

## **CPSO's Social Media Policy Draft Would Impose an Unreasonable Evidence Requirement**

The CPSO's proposed Social Media Policy Draft (lines 57-60) would impose an unreasonable standard of evidence requirement when disseminating general health information, and by extension when commenting on social media as well.

**This new standard of evidence would be higher than the current standard of evidence required for practicing medicine**, both as a primary care physician and as a medical specialist, as stated in the second paragraph of the current (2011) Complementary / Alternative Medicine Policy: "The College expects that all Ontario physicians ... will practice the profession in a manner that is informed by evidence and science and is in keeping with professional, ethical, and legal obligations." (Emphasis added) "Informed by evidence and science..." is consistent with the requirements of policies, guidelines and standards of Medical Regulatory Colleges in other provinces.

**Medicine is both an art and a science, and policies and regulation need to be structured to allow for both aspects.** "Evidence Based Medicine" (as proposed by Sackett et al in 1996) is informed by a combination of evidence, clinician experience, and patient values. The "informed by evidence..." standard recognizes that physicians may need to act, or speak in circumstances where there may not yet be the clear support of strong evidence, there may be at least some evidence for more than one approach, or there are multiple or conflicting guidelines. If patient autonomy, needs, and wants are to be respected, there must be flexibility in policies and regulations to recognize that a range of approaches or combinations of approaches may be necessary to meet patients' needs.

The current "informed by evidence..." standard provides that such practice be in keeping with professional, ethical and legal obligations, thereby providing adequate means to address specific problem issues in relevant context. It respects professional judgement and patient autonomy.

The CPSO will be replacing its current (2013) "Social Media Statement" which allowed some discretion with this formal and more demanding draft policy which sets out the College's expectations, mostly in clauses using the wording "physicians must" – **which does not allow for using "reasonable discretion"**. Only if the policy uses the wording "advised", can physicians use "reasonable discretion" (Social Media Draft Policy lines 6-8).

Lines 57-60 of the revised policy draft say:

"When disseminating general health information on social media for educational or information-sharing purposes, physicians must

- a) disseminate information that is
  - i verifiable and supported by available evidence and science; (emphasis added) and
  - ii not misleading or deceptive"

**The CPSO interprets "supported by" to require a much higher level of evidence than "informed by" and seems to want "one size fits all."** At times our doctors have to depend on clinical evidence or experience. Does this new wording permit that?

This policy wording would not appear to leave room for emerging ideas that currently lack conclusive evidence, or for areas of multiple approaches, or for professional judgement, or for respect for patient autonomy, needs, and wants. **This is not even-handed** and not supportive to making progress in medicine or quality care or promoting trust in the profession.

Many medical ideas or approaches that were considered “standard” and “supported by evidence” five or ten years ago have since been replaced by new approaches. They needed to be challenged and replaced. The regulatory system needs to allow for exchange of ideas and vigorous discussion and debate to advance progress in medicine. It is most probable that many of today’s ‘standard’ approaches will be substantially revised or replaced in five or ten years time.

The CPSO’s “Advice to the Profession: Social Media” document lines 21 and 22 says that the **policy “is not intended to inhibit physicians from using social media.”** However, the new requirements are such that many physicians may self-censor or may hesitate to comment at all in circumstances where it would better protect the public if knowledgeable medical professionals would freely speak up to explain new ideas and to counter and correct misinformation being spread by persons lacking reliable medical background. Physicians have an important role to play in social media, if policy and regulations permit physicians to use their expertise and professional judgement.

The College of Physicians and Surgeons of Alberta’s “Advice to the Profession – Social Media” (May 2020) states on page 2 “It’s important to highlight this document is not intended to restrict any physician’s right to free speech.” The College of Physicians and Surgeons of Saskatchewan’s “Guideline – Physician Use of Social Media” (March 2021) Section 2 states “This Guideline is not intended to restrict any physician’s right to freedom of speech.” **In important respects the CPSO’s draft policy is out of step with those in other provinces.**

The CPSO’s introduction of the higher standard of “supported by evidence...” in the Social Media Policy Draft for consultation is very similar to the serious problem created in the Complementary and Alternative Medicine (CAM) – Draft Policy for Consultation currently being reviewed. In lines 31-39, that draft policy says physicians providing CAM “must practice ... in a manner that is supported by evidence and scientific reasoning...” thus raising the standard of evidence required higher than for other areas of medicine where “informed by evidence and science...” is the expectation, as discussed above.

If it is no longer safe for knowledgeable physicians to offer a range of safe and effective Complementary Medicine therapies or Integrative Medicine therapies or other innovative therapies that do not yet have extensive research “support”, patients with complex problems not well-addressed by current “standard” medical approaches may lose access to effective care that meets their needs. They may be forced to “doctor themselves” and therefore will be at increased risk of hardship and harm. Many will feel abandoned and betrayed by the medical profession and the CPSO.

The CPSO’s Social Media Policy draft would certainly also make it more difficult for physicians to provide meaningful information or guidance about many therapies including those of Complementary medicine, and Integrative medicine, or other innovative emerging therapies to the public.

**Arbitrarily raising the standard of evidence requirement without regard for its very negative broader impact does not “serve and protect the public interest”** as required by the Regulated Health Professions Act Schedule 2, s3 (2).

**It is very important for the public, patients, physicians and progress in medicine that lines 57-60 of CPSO’s Social Media Policy Draft be changed so that “verifiable and supported by available evidence and science” is replaced by “informed by evidence and science.”**