administrative staff may need to have access to patient information as a routine part of their work as members of the healthcare team. However, the TCM practitioner shall take reasonable steps to ensure that such other staff who are part of the healthcare team would respect and maintain the confidentiality of such information.

4.2.4 Patient's right to information and self determination

a) Right to information

A TCM practitioner shall provide adequate information to a patient so that he can make informed choices about his further medical management. A TCM practitioner shall provide information to the best of his ability, communicate clearly and in a language that is understood by the patient.

A TCM practitioner shall respect a patient's choice of accepting or rejecting advice/treatment that is offered, after steps have been taken to ensure that there is no language barrier and the patient understands the consequences of his choice. He shall also facilitate a patient obtaining a second opinion if he so desires.

b) Handling requests to withhold information

There may be instances of a patient's relatives asking that the patient not be told that he has a fatal or socially embarrassing disease. A TCM practitioner may not withhold this information from the patient unless the TCM practitioner determines that this is in the best interest of the patient. TCM practitioners shall recognise the role of the family in the decision about whether to disclose a diagnosis to a patient and address their concerns adequately.

4.2.5 Close relationships with patients and their families

a) Personal relationships

A TCM practitioner must not have a sexual relationship with a patient. This is to preserve the absolute confidence and trust of a TCM practitioner-patient relationship.

A TCM practitioner must also not, as a result of his professional relationship, enter into an adulterous or any other improper association with the immediate members of the patient's family. Such a relationship would disrupt the patient's family life and damage the relationship of trust between the TCM practitioner and his family. A TCM practitioner's conduct must at all times be above suspicion.

b) Abuse of trust

The TCM practitioner may become a friend of the patient's family and enjoy the trust and confidence of family members. Such trust must not be abused in any way for the TCM practitioner's personal gain (pecuniary or otherwise) and the trust and confidence between the patient, his family and the TCM practitioner shall be preserved.

4.2.6 Termination of a TCM practitioner-patient relationship

There may be reasons for a TCM practitioner to want to terminate his professional relationship with a patient. It could be a serious personality conflict, or he may feel that a patient's or the relatives' confidence and trust in him are so abysmal that he cannot continue with the management of the patient.

When a TCM practitioner-patient relationship is to be terminated by a TCM practitioner, he has the responsibility of offering a referral to another TCM practitioner or a registered medical practitioner who will take over the entire care of the patient. The referring TCM practitioner shall also ensure that sufficient information is communicated to the new TCM practitioner or registered medical practitioner to enable a seamless transition of care.

Where a TCM practitioner-patient relationship is terminated by a patient, a TCM practitioner should not withhold medical information from the patient or another TCM practitioner or registered medical practitioner to whom the patient subsequently goes, if requested by the patient.

4.3 RELATIONSHIP WITH FELLOW TCM PRACTITIONERS

4.3.1 Collegiality

TCM practitioners shall regard all fellow professionals as colleagues, treat them with dignity, accord them respect, readily share relevant information about patients in patients' best interests and manage those under their supervision with professionalism, care and nurturing.

4.3.2 Respect for other TCM practitioners' patients

A TCM practitioner must not attempt to profit at the expense of professional colleagues by canvassing or touting for patients, improper advertising or deprecation of other TCM practitioners.

4.3.3 Comments about colleagues

A TCM practitioner shall refrain from making gratuitous and unsustainable comments which, whether expressly or by implication, set out to undermine the trust in a professional colleague's knowledge or skills in TCM.

4.4 INFORMATION ABOUT TCM PRACTITIONERS' SERVICES

4.4.1 General principles

Both members of the TCM profession and the public require information about TCM practitioners whom they can refer patients to or seek consultation from. Patients seeking

such information are entitled to protection from misleading information, as they are particularly prone to persuasive influence. Information provided by TCM practitioners must not exploit patients' vulnerability, ill-founded fear for their future health or lack of medical knowledge.

TCM practitioners can validly provide information about the services they provide to both colleagues and members of the public. However, such provision of information shall not become blatant advertising in the commercial sense of the word as this could mislead patients, undermine trust and be demeaning to the profession.

