



## The Canadian Academy of Facial Plastic and Reconstructive Surgery (CAFPRS)

The CAFPRS applauds the efforts of the CPSO to update their policies regarding physician advertising. The CPSO has made a great effort to incorporate changes that reflect the rapidly evolving landscape of internet and social media use by a more educated public. The recognition that before and after photos, when used appropriately are educational and not testimonial is a particularly welcome change that reflects the demands of our patients. At the same time, the CPSO has maintained the standards of professionalism set out in the Advertising Regulation of the Medicine Act. We believe Ontario physicians have a duty to inform and educate our patients, applying these tools among others, so that information is readily accessible to them. We also recognize that the complaints arising from these policies largely are initiated by one physician against another competing physician. These physicians generated complaints are a waste of the precious resources the CPSO has. It is with these thoughts in mind that we offer our opinion and suggestions regarding the draft Advertising Policy proposed by the College.

With respect to the definition of Before and After Photo or Video, we suggest it be amended to read "...images of a patient taken before, **during**, and after a medical service..." It is common practice for physicians to post videos of procedures being performed. Patients find this educational and help inform them in making their decision.

The provision at section 4(e) of the draft Policy, that the photos or videos have used consistent lighting, photographic techniques and settings is problematic. We believe it is unreasonable to expect physicians and/or their staff to have specialized knowledge about photographic techniques and settings. Also, in this era of virtual medicine, post-operative photos are often taken by patients themselves and photographic technique and lighting etc. cannot be controlled by the physician. The main concern here should be that the results are accurate and that the photograph has not been manipulated or changed to reflect an improved outcome.

In section 4f it is not clear what is meant by "de identified." Does this imply not using the patient's name (or social media profile)? Does this imply that for facial photographs the eyes must be covered? How would this work for patients who have had eyelid surgery? We think this should be clarified.

In section 10 it states” physicians must not proactively target and contact, or attempt to contact, any person known to need medical services to solicit them to use their medical services.” It is common practice to send out newsletters or emails to past patients or to individuals who have interacted with the practice and have agreed to receive such materials. We believe this should be clarified in the advice document to allow this to continue.

We support the continued use of titles as outlined in the advertising regulation. This was a long and difficult process to establish these changes in 2008 and have served the public well.

In the advice to the profession document line 71 we see no reason why a physician could not ask a happy patient to post a review of his/her experience on a third-party site. As long as no pressure or incentive is implied, this is the only defense physicians have to counteract the anonymous largely unregulated environment of third-party review sites.

In the advice document line 83 it implies physicians should not remove negative comments from their social media posts. It is the unfortunate reality that many individuals will post comments that are derogatory, critical or racist regarding the patient who is pictured. We feel that physicians should have the right to remove such comments to protect the patients who were kind and brave enough to allow us to use their photos.

We thank the CPSO for the opportunity to respond to these important changes and hope that our suggestions are helpful.