



MEDICAL ORGANISATIONS

PROTECTING THE PUBLIC, GUIDING THE PROFESSIONS

The health industry in South Africa has a large number of practitioners working in it and many South Africans are dependent upon these practitioners for their well-being. Health professionals are regulated by various professional bodies and statutory bodies which have been established to regulate their profession.

The Health Professions Council of South Africa (HPCSA) is a statutory body established to determine standards of professional education and training of health professionals falling under its jurisdiction. It is also responsible for setting and maintaining fair standards of professional practice. It is an autonomous body that receives no grants or subsidies from government or any other source. It is totally funded by the professions which register with it. The public, who are main consumers of Council services, does not and is not expected to contribute financially to the functioning of the HPCSA.

The HPCSA came into being as a result of amalgamation of the various statutory health councils which existed prior to democratic dispensation in 1994. Its predecessor, the South African Medical and Dental Council, was established in 1928. As a result of the amalgamation process, the Interim National Medical and Dental Council of South Africa was established in 1995. Subsequent to a successful merger of various statutory health councils, the HPCSA was established in 1999.

The HPCSA is an umbrella body with twelve Professional Boards functioning under its jurisdiction. All health practitioners besides pharmacists, nurses, chiropractors, homeopaths and dental technicians, are expected to register with the Council. Any person who practises any profession that falls within the scope of professions under jurisdiction of the Council without being registered, is committing a criminal offence in terms of the Health Professions Act of 1974.

Constitution of the HPCSA

The highest decision-making body of the HPCSA is its Council and meets twice a year. The overriding object of Council and the Professional Boards is to assist in the promotion of the health of the population of South Africa on a national basis.

The Council and the Professional Boards are interