



The College of Naturopaths of Ontario

## WHITE PAPER USE OF TESTIMONIALS BY ONTARIO NATUROPATHIC DOCTORS

From the fall of 2009 until June 30, 2015, the then transitional Council of the College of Naturopaths of Ontario was responsible for establishing the regulations, standards of practice and by-laws that would establish the regulatory framework that would govern Naturopathic Doctors in Ontario. The transitional Council would, on July 1, 2015, become the College of Naturopaths of Ontario, which continues to regulate the profession.

During the transitional or developmental phase, several issues were raised within the naturopathic community, one of which was the use of testimonials by the profession in their advertising to the public.

This White Paper will explore many of the questions surrounding allowing the use of testimonials by NDs in Ontario. Readers are reminded that **this is a fact-finding process** directed by the Council of the College; no decision has been made to act on any questions posed in this document. At the end of this consultation, the College Council will be informed of the consultation and the outcomes to provide direction on the next steps, if any.

### Context – Why Testimonials Might be Important to the Profession

Regulated health professionals in Ontario are not equal, and there are no requirements set out in the legislation that suggests that they should all be treated equally. An examination of the various professions would bring forward many areas where there are inequities; however, the largest relates to how and by whom a health professional is paid. The best-known methods of payment for health professionals include:

- Ontario Health Insurance Plan (OHIP) which pays Ontario's physicians and surgeons for the services they provide to patients on a fee for service bases.
- Public funding which sees the Ontario government fund health care by funding the public institutions which are delivering services. This would include public hospitals and other health care institutions.
- Private funding which sees the patient pay for the services directly without any funding from the government. Often but not always, private funding is supported by private insurance plans which pay for some but not necessarily all the services.

There are many regulated health professions who rely exclusively on private funding, most notably chiropractic, naturopathy, massage therapy, and optometry, among many others. Private funding creates a competitive marketplace where professionals must advertise and promote their services to the public to garner a sufficient patient base to support their practice. This competitive

marketplace is further reinforced by one of the main underlying principles of the Regulated Health Professions Act (RHPA) and the various profession-specific legislation which is overlapping scopes of practice. Many of the same services are provided by two or more regulated health professions resulting in direct competition for limited private health care dollars.

## **Testimonials Defined**

The Cambridge Dictionary defines a testimonial as “a statement about the character or qualities of someone or something.” The Merriam-Webster Dictionary defines a testimonial as “a statement testifying to benefits received.”

Using these definitions and general knowledge, the following can be established as our overall understanding of what a testimonial is and its general purpose:

- It is a statement or endorsement from a customer, client or user of products or services, sharing their positive experience with the organization, product, or service.
- They are commonly used in marketing and advertising to build trust and credibility.
- They are intended to influence potential customers or clients to purchase the product or service.

There are four known types of testimonials, including:

- Expert testimonials – from professionals or influencers in a relevant field.
- Customer testimonials – from satisfied buyers.
- Peer testimonials – from people like the target audience of the advertisement.
- Celebrity endorsements – testimonials from well-known public figures.

In general terms, testimonials should not be considered negative. In a competitive world where individuals have limited health care funds to spend on private health care, we often look to find the right people to help and knowing others in similar situations have been helped by a health professional may be a valuable tool.

## **The Risks of Allowing Testimonials in Health Profession Advertising**

While there does not seem to be a single authoritative source on the topic, there are several publications from the health care sector and insurers speaking about the risks of allowing a regulated health professional to use testimonials in their advertising. The following is a summary of the information gleaned thus far; however, it is not being put forth as an exhaustive search.

Some professionals are prohibited from using testimonials in their advertising due to ethical, legal, and regulatory concerns. This is especially common in fields where trust, objectivity, and public protection are paramount.

## 1. Maintaining Professional Integrity

All regulated professionals are held to high ethical standards. This is true for regulated health professionals, the legal profession, engineering, and accounting, among others. When critical information must be disclosed to a regulated professional to obtain their services, the customer needs to be confident in the ethics of the individual. Testimonials can:

- Create unrealistic expectations about outcomes.
- Be misleading, especially if they do not reflect typical results.
- Undermine the objectivity of professional relationships.

## 2. Protecting Vulnerable Clients

Patients or clients seeking help from a regulated health professional or other regulated professions are often in vulnerable positions. These individuals are often in difficult or life-threatening situations and are reliant on the good judgement and ethics of professionals. Testimonials might:

- Exploit the emotional state of potential clients.
- Pressure individuals into decisions based on emotional appeal rather than informed judgment.

## 3. Difficulty Verifying Claims

Testimonials are often subjective and unverifiable. They are typically made by unknown individuals who may or may not have a relationship with a professional. In general terms, regulators aim to ensure that all advertising is:

- Truthful,
- Evidence-based,
- Not misleading or exaggerated.

## 4. Avoiding Conflicts of Interest

In some cases, testimonials may come from individuals who received preferential treatment or incentives, which compromises the credibility of the endorsement.

## 5. Breach Patient Confidentiality

Even with consent, using patient testimonials can risk violating PHIPA or other privacy laws if not handled with extreme care. Any identifying information must be protected, and explicit, informed consent is required. Testimonials might have been obtained:

- Without the patient's consent.
- With the patient's consent but because of undue pressure or without sufficient information about what would be used and how it would be used.

The following excerpt from the Advertising Standard of the College of Audiologists and Speech-Language Pathologists of Ontario summarizes very well the concerns about testimonials.

“Testimonials are not permitted because they reflect one individual’s subjective experience. Each patient is unique in their needs and circumstances; their experience of health care will not be the experience of others. Testimonials are created to reflect, often positive, experiences and are unreliable and biased because they do not represent a balanced view. In addition, patients may feel pressured to provide a testimonial or may base a testimonial on factors that are unrelated to the quality of health care services received.”

### **Can the risks of Testimonials be Addressed to Allow them to be used?**

Health professional testimonials can be permitted under certain conditions, but they must be carefully regulated to ensure they are ethical, legal, and do not compromise patient health, safety, or privacy. Some considerations in regulating an environment where testimonials might be permitted include the following.

#### **1. Informed and Voluntary Consent**

Patients must give explicit, informed consent to use their testimonials. This includes:

- Understanding how and where the testimonial will be used.
- Assurance that their care will not be affected by their decision on whether to give a testimonial.
- The ability of the patient to withdraw consent at any time is important.

#### **2. Compliance with Privacy Laws (e.g., PHIPA)**

Testimonials must not disclose personal health information unless the patient has signed a valid authorization form. Even indirect identifiers (like treatment details or appointment times) can violate privacy if not handled properly.

#### **3. Avoiding Undue Influence**

Health professionals must avoid soliciting testimonials from:

- Current patients – this is due to the power imbalance between the health professional and their patient as well as the risk that the patient may have been incentivized to provide the testimonial.
- Vulnerable individuals – this is due to their potential to make them feel pressured to comply or agree to a request.

Instead, testimonials could be sourced from:

- Former clients (with caution and time buffer).
- Colleagues, workshop attendees, or community members.

#### 4. Truthful and Representative Content

Regulations governing the use of testimonials should ensure that testimonials themselves:

- Reflect typical outcomes, not exceptional or extraordinary cases.
- Are fact-checked and not exaggerated.
- Include disclaimers where appropriate (e.g., “individual results may vary”).

#### 5. Professional Oversight

Regulatory Colleges who contemplate permitted testimonials can:

- Provide clear standards and guidelines for testimonial use.
- Require review and approval of advertising materials.
- Enforce disciplinary actions for misuse.

#### 6. Ethical Framing

Testimonials should be carefully crafted and should not:

- Exploit emotional appeal.
- Promise cures or guaranteed results.
- Undermine the professional-client relationship.

In summary, while testimonials can be powerful tools for building trust and visibility, their use in healthcare must be tightly controlled to protect patients and uphold professional standards.