4.4.2 Standards required of information

In general, TCM practitioners may provide information about their qualifications, areas of practice, practice arrangements and contact details. Such information, where permitted, shall have the following standards:

- a) Factual
- b) Accurate
- c) Verifiable
- d) No extravagant claims
- e) Not misleading
- f) Not sensational
- g) Not persuasive
- h) Not laudatory
- i) Not comparative
- j) Not disparaging

4.4.3 Information in the public domain

a) Public speaking, broadcasting and writing

All information, whether to fellow TCM practitioners or the public must conform to the above standards. This includes information given in the context of education for TCM practitioners or the public, in talks, broadcasts and seminars organised by professional bodies or healthcare institutions, or in professional journals.

However, unsolicited information that TCM practitioners put or allow to be put into the public domain must come with added responsibility not to be persuasive, laudatory or misleading.

Articles in the press and media that feature TCM practitioners shall also conform to the standards stated above. While it is laudable for TCM practitioners to educate the public on healthcare issues through speaking, writing and broadcasting to the public, they shall restrict their material content to the medical topic at hand. A TCM practitioner must ensure that he does not encroach into the area of encouraging the public to seek consultation or treatment from him or the organisation he is associated with by publishing or causing to be published detailed service or contact details. Only the TCM practitioner's name, registered area(s) of practice and place of practice may be mentioned in such instances.

TCM practitioners are responsible for their public statement and for taking reasonable steps to ensure that journalists do not breach these standards in reporting about them. TCM practitioners must ensure that press and media reports based on interviews with them are primarily for public education.

In addition, images used to illustrate TCM treatment or their outcomes can legitimately be used in educational talks organised by professional bodies or healthcare institutions, or in professional journals. However such images must be used much more judiciously in the public media, where they could be deemed to be laudatory of the TCM practitioner named. Hence any images used in the general media must not be related to identifiable TCM practitioners or their patients either directly or by inference.

Where a TCM practitioner writes articles or columns or participates in broadcasts which offer advice in response to public queries on particular subjects, the guidelines herein shall be strictly complied with.

After public talks, if members of the public subsequently personally approach speakers for information about themselves and their services, such information may be provided only on request and must conform to the standards on information provision described above (i.e. para 4.4.2).

b) Traditional platforms for listing service information

The Board makes a distinction between the listing of TCM practitioners and their services appearing in professional and healthcare institution listings and in the general commercial media. Professional and healthcare listings include hospital/clinic directories and telephone directories and these are permitted information outlets. The general commercial media includes newspapers, commercial magazines, public displays or exhibits, radio, and television and these are not permitted information outlets for listing service information. TCM practitioners are also not permitted to advertise, either by the TCM practitioner themselves or by proxies, by means of unsolicited visits or phone calls, by public displays or exhibits or active distribution of any kind of literature to the public.

Information pamphlets and hospital/clinic listings containing information about TCM practitioners, their qualifications and services may be made available to the public through placement in clinics and hospital lobbies, but they may not be placed in public places nor be actively distributed.

4.4.4 TCM practitioners associated with healthcare organisations

TCM practitioners who have any financial or professional relationship with organisations offering TCM/medical services have responsibility for the organisation's standard of information output about themselves. Such TCM practitioners must therefore acquaint themselves with the nature and content of the organisation's information output as well as their press and media output. They must exercise due diligence to ensure that all these conform to the standards spelt out above (paras 4.4.2 and 4.4.3). Should any questions be raised about a TCM practitioner's conduct in this respect, it will not be sufficient for the TCM practitioner to plead lack of awareness of the nature or content of the organisation's information, press or media output, or lack of ability to exert any influence over it.

TCM practitioners shall also avoid personal involvement in the promotion of a healthcare organisation and its services, for example by public speaking, broadcasting and writing articles about an organisation or its services in medical or non-medical meetings or publications or appearing in circulars promoting the organisation. Where TCM practitioners provide or appear in medical articles in a healthcare organisation's circulars, magazines or other media, they must conform to the standards of information provision described above for unsolicited information (paras 4.4.2 and 4.4.3).

