

BİÇER GÜNER

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INFORMATION NOTE ON THE REGULATION ON PROMOTION AND INFORMATION ACTIVITIES IN HEALTH SERVICES

1. Introduction

The Regulation on Promotion and Information Activities in Health Services (“**Regulation**”) sets out binding rules governing how healthcare professionals, private healthcare institutions, and international health tourism intermediary institutions may conduct promotional and informational activities. The Regulation aims to prevent advertising-oriented practices, protect patients from misleading information, uphold ethical and professional standards, establish enforceable limits for the use of digital communication channels and ensure that promotional activities in healthcare services are structured in a comprehensive and auditable manner.

2. Principles for Promotion and Information Activities

2.1 General Prohibitions and Core Principles

- Covert or overt advertising shall not be conducted in the provision of healthcare services. Promotional or informational statements shall be made only by authorized healthcare professionals; influencers, agencies or third parties may not carry out such activities.
- Healthcare professionals must not use specialist titles based on certificates outside their officially recognized specialty areas. Certificates, academic work, awards, scientific activities and professional memberships approved by Ministry of Health ("**Ministry**") may be disclosed.
- Promotional content shall not include statements that directly or indirectly steer patients toward a specific healthcare institution or professional. Referral-based promotions for check-ups, screenings or consultations shall not be conducted.
- Healthcare websites must display the date of last update and the editor's contact information.
- Social responsibility campaigns in the health sector may be conducted only with prior approval of the Ministry and in accordance with Presidential Decree No. 1; activities shall remain within the approved scope, purpose and duration.
- Where unauthorized, unlicensed or non-compliant entities conduct promotional activities, they shall be reported to the Ministry of Trade or Provincial Directorates for review by the Advertising Board under Law No. 6502, and a criminal complaint shall be filed with the Public Prosecutor's Office.

2.2 Promotion Through Third Parties

- Promotional activities shall not be performed through influencers, agencies or any other third parties.
- Posts shared by third parties do not remove the responsibility of the healthcare institution or the healthcare professional.

2.3 Misleading or Inaccurate Content

- A healthcare institution shall not create the impression that it provides specialties or services it does not actually offer.
- Healthcare professionals must not provide information outside their specialty or subspecialty.
- Information regarding unproven or non-standardized methods shall not be disseminated.
- Success rates, case numbers and statistical information shall not be presented in an exaggerated or misleading manner.
- Devices, products or methods shall not be promoted as superior to others.

2.4 Advertising-Like Content

The following content shall not be used:

- Announcements of prices, discounts, campaigns, promotions, gifts or lotteries,
- Patient testimonials, satisfaction videos or comments,
- Sponsored content, except within the first month following the opening of a healthcare institution.

2.5 Social Media and Search Engines

- Social media posts shall not contain referral, recommendation or inducement components.
- Visibility-boosting or ranking-oriented search engine advertisement shall not be used for promotional purposes.
- Sponsored content may not be continued after the first month of opening.
- Individuals managing accounts used for dissemination shall share responsibility for violations.

2.6 Other Restrictions

- Unsolicited promotional communications via phone, SMS or email shall not be conducted.
- Healthcare services shall not be offered as gifts, rewards or incentives.
- Advertising or promotional activities relating to organ or tissue procurement or donation shall not be conducted (except for scientific or newsworthy content).

3. Privacy, Personal Data and Visual Content

3.1 Patient Privacy and Personal Data Protection

- All activities must comply with the Patient Rights Regulation, the Personal Data Protection Law (“**PDPL**”), and the Regulation on Personal Health Data.
- Personal health data may be processed only with explicit patient consent.

3.2 Explicit Consent for Visual Content

- Visual content shall not include elements that are misleading, exploitative, unethical, contrary to public health or that promote the healthcare provider beyond informational limits.
- Patient images may be used only with explicit consent obtained in accordance with the Patient Rights Regulation (parent/guardian consent for minors) using the Annex-1 Consent Form.
- Patients may withdraw consent at any time, and healthcare institutions must comply immediately. Neither treatment nor pricing shall depend on the granting or withdrawal of consent; financial incentives shall not be provided in exchange for consent.

3.3 Before-and-After Images

- Such images must be taken under identical conditions (angle, frame, lighting), and the procedure date and photo date must be indicated.

3.4 Technical and Procedural Requirements

- Visuals shall be shared only by the healthcare institution or healthcare professional.
- Whether the visuals belong to actual patients and practitioners must be disclosed, and sources must be cited for third-party content.
- Digital manipulation like retouching, filters, lighting edits or montage shall not be applied.
- Images of surgeries or medical interventions in progress shall not be shared.
- Images of intimate body areas shall not be used.
- Visual content shall not be published as paid or sponsored material on any platform.
- Each visual must include the statement: “Results of any surgical or interventional procedure may vary from person to person. It is recommended to consult your physician for detailed information.”
- Commenting, liking and resharing functions must be disabled.