### **The Ontario Environment**

As is typically the case, the College has canvassed the other Ontario Colleges to determine whether and under what conditions testimonials are permitted. This was accomplished by:

1. Checking the Professional Misconduct Regulation made under the profession-specific legislation.
2. Checking the General Regulation made under the profession-specific legislation.
3. Checking whether any Standards of Practice address advertising and testimonials.

As of the drafting of this White Paper, there are 29 regulated health professions that are currently being regulated under the auspices of 26 health regulatory Colleges. Of these:

- 20 specifically prohibit the use of testimonials, either in the Professional Misconduct Regulation, the General Regulation, or a Standard of Practice of the Profession.
- Two allow for testimonials under certain conditions or requirements.
- Four do not address testimonials in any regulatory capacity, and it is presumed that they are permitted.

Appendix 1, a summary of this scan's findings, is attached to this White Paper for the reader's information.

### **Consultation Considerations**

1. Considering the information provided in this White Paper, should testimonials be permitted, either with or without additional regulatory conditions or parameters? (Yes or no).
2. The benefit to the profession of enabling testimonials is a freer hand in advertising and the potential to increase the number of patients they have in their practice. What is the benefit to the public interest in allowing testimonials?
3. The College of Chiropractors of Ontario (CCO) through its Standard of Practice on Communication with the Public allows testimonials that refer to the benefits of chiropractic and:
  - i. are accurate, verifiable, and recorded in the patient health record;
  - ii. are used only in accordance with the written consent of the patient;
  - iii. are not obtained using any undue pressure, duress, coercion, or incentives;
  - iv. include a disclaimer stating that the results of the testimonial may not be typical of all patients or that results of patients may vary,
  - v. do not include any information, testimonial or narrative about the member providing care to the member's own family, and
  - vi. are otherwise compliant and consistent with the chiropractic scope of practice, privacy legislation, and CCO standards of practice, policies, and guidelines.

Is this approach sufficient for naturopathic practice to allow for testimonials?

4. Are there other suggested approaches to allowing testimonials but maintaining professional integrity?

## Testimonials among Ontario's Regulated Health Professions

Profession	Allowed	Allowed but restricted	Not allowed	Provision in Professional Misconduct Regulation and Standards of Practice
Audiology and Speech-Language Pathology			×	Not addressed in PMR. The Advertising Standard of Practice for CASLPO strictly prohibits the use of testimonials.
Chiropody/Podiatry			×	Not addressed in PMR. The Standard of Practice for Advertising sets out that any advertisement must not contain endorsements, testimonials or anything that is false or misleading.
Chiropractic		×		Not addressed in PMR. The Standard of Practice on Communication with the public allows testimonials that refer to benefits of chiropractic and are: (i) are accurate, verifiable, and recorded in the patient health record; (ii) are used only in accordance with the written consent of the patient; (iii) are not obtained using any undue pressure, duress, coercion or incentives; (iv) include a disclaimer stating that the results of the testimonial may not be typical of all patients or that results of patients may vary, (v) do not include any information, testimonial or narrative about the member providing care to the member's own family, and (vi) are otherwise compliant and consistent with the chiropractic scope of practice, privacy legislation, and CCO standards of practice, policies and guidelines.
Dental Hygiene			×	6. (1) An advertisement with respect to a member's practice must not contain, (e) a testimonial by a patient or former patient or by a friend or relative of a patient or former patient;
Dental Technology			×	Not addressed in PMR; however, Part II of the General Regulation governs advertising and specifically prohibits the use of testimonials.
Dentistry			×	57. Failing to take reasonable steps to ensure that any information provided by or on behalf of the member to the College is accurate. The Advertising Practice Guideline sets out that testimonials should not be included in advertising.
Denturism			×	32.1 Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member's practice.
Dietetics			×	Not addressed in PMR; however, the Standard of Practice on Advertising & Marketing prohibits the use of testimonials.
Homeopathy			×	Using or permitting the use of a testimonial from a patient, former patient or other person in the advertising of the member or his or her practice.
Kinesiology			×	30. Using or permitting the use of a testimonial from a client, former client or other person in respect of the member's practice.
Massage Therapy			×	6.(2) An advertisement respecting a member or his or her practice shall not contain, (d) any testimonial by any person, including a client, former client or a friend or relative of a client or former client;
Medical Laboratory Technology	×			Not addressed in PMR and no standards could be found that addresses testimonials.