4.4.5 Use of websites

a) The unique power of the world-wide-web in information projection

Healthcare organisations and individual TCM practitioners nowadays use websites to provide information to TCM practitioners and the public. These websites may be about the organisation or a TCM practitioner, or about a medical topic. The world-wide-web is a very powerful tool for communication as it has great reach and there are many features, such as design and interactivity that could make the information content more attractive and alluring. However the standards of information as spelt out above (paras 4.4.2 and 4.4.3) also apply to websites and a TCM practitioner who appears in a website has the responsibility to ensure that information about him and his practice contained in the website and any hyperlinks from the website conform to these standards. In addition, individual TCM practitioners' or healthcare institutions' websites must not be sponsored by any pharmaceutical and other such commercial companies.

b) Guidelines on website content

As a wide variety of textual and visual information can be placed on websites, it is important that such information conforms with the guidelines set out herein. For example, the website may not have on its web pages or provide hyperlinks to, testimonies from satisfied patients or other TCM practitioners. Illustrations are frequently used in websites and where these are of a general nature, they are allowed. However photographs or video clips showing results of treatment or procedures being conducted when these are related to identifiable TCM practitioners or patients either directly or by inference, are not allowed. Animation may not be used to promote any aspect of an organisation's or a TCM practitioner's practice.

c) Electronic communication with patients

Viewers of websites are often invited to ask for more information about their medical conditions through a general web-chat with a panel of TCM practitioners, or by email to a named TCM practitioner. The guidelines for good clinical care (para 4.1.1) and the establishment of a proper TCM practitioner-patient relationship (para 4.2) apply.

4.4.6 Personal namecards and stationery

A TCM practitioner may have namecards and stationery that contain information conforming to the prevailing ethical standards (para 4.4.2). Namecards are only to be given out personally by a TCM practitioner to business and social contacts and on request. Namecards shall not be disseminated by proxies, nor distributed unsolicited to the public.

Stationery containing information about a TCM practitioner and his practice shall only be used for purposes related to his practice.

4.4.7 Professional announcements

A TCM practitioner may notify his patients, other TCM practitioners and other persons with whom he has a professional or personal connection, of any commencement or removal of a practice, or any new practice arrangement. Such notifications may be made through any of the approved means of dissemination of information about TCM practitioners (para 4.4.3b) as well as through letters, telephone calls, and professional publications and on websites of their place of practice or their personal websites. Such announcements must not be made through any other kinds of websites.

4.4.8 Signboards

The TCM practitioner shall adhere to the following guidelines on signboards:

- a) The signboards shall not advertise skills.
- b) The signboards placed at the front and rear entrance of the place of practice shall not be more than *6 square metres* in surface area for each signboard.
- c) The signboards shall contain only the English and Chinese names and the logo of the place of practice. No reference shall be made to any equipment, speciality or specific organ of the body.
- d) The signboards may be illuminated. Luminous paint, reflective material or flashing light shall not be used.
- e) The name, by which the practice is known in English and Chinese, shall be submitted to the Board for approval. The Chinese name shall be appropriate, having regard to the services provided by the TCM practitioner. Names presented as a "TCM Hospital" or its permutations is not permitted unless with the written consent of the Board.
- f) The "Consultation Hours" signboard may be displayed separately and it shall not be more than *0.6 square metres* at the front of the place of practice.

4.5 TCM PRACTITIONERS IN A NON-MEDICAL CONTEXT

4.5.1 Relationship with non-medical companies

a) Appropriateness of relationship

A TCM practitioner shall not carry on trade, business or calling that is incompatible with or detracts from the practice of TCM and brings his practice and his profession into disrepute.

b) Association with non-medical companies or non-medical products or services

A TCM practitioner may be associated in an official capacity with a non-medical product or service or with a non-medical company. His position may be shown on the company's stationery, literature or website, but the TCM practitioner shall be careful not to include any reference to his professional qualifications or services. A TCM practitioner is not prohibited from conducting non-medical business, but this must be clearly separated from his TCM practice and his TCM qualifications so that the public is not misled into believing that the non-medical product or service is medically beneficial or is being endorsed by a TCM practitioner.

If a TCM practitioner is involved in public talks or any means of public communication focusing on non-medical products or the products and services of non-medical companies, he should not promote his practice by providing his practice name or details. Under these circumstances, a TCM practitioner must declare that he is speaking in a non-professional capacity. The same would apply to a TCM practitioner's involvement in their websites.