4. International Health Tourism

4.1 General Rules

- Medical procedures or treatment methods that are prohibited or not authorized for use in Türkiye by the Ministry shall not be included in international health tourism promotion or information activities.
- Healthcare institutions and intermediary entities that intend to use trademarked names in their URLs must notify the Ministry and submit the relevant trademark certificates.
- International health tourism promotions may include announcements regarding discounts, campaigns or competitive pricing.
- The facility name, title and URL used on websites must be consistent with the official license issued by the Ministry.
- The “HealthTürkiye” logo must be used across all platforms related to health tourism.

4.2 Separate Platform Requirement

- International health tourism promotion shall be carried out exclusively through a separate website or social media account targeting users abroad. These platforms must clearly state that the services are provided within the scope of international health tourism.
- The international health tourism authorization certificate must be visibly published on the healthcare institution’s or intermediary entity’s website and social media accounts.

4.3 Target Audience and Sponsored Content

- Target audiences shall be limited to users outside Türkiye, and Türkiye shall be excluded in all location-based targeting settings.
- Automatic targeting systems must be disabled.
- Sponsored content shall be prepared only in foreign languages and displayed exclusively to users located outside Türkiye.

4.4 Patient Stories and Testimonials

- Patient stories and testimonials may be shared only on foreign-targeted platforms, and only where patient privacy, patient rights and explicit consent requirements are fully met.

4.5 Rules Specific to Intermediary Institutions

- Intermediary institutions shall promote only their intermediary services and shall not present themselves as healthcare providers.
- The healthcare facility delivering the relevant service must be clearly identified.
- The URL used by an intermediary institution shall be consistent with its registered trade name or business name.

5. Radio and Television Broadcasts

5.1 Undertaking

- Healthcare professionals participating in promotional or informational programs broadcast on radio or television shall sign the undertaking set out in Annex-3 in 2 (two) copies before the program. One copy shall be retained by the broadcasting organization for 5 (five) years and shall be submitted to the Ministry or the provincial directorate upon request.

5.2 Oversight

- A commission of expert physicians formed by the Ministry or the provincial directorate shall evaluate the compliance of statements made during the broadcast with the Regulation.
- In the event of non-compliance, administrative action shall be taken against the healthcare professional and the healthcare facility, and the violation shall be reported to Radio and Television Supreme Council for further action against the broadcaster.

6. Oversight Mechanism and Provincial Commission

- The Provincial Evaluation Commission shall be established with the governor's approval and shall conclude its assessments within 45 days.
- Inspection files must include evidence, URL printouts and detailed violation findings.
- Promotion and information activities shall be continuously monitored by the General Directorate and provincial health directorates through media outlets, social media platforms and websites.
- Violations detected through complaints, notifications or ex officio monitoring shall be recorded in the Health Facilities Inspection and Monitoring System and shall be referred to the Commission for a decision.

7. Sanctions

7.1 Healthcare Institutions and Intermediary Entities

- Administrative sanctions listed in the Administrative Sanctions Form (Annex-2) under Article 11 of Law No. 3359 shall be applied.
- Individuals who publish or advertise organ or tissue procurement for gain shall be reported to the Public Prosecutor under the applicable provisions of the Turkish Penal Code.

7.2 Healthcare Professionals

- Physicians and dentists shall be subject to disciplinary measures under the relevant provisions of Law No. 1219, and notifications shall be made to their institutions and professional associations.
- Other healthcare professionals shall be reported to the Ministry of Trade or Provincial Directorates for review by the Advertising Board under Law No. 6502.

7.3 Unauthorized Health Services

- Where unauthorized, unlicensed or non-compliant persons or entities are found to be conducting promotional or informational activities, the matter shall be referred to the Ministry of Trade for review by the Advertising Board under Law No. 6502, and a criminal complaint shall be filed with the Public Prosecutor's Office.

7.4 Digital Content

- For digital content that endangers human health, misleads the public or negatively affects treatment:
 - Access blocking shall be requested under Law No. 5651,
 - The content provider and hosting provider shall be notified.
- Where the act constitutes a criminal offense, a criminal complaint shall also be filed.

7.5 PDPL Violations

- Violations related to privacy and personal data processing shall result in administrative fines under the PDPL and the Regulation on Personal Health Data.

8. Conclusion

The Regulation establishes an ethical, scientific and privacy-centered framework governing promotional and informational activities in the healthcare sector. By restricting advertising-driven practices and addressing risks arising from digital communication platforms, the Regulation seeks to prevent misinformation, protect patient rights, and eliminate misleading or anti-competitive promotional activities. With strengthened oversight and detailed rules for international health tourism, all healthcare stakeholders must adopt a compliant, transparent and responsible communication approach, contributing to a more disciplined and ethical healthcare communication environment.

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