

DEPARTMENT OF HEALTH

NO. 2748

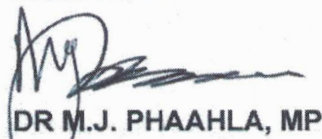
18 November 2022

ALLIED HEALTH PROFESSIONS ACT 63 OF 1982

REGULATIONS RELATING TO FINES WHICH MAY BE IMPOSED BY AN INQUIRING BODY AGAINST PRACTITIONERS FOUND GUILTY OF UNPROFESSIONAL CONDUCT IN TERMS OF THE ALLIED HEALTH PROFESSIONS ACT, 1982 OR FOR NON-COMPLIANCE WITH ANY CONTINUING PROFESSIONAL DEVELOPMENT ("CPD") REQUIREMENTS

The Minister of Health intends, under section 23(1A) and section 29 as read with section 38(1)(s), and section 38(4) of the Allied Health Professions Act, 1982 (Act No. 63 of 1982), after consultation with the Allied Health Professions Council, to make the regulations in the Schedule.

Interested persons are invited to submit substantiated comments or representations in writing on the proposed amendments to the Regulations, to the Director-General: Health, Private Bag X828, Pretoria, 0001 (for the attention of the Director: Public Entities Governance, Ms M Mushwana, Mihloti.mushwana@health.gov.za, and Mr G. Tsebe, Godfrey.tsebe@health.gov.za within one month of the date of publication of this Notice.



DR M.J. PHAAHLA, MP
MINISTER OF HEALTH

DATE: 26/01/2022

SCHEDULE

Definitions

1. In these regulations any word or expression to which a meaning has been assigned in the Act, shall have that meaning and unless the context otherwise indicates-

"CPD" means Continuing Professional Development;

"Inquiring Body" means the Council, the professional board, a committee of the council or a committee appointed by a professional board, which is conducting an inquiry contemplated in either section 23(1) or 23(1A) or section 29 of the Act and/or the CPD Guidelines for the professions of Aromatherapy, Ayurveda, Chinese Medicine and Acupuncture, Chiropractic, Homeopathy, Naturopathy, Osteopathy, Phytotherapy, Reflexology, Therapeutic Aromatherapy, Therapeutic Massage Therapy, Therapeutic Reflexology and Unani-Tibb; and

"the Act" means the Allied Health Professions Act, 1982 (Act No 63 of 1982).

Fines which may be imposed by an Inquiring Body

2. (1) An Inquiring Body may impose a fine equal to or falling within the range of the minimum and maximum fines stipulated for each category of unprofessional conduct contained in the table of fines, against a registered person or a person who is legally required to be registered and who has been found guilty of unprofessional conduct after an inquiry held by such Inquiring Body or who has not complied with the CPD requirements after an inquiry.

(2) Fines may be imposed alone or in conjunction with each other or with any other penalty the Inquiring Body may seem appropriate; the fines are payable in respect of one or more charges and may be compounded.

(3) The Council may, annually, by Notice in the Gazette increase the fines which may be imposed provided the increment may not be more than 20%.

Table of Fines

UNPROFESSIONAL CONDUCT RELATING TO:	MINIMUM FINE	MAXIMUM FINE
Advertising	R3,000	R20,000
Certificates and Reports	R3,500	R12,000
Overcharging / Overservicing	R2,500	R50,000
Practising beyond scope of own profession	R5,000	R30,000
Maligning the reputation of colleagues	R2,500	R12,500
Fees and/or Commission	R5,000	R70,000
Record keeping	R3,500	R15,000
Financial interest	R4,500	R20,000
Promote, sell or market a product, device of whatsoever nature	R4,500	R20,000
Sharing of consultations rooms	R3,000	R15,000
Practice and/or being associated and/or perceived to be associated with unregistered persons	R5,000	R25,000
Offering of unapproved education and training	R5,000	R30,000
Practice names	R5,000	R15,000
Contract servicing	R5,000	R 50,000
Confidential information	R5,000	R20,000
Exposing patients to danger and/or harm	R5,000	R100,000
Providing treatment without patient's or patient's next of kin's consent	R5,000	R30,000
Lack of professional competence	R5,000	R100,000
Negligence	R5,000	R70,000
Fraud	R10,000	R100,000
Giving and/or receiving kickbacks or any benefit of whatsoever nature	R10,000	R100,000
Engaging in unacceptable relationship	R10,000	R70,000
Corruption	R10,000	R100,000
Disrespect patient's privacy and/or dignity	R10,000	R20,000
Unprofessional conduct not stipulated above	R1,000	R100,000

NON COMPLAINTS WITH CPD REQUIREMENTS	MINIMUM FINE	MAXIMUM FINE
< 5 points short for the CPD cycle	R2,500	R5,000
Between 6 – 10 points short for the CPD cycle	R5,000	R8,000
Between 11 – 20 points short for the CPD cycle.	R8,000	R15,000
More than 20 points short for the CPD cycle	R15,000	R25,000

Short Title

3. These regulations are called the Regulations Relating to Fines which may be Imposed by an Inquiring Body Against Practitioners Found Guilty of Unprofessional Conduct in Terms of the Allied Health Professions Act, 2022.