4.5.2 Association with promotion of vitamins, tonics, health and nutrition supplements

TCM practitioners may be asked to promote vitamins, tonics, health and nutrition supplements, many of which carry claims of enhancing general health and bodily functions or preventing specific diseases. TCM practitioners may participate in such promotions

provided that whatever they say, write or broadcast in this connection is supportable by good and sound scientific evidence.

Where TCM practitioners do participate in such promotions, they are bound by the guidelines for public speaking, broadcasting and writing (para 4.4.3a) and the guidelines for participation in sponsored educational events and research (para 4.6.3a).

4.5.3 Sponsorships

A TCM practitioner may sponsor, donate, participate in or render services for charitable endeavours and may agree to have his name and practice name appear in the list of sponsors, donors or participants for the purposes of acknowledgement. Similarly a TCM practitioner or a TCM practice may sponsor or endow scholarships at educational institutions and allow himself or the name of his practice to be identified.

4.6 FINANCIAL AND COMMERCIAL CONFLICTS OF INTEREST

4.6.1 Disclosure of interest

A TCM practitioner shall not exert undue influence upon a patient in relation to transactions in which he has an interest.

If a TCM practitioner has a financial interest in an organisation or service to which he intends to refer patients for admission, treatment, investigation, or for the purchase of any drugs, medicine or service in the course of treatment, he shall always disclose his interest to the patient before making a referral.

A TCM practitioner shall not let financial considerations imposed by his own practice, investments or financial arrangements influence the objectivity of his clinical judgement in the treatment of his patients.

4.6.2 Financial conflicts in clinical practice

A TCM practitioner shall refrain from:

- a) improperly obtaining money from patients;
- b) improperly prescribing drugs or appliances in which he has a financial interest.

Where a patient is referred to a TCM practitioner by another TCM practitioner, registered medical practitioner or other third party, as the case may be, the TCM practitioner shall

- a) not reward the referrer by the payment of commission or any other form of consideration (e.g. fee sharing); and
- b) maintain the independence and integrity of his practice as a TCM practitioner and not allow the referral to affect the treatment given by him to such patient in any way.

4.6.3 Relationship with medical companies

a) Sponsored educational events and research

A TCM practitioner may be invited to participate in medical events, conferences, talks, publication or educational websites sponsored by companies marketing pharmaceutical or medical products. The TCM practitioner shall ensure that his participation does not occur in such a way as to appear to endorse such products, or to persuade patients or members of the public to use the products.

Apart from identification and establishment of credentials, no details of services provided by the TCM practitioner or service details shall appear in any way in relation to such participation.

A TCM practitioner who is sponsored by a company to participate in an educational event, or who reports research sponsored by a company, must declare all such potential conflicts of interest to the audience.

b) Inducements

A TCM practitioner shall not ask for or receive gifts, hospitality or other inducements that may affect or be seen to affect his judgement in making decisions about patients' treatment. A TCM practitioner can receive small, insubstantial (in value) gifts which cannot be regarded as inducement.

4.7 ISSUES OF FITNESS TO PRACTISE

4.7.1 *Seeking treatment*

A TCM practitioner who is aware that he is suffering from a condition that might render him unfit to practise must seek appropriate treatment from another TCM practitioner or registered medical practitioner.

4.7.2 *Declaration of medical unfitness to practise*

A TCM practitioner is responsible, if he is of sound mind, to disclose to the Board if he has been diagnosed with any medical condition that might render him unfit to continue practice, either because he has a serious condition which he could transmit to his patients, or has a condition which would significantly impair his professional competence. This includes diagnoses of alcohol abuse or addiction to drugs.

A TCM practitioner may face disciplinary action if he treats a patient while under the influence of alcohol or drugs of abuse, or some other disability or condition that renders him unfit to practise.

4.7.3 *Reporting TCM practitioners unfit to practise*

TCM practitioners must protect patients from risk of potential harm posed by another TCM practitioner's conduct, performance or health. Where a TCM practitioner has grounds to believe that another TCM practitioner may be putting patients at risk, he must inform the Board.

A TCM practitioner who treats another TCM practitioner for a condition that renders him unfit to practise has a special responsibility to alert the Board.

