

DEPARTMENT OF HEALTH

NO. 3799


18 August 2023

HEALTH PROFESSIONS ACT, 1974 (ACT NO.56 OF 1974)

REGULATIONS RELATING TO THE EVALUATION AND ACCREDITATION OF TRAINING
IN EDUCATIONAL AND TRAINING INSTITUTIONS

The Minister of Health intends, under section 61 of the Health Professions Act, 1974 (Act No. 56 of 1974) and after consultation with the Health Professions Council of South Africa, to make the regulations in the Schedule.

Interested persons are invited to submit any substantiated comments or representations on the proposed regulations to the Director-General of Health, Private Bag X828, Pretoria, 0001 (for attention of the Director: Public Entities Governance; mihloti.mushwana@health.gov.za and paul.tsebe@health.gov.za), within three month of the date of publication of this Notice.



DR M.J PHAAHLA, MP
MINISTER OF HEALTH

DATE:

24/07/2023

SCHEDULE

Definitions

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

“applicant” means a person or educational institution applying for approval of a training in terms of the regulations;

“council” means the Health Professions Council of South Africa established in terms of section 2 of the Act;

“person” means any natural or juristic person, or any training and educational institution;

“professional board” means the professional board established in terms of section 15 of Act;

“qualification” means a qualification which entitle a holder thereof to registration in terms of the Act;

“the Act” means the Health Professions Act, 1974 (Act No. 56 of 1974), and

“year” means a period of twelve months from the first of the month following the month during which the educational institution was accredited or re-accredited.

Procedure in accreditation and evaluation of training

2. (1) Any person or educational institution wishing to offer training referred to in section 16 (2) of the Act shall, before offering such training, apply to the professional board concerned in writing for accreditation of such training.

(2) The application referred to in sub regulation (1) must be accompanied by the applicant's self-evaluation form supplied by the professional board and must meet the criteria determined by the professional board from time to time.

(3) The registrar must-

- (a) provide the applicant with the criteria referred to in sub regulation (2);
- (b) receive the application referred to in sub regulation (1) on behalf of the professional board; and
- (c) after receipt of the application referred to in sub regulation (1), appoint the evaluation panel and make the necessary arrangements including but not limited to scheduling the date of the evaluation with the educational institution.

(4) The evaluation panel referred to in sub regulation (3) (c) must conduct the evaluation in accordance with the criteria determined by the professional board and provide the professional board with the evaluation report and its recommendations.

- (5) The professional board must consider the application together with the evaluation report and the recommendations of the evaluation panel and decide on whether or not to accredit the training in question.
- (6) The professional board may, after considering the application together with the evaluation report and the evaluation panel's recommendations and before deciding on the application, direct the registrar to ask the educational institution to clarify specified aspects of the application or to provide any additional information to enable the professional board to make its own decision.
- (7) Having considered the application, evaluation report, recommendations of the evaluation panel, and any clarification or additional information from the educational institution, the professional board may approve or refuse the accreditation of the training and educational institution concerned.

Duration of Accreditation

- 3 (1) If the application meet the criteria determined by the professional board, the professional board must accredit the training concerned for five years.
- (2) The professional board must re-evaluate the training referred to in sub regulation (1) after every five years.
- (3) The professional board may, at any time after accrediting training and before the expiry of the five-year period of accreditation, direct that an accredited training and educational institution be re-evaluated, should it be in receipt of the information to the effect that the accredited training and educational institution no longer meet the requirements prescribed by the professional board.
- (4) The professional board may, at any time, withdraw the accreditation of the training and the educational institution referred to in these regulations should it be found that the training and the educational institution no longer meet the minimum requirements determined by the professional board.

Accreditation and annual fees

4. The Council must, on the recommendation of Board, determine and publish, by notice in the *gazette*, the fees payable for accreditation of training and the educational institution and the annual accreditation fees.

Withdrawal of accreditation

- 5** (1) The relevant professional board may withdraw accreditation of the training and an educational institution if:
- (a) it is found, during re-evaluation of the training and educational institution, that an educational institution no longer complies with the conditions determined by the professional board;
 - (b) information is brought to the relevant professional board to the effect that such training and an educational institution no longer complies with the conditions of accreditation as may have been determined by the relevant professional board; and
 - (c) the educational institution has failed, neglected, or refused to pay accreditation fees or annual fees for accreditation fees.
- (2) The relevant professional board must, prior to the withdrawal of the accreditation of training and an educational institution, give an educational institution 30 days within which to furnish the reasons why such training and an educational institution's accreditation should not be withdrawn.
- (3) The relevant professional board must consider the reasons furnished by an educational institution before withdrawing the accreditation of an educational institution.
- (4) Should the relevant professional board decide to withdraw accreditation of training and an educational institution, the relevant professional board must, in writing, inform such an educational institution and the students at such an educational institution of its decision accordingly.
- (5) The professional board may, having withdrawn the accreditation of the training in an educational institution, give any direction to the educational institution and the students at that educational institution.
- (6) The application for registration, in terms of the Act, of any person who is in possession of a qualification from an educational institution whose accreditation has been withdrawn shall be considered in terms of section 25 of the Act.
- (7) The relevant professional board may require the person referred to in sub regulation (6) to undergo and pass an evaluation before considering such person for registration in terms of the Act.

Invitation to the evaluation panel

- 6.
- (1) The registrar must convene a meeting of the professional board.
 - (2) The professional board must determine the criteria for the appointment of persons as members of the evaluation panel.
 - (3) The Registrar must, at least once every five years and by notice in the national newspaper and in any other form of communication, invite interested persons to apply, on a form supplied by the professional board, to be members of the evaluation panel.
 - (4) The professional board must, within thirty days after the closing date for the submission of applications referred to in sub regulation (3), appoint the qualifying applicants for purposes of enrolment in the list of members of the evaluation panel.
 - (5) The registrar must keep a list of members of the evaluation panel in respect of each professional board for five years.

Composition of the evaluation panel

- 7.
- (1) The composition of the evaluation panel shall be determined by the relevant professional board.
 - (2) The relevant professional board must appoint different panel members for each evaluation.
 - (3) The relevant professional board must, except for a follow up evaluation, not appoint the same panel to conduct the second evaluation on training and an educational institution.

Payment to panel members

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- (1) The Council shall determine and publish, in the gazette from time to time, fees payable to members of the evaluation panel for the evaluation of the training and the educational institution and for the preparation of the evaluation report for accreditation or re-accreditation contemplated in these regulations.
 - (2) The registrar must pay members of the evaluation panel fees and disbursements due to the members of the evaluation panel on the submission, to the registrar, of the final evaluation report.

Short Title

9. These Regulations are called Regulations Relating to the Evaluation and Accreditation in Educational and Training Institutions, 2023.