

BOARD NOTICE 278 OF 2022
HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA
HEALTH PROFESSIONS ACT, 1974 (ACT NO. 56 OF 1974)

PROPOSED AMENDMENTS TO THE ETHICAL RULES OF CONDUCT
FOR PRACTITIONERS REGISTERED UNDER THE HEALTH
PROFESSIONS ACT, 1974

The Health Professions Council of South Africa intends, in consultation with the professional boards under sections 49(1) read together with section 61A (2) of the Health Professions Act, 1974 (Act No. 56 of 1974), to amend the Ethical Rules published under Government Notice R717 in Government Gazette No. 29079 of 4 August 2006, as amended, in the manner as it appears in the schedule below.

Interested persons are invited to submit any substantiated written comments or representations on the proposed amendments to the Registrar, Health Professions Council of South Africa (for the attention of the Legal Advisor: Legislative Drafting) within three months of the date of publication of this notice by-

- (a) posting them to PO Box 205, Pretoria, 0001;
- (b) delivering them by hand at 553 Vermeulen Street, Arcadia, Pretoria, 0002; or
- (c) e-mailing them to: ntsanem@hpcsa.co.za.

Comments received after the closing date may not be considered.

GENERAL EXPLANATORY NOTE

[] Words or phrases in bold type square brackets indicate omissions or deletions from existing enactments; and

_____ Words or phrases underlined with a solid line indicate insertions in existing enactments.

SCHEDULE

Definitions

1. In this Schedule, Ethical Rules means the Ethical Rules of Conduct for Practitioners Registered Under the Health Professions Act, 1974, published under Government Notice R717 in Government Gazette No. 29079 of 4 August 2006, as amended by Government Notice R68 in Government Gazette No. 31825 of 2 February 2009, Government Notice R654 in Government Gazette No. 33400 of 30 July 2010, Board Notice R26 in Government Gazette No. 36183 of 01 March 2013, and any word or expression to which a meaning has been assigned in the Ethical Rules shall have that meaning.

Amendment of Ethical Rule 7

- 2 Ethical Rule 7 is hereby amended by the addition of the following sub-rule:

“(6) Notwithstanding anything contained in sub-rule (4) and sub-rule (5) above, a practitioner may share, charge or receive fees from another practitioner, provided that in such an instance, there is an express agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients which is structured to contain costs of rendering health-care services, enhance access to appropriate, high quality health-care services or products, and that such agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients has been approved by council prior to its implementation.”

Amendment of Ethical Rule 8

3 Ethical Rule 8 is hereby amended by the addition of the following sub-rule:

“(5) Notwithstanding anything contained in this rule 8, a practitioner may provide collaborative health-care services with other practitioners provided that the primary aim will be to enhance the quality of health-care services to patients, and further that there is an express agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients which is structured to contain costs, enhance access to appropriate, high quality health-care services or products to patients, and that such agreement, arrangement or model of rendering multi-disciplinary based health-care services to patients has been approved by council prior to its implementation.”

Substitution of Ethical Rule 8A

4 The following Rule is hereby substituted for Ethical Rule 8A of the Ethical Rules:

“8A. Sharing of Rooms.—A practitioner shall not, without the prior approval of council, share his or her rooms with a person or entity not registered in terms of the Act, or in terms of any other legislation regulating nursing, pharmacy, allied health and other similar professions or a juristic person who is exempted from registration in terms of section 54A of the Act.”

Amendment of Ethical Rule 18

5 Ethical Rule 18 is hereby amended by the substitution for subrule (1) of the following subrule:

“(1) A practitioner shall accept a professional appointment or employment from employers approved by the council only in accordance with a written contract of appointment or employment which is drawn up on a basis which is in the interest of the public and the profession[.] , provided that in such

instances, the employment contract has as its primary aim the enhancement of the quality of health-care services to patients, is structured to contain costs, enhance access to appropriate, high quality health-care services or products to patients, and is not designed to extract profit for the benefit of the practitioner or their employer to the detriment of patients.”

Amendment of Ethical Rule 23A

6 Ethical Rule 23A is hereby amended by the substitution for paragraph (h) of the following paragraph:

“(h) such practitioner annually submit a report to the council with the following supporting information and documents:

- (i) the number of patients referred by him or her or his or her associates or partners to such hospital or health care institution and the number of patients referred to other hospitals in which he or she or his or her associates or partners hold no shares;
- (ii) the agreements concluded in relation to the acquisition and/or ownership of the interests of shares in the hospital or health care institution;
- (iii) how the acquisition of the financial interest is funded and whether there are other ancillary contractual relationships between all the parties to the transaction or with related parties and entities and if so, the nature of such contractual relationships;
- (iv) policies or peer review protocols for admission of patients into such hospital or health care institution and quality monitoring mechanisms which serve to ensure that practitioners will comply with the ethical rules of council;

- (v) Any other information or document which the council may deem relevant.”

Amendment of Rule 1 of Annexure 8 of the Ethical Rules of Conduct

7 Rule 1 of Annexure 8 is hereby amended by the deletion, in subrule (4), of paragraph (a).

Signed by:David Motau
Signed at:2021-07-27 14:36:25 +02:00
Reason:I approve this document



DR. D MOTAU
REGISTRAR