A TCM practitioner who is in a supervisory capacity also has a special responsibility to alert the relevant authorities if any TCM practitioner that he is supervising is found to pose a risk to patients due to his physical or mental health or his poor standard of performance.

5 PROFESSIONAL MISCONDUCT

The Board takes the view that a conviction of an offence in Singapore is final and conclusive evidence that the TCM practitioner is guilty of the offence of which he is convicted. It is not open to a TCM practitioner who has been convicted of an offence to argue before the Board that he was in fact innocent. If the Board is satisfied that the offence convicted of is one involving fraud or dishonesty or implies a defect in character which makes the TCM practitioner unfit for his profession, it is entitled to order that the TCM practitioner's name be removed from the Register, or take such action under the TCM Practitioners Act.

Whether the conduct being complained amounts to professional misconduct is to be determined by the rules and standards of the TCM profession. Professional misconduct is akin to the expression "infamous conduct in a professional respect". The expression "infamous conduct in a professional respect" has been judicially defined in the case of **Allison v General Council of Medical Education and Registration** as follows:

"If it is shown that a medical man in the pursuit of his of profession, has done something with regard to it which would be reasonably regarded as disgraceful or dishonourable by his professional brethren of good repute and competency, it is open to the [Board] to say that he has been guilty of infamous conduct in a professional respect."

The Code provides a guide as to what types of conduct could amount to professional misconduct. Adherence to the Code will not only protect the public but also TCM practitioners from allegations being made against them.

EXTRACTS FROM THE TRADITIONAL CHINESE MEDICINE PRACTITIONERS ACT AND REGULATIONS

A TRADITIONAL CHINESE MEDICINE PRACTITIONERS ACT (Cap 333A)

Interpretation

Section 2

In this Act, unless the context otherwise requires -

“Acupuncture” means the stimulation of a certain point or points on or near the surface of the human body through any technique of point stimulation (with or without the insertion of needles), including through the use of electrical, magnetic, light and sound energy, cupping and moxibustion, to normalise physiological functions or to treat ailments or conditions of the human body.

Register of Traditional Chinese Medicine Practitioners

Section 12

- (3) A registered person shall inform the Registrar in writing of any change in his name, working address, residential address, or such other particulars as may be prescribed, within 28 days of the change.
- (4) Any person who fails to comply with subsection (3) shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$1,000.
- (5) A person who makes a report of a change in his residential address under section 8 of the National Registration Act (Cap. 201) shall be deemed to have complied with subsection (3) relating to residential address on the date on which he makes the report.

Power of Board to cancel registration, etc.

Section 19

- (1) The Board may cancel the registration of a registered person if the Board is satisfied that he -
 - (a) has obtained his registration by a fraudulent or incorrect statement;
 - (b) has had any of his qualifications by virtue of which he was registered withdrawn or cancelled by the authority through which it was acquired or by which it was awarded;
 - (c) has had his registration in any other country for the practice of traditional Chinese medicine, or for the prescribed practice of traditional Chinese medicine to which the registration relates, withdrawn, suspended or cancelled;
 - (d) has ceased to carry on the prescribed practice of traditional Chinese medicine for which he is registered;
 - (e) has contravened or failed to comply with any condition to which his registration is subject;
 - (f) has contravened any regulation made under this Act relating to the practice and conduct of registered persons that applies to him;

- (g) has been convicted of an offence in Singapore or elsewhere involving fraud or dishonesty;
 - (h) has been convicted of an offence in Singapore or elsewhere implying a defect in character which renders him unfit to remain on the Register;
 - (i) has been guilty of any professional misconduct or negligence;
 - (j) has been guilty of any improper act or conduct which renders him unfit to remain on the Register; or
 - (k) is unable to carry out the prescribed practice of traditional Chinese medicine for which he is registered safely or effectively by reason of a mental or physical disability.
- (2) Where a registered person is liable to have his registration cancelled on any of the grounds referred to in subsection (1)(e) to (k), the Board may, instead of cancelling his registration, take one or more of the following measures:
- (a) caution or censure him;
 - (b) impose on him a penalty not exceeding \$10,000;
 - (c) order that his registration be subject to such conditions as may be imposed by the Board for a period not exceeding 3 years;
 - (d) suspend his registration for a period not exceeding 3 years.
- (3) The Board shall, before exercising its power under subsection (1) or (2) -
- (a) notify the registered person of its intention to exercise the power and give him an opportunity to be heard either personally or by counsel; and
 - (b) if the complaint or matter against the registered person has been referred by the Board to an Investigation Committee under section 28(1), consider the findings of the Committee as reported to the Board under section 29(4).
- (4) Every penalty imposed under subsection (2)(b) shall be recoverable as a debt due to the Board.
- (5) A decision to cancel or suspend the registration of a registered person shall take effect on the date the decision has been communicated to him or, where an appeal against the decision is made to the High Court, the date of the decision of the Court.