Profession	Allowed	Allowed but restricted	Not allowed	Provision in Professional Misconduct Regulation and Standards of Practice
Medical Radiation and Imaging Technology			×	Not addressed in PMR; however, Part I of the General Regulation sets rules governing advertising and specifically prohibits the use of testimonials.
Medicine			×	Not addressed in PMR; however, Part II of the General Regulation sets rules governing advertising and specifically prohibits the use of testimonials.
Midwifery	×			Not addressed in PMR and no standards could be found that addresses testimonials. The College advises that due to the fact that midwives are publicly funded, there is little competition and little need for midwives to advertise or promote their services by using testimonials. There is no real community of practice in that regard. That said, if we believed that a testimonial was egregious in some way, we may consider acting on it using the standards or provisions within the Professional Misconduct Regulation.
Naturopathy			×	28. Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member's practice.
Nursing	×			Not addressed in PMR and no standards could be found that addresses testimonials.
Occupational Therapy			×	Not addressed in PMR; however, advertising is governed in the General Regulation. 21. (1) An advertisement with respect to a member's practice shall contain only factual and verifiable information that a reasonable person would consider relevant to choosing an occupational therapist. O. Reg. 226/96, s. 21 (1). (2) An advertisement with respect to a member's practice shall not contain, (a) anything that is false or that, because of the inclusion or omission of information, is misleading or deceptive; (b) anything that is not readily comprehensible to the audience to whom it is directed; (c) any testimonial, comparative or superlative statements; or (d) any reference to a specific brand of drug, device or equipment. O. Reg. 226/96, s. 21 (2). (3) An advertisement that includes a reference to the fee for a service shall set out all the costs of services and products that are included in the fee. O. Reg. 226/96, s. 21 (3).
Opticianry		×		Not addressed in PMR; however, the Standard of Practice for Advertising require that advertising not include: a) anything false or misleading, b) anything that, because of its nature, cannot be verified, c) a claim of specialization, if the optician does not hold a specialty certificate issued by the College, or d) the optician's name or photograph or other likeness, in an advertisement that implies, or could reasonably be interpreted to imply, that the professional expertise of the optician is relevant to the subject matter of the advertisement, if, in fact, it is not (O. Reg. 219/94, subsections 6(a),(b)).



Profession	Allowed	Allowed but restricted	Not allowed	Provision in Professional Misconduct Regulation and Standards of Practice
Optometry			×	22. Publishing or using, or knowingly permitting the publication or use of an advertisement or announcement or information that promotes or relates to the provision of professional services by a member to the public, whether in a document, business card, business sign, website, or any other format, which iii. contains a testimonial or comparative or superlative statements,
Pharmacy			×	Not addressed in PMR; however, Part XIII of the General Regulation sets out rules governing advertising. Section 44(2) para (e) prohibits the use of testimonials.
Physiotherapy	×			Not addressed in PMR and the Standard of Practice on Advertising and Marketing requires that advertising does not make unsubstantiated claims. Testimonials are not specifically prohibited. In a FAQ on the College website the following is noted: Testimonials can be used in advertisements for physiotherapy care. All testimonials must be true, verifiable, and accurate. This means that testimonials need to be genuinely written by patients who received care, not paid for or written by the physiotherapist or clinic staff.
Psychology and Applied Behaviour Analysis			×	Not addressed in PMR; however, advertising is governed by the General Regulation. Part I prohibits the use of testimonials.
Psychotherapy			×	30. Using a testimonial by a client, former client or other person in the advertising of the member or his or her practice.
Respiratory Therapy			×	Not addressed in PMR however, advertising is governed by the General Regulation. Part III prohibits the use of testimonials.
Traditional Chinese Medicine and Acupuncture			×	30. Using or permitting the use of a testimonial from a patient, former patient or other person in respect of the member's practice.