Costs

Section 20

- (1) Where the Board cancels the registration of a registered person under section 19(1) or takes any action against him under section 19(2), the Board may order him to pay such sums as it thinks fits in respect of the costs and expenses of or incidental to any inquiry or investigation conducted or taking of action against him.

Restoration of registration

Section 23

- (1) A person whose registration has been cancelled under section 19 may apply to the Board for his name to be re-registered.
- (2) The Board may, after considering all relevant circumstances, and upon the compliance by the applicant of all conditions imposed by the Board, if any, and the payment of the prescribed fee, re-register him.

- (3) No application for re-registration shall be made to the Board -
 - (a) before the expiration of 3 years from the date of the cancellation; and
 - (b) more than once in any period of 12 months.

Investigation Committees

Section 28

- (1) The Board may appoint one or more committees, to be known as Investigation Committees, to investigate any complaint or matter in respect of which the Board may take action against registered persons under section 19.
- (2) An Investigation Committee shall comprise such number of members as the Board may determine, and the members may include members of the Board.

Powers and procedure of Investigation Committees

Section 29

- (1) For the purposes of an investigation, an Investigation Committee may require any person -
 - (a) to produce any book, document, paper or other record which may be related to the subject matter of the investigation for inspection by the Investigation Committee and for making copies thereof ; and
 - (b) to attend at a specified time and place and to give evidence or produce any such book, document, paper or record.
- (2) Any person who without lawful excuse -
 - (a) refuses or fails to comply with any requirement of the Investigation Committee under subsection (1); or
 - (b) refuses to answer or gives a false answer to any question put to him by a member of the Investigation Committee,shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$5,000 or to imprisonment for a term not exceeding 6 months or to both.
- (3) Subject to any regulations made under section 36, an Investigation Committee shall have the power to regulate its own procedure.

B TRADITIONAL CHINESE MEDICINE PRACTITIONERS (REGISTRATION OF TRADITIONAL CHINESE MEDICINE PHYSICIANS) REGULATIONS

Definitions

Regulation 2

In these Regulations, unless the context otherwise requires -

“Traditional Chinese general medicine” means -

- (a) acupuncture;
- (b) the diagnosis, treatment, prevention or alleviation of any disease or any symptom of a disease or the prescription of any herbal medicine; and
- (c) the regulation of the functional states of the human body, on the basis of traditional Chinese medicine.

“Traditional Chinese medicine physician” means a person who practises traditional Chinese general medicine.

C TRADITIONAL CHINESE MEDICINE PRACTITIONERS (PRACTICE, CONDUCT AND ETHICS) REGULATIONS

Display of certificate of registration and practising certificate

Regulation 4

A registered person shall conspicuously display -

- (a) his certificate of registration and his current practising certificate at his principal place of practice as a traditional Chinese medicine practitioner; and
- (b) a certified true copy of each of such certificates at all his other places of practice as a traditional Chinese medicine practitioner.

Use of qualifications entered in Register and approved titles, etc.

Regulation 6

- (1) No registered person shall -
 - (a) use, exhibit or publish in any card, letter stationery, nameplate, signboard, placard, circular, handbill or any notice displayed at any premises used by him for his prescribed practice of traditional Chinese medicine any qualification other than a recognised qualification entered under his name in the Register, or which has been approved by the Board for his use; or
 - (b) use any title, addition or designation relating to, or in connection with, the practice of traditional Chinese medicine other than the title, addition or designation which has been approved by the Board for his use. (see Annex B)
- (2) A registered person shall observe such guidelines on the use of qualifications or titles as the Board may, from time to time, determine.

D TRADITIONAL CHINESE MEDICINE PRACTITIONERS (INVESTIGATION OF COMPLAINTS) REGULATIONS

Complaint or information to be dealt with under these Regulations

Regulation 3

- (1) Any complaint against a registered person in connection with any of the matters specified in section 19(1) of the Act (other than paragraph (d)) shall be in writing and shall be dealt with by the Board in accordance with these Regulations.
- (2) Subject to paragraph (3), where the complaint relates to any matter referred to in section 19(1)(e), (f), (i), (j) or (k) of the Act, the complaint shall be supported by a statutory declaration which shall state -
 - (a) the name, address, and occupation of the complainant;
 - (b) the grounds of the complaint; and
 - (c) the evidence supporting the complaint.
- (3) The Board may waive the statutory declaration if the complaint is made by a public officer, a member of the Board or the Registrar.

Board to consider complaint

Regulation 4

- (1) Where, upon considering a complaint, the Board is satisfied that the complaint does not disclose a prima facie case for inquiry, the Board shall direct that the complaint be dismissed.
- (2) Where, upon considering a complaint, the Board is satisfied that the complaint discloses a prima facie case for inquiry, the Board shall direct the Registrar to serve on the registered person -
 - (a) a copy of the complaint and any statutory declaration furnished under regulation 3; and
 - (b) a notice inviting the registered person to submit to the Board within such period (not being less than 14 days) as may be specified in the notice such explanation in writing as he may wish to offer on the complaint.
- (3) Upon considering any explanation submitted by the registered person under paragraph (2)(b), the Board may -
 - (a) direct that the complaint be dismissed;
 - (b) subject to paragraph (5), direct that the registration of the registered person be cancelled or, where applicable, that such other measures specified in section 19(2) of the Act be taken against him; or
 - (c) direct that the matter be referred to an Investigation Committee for an inquiry.
- (4) For the purposes of paragraph (3), where the complaint is based on the conviction of the registered person of an offence specified in section 19(1)(g) or (h) of the Act, the Board may have regard to the record of the proceedings in court relating to that offence.
- (5) The Board shall comply with section 19(3) of the Act when making any direction under paragraph (3)(b).

Report of Investigation Committee

Regulation 14

- (1) At the conclusion of the inquiry, the Investigation Committee shall consider whether the complaint has been proven to its satisfaction.
- (2) The Investigation Committee shall inform the registered person or his counsel of its findings in relation to the facts of the case either immediately or on a subsequent date of which reasonable notice is to be given.
- (3) If the Investigation Committee determines that any complaint has been proven to its satisfaction, the registered person or his counsel may address the Committee in mitigation.
- (4) After hearing any address referred to in paragraph (3), the Investigation Committee shall proceed to prepare its report which shall comprise-
 - (a) the findings of the Committee; and
 - (b) the recommendations of the Committee for the Board to do any of the following:

- (i) direct that the complaint be dismissed;
- (ii) direct that the registration of the registered person be cancelled; or
- (iii) direct, where applicable, that one or more measures specified in section 19(2) of the Act be imposed.

Decision of Board

Regulation 16

- (1) Subject to paragraph (3), the Board may, upon considering the report of the Investigation Committee -
 - (a) accept the recommendations of the Committee;
 - (b) direct the Committee to reconvene to investigate further into the complaint, or undertake such further investigation itself; or
 - (c) make such other direction as the Board thinks fit.
- (2) The registered person shall be given not less than 14 days notice of any further meeting of the Investigation Committee or of the Board under paragraph 1(b).
- (3) The Board shall comply with section 19(3) of the Act when making a direction for the cancellation of the registration of a registered person or, where applicable, for one or more measures specified in section 19(2) of the Act.
- (4) The Registrar shall notify the registered person and the complainant of the decision of the Board.

GUIDELINES ON REGISTERED TITLES

Registered titles:

"Acupuncturist"

"针灸师";

or

"Registered Acupuncturist"

"注册针灸师"

"Traditional Chinese Medicine Physician" or "TCM Physician"

"中医师";

or

"Registered Chinese Medicine Physician" or "Registered TCM Physician"

"注册中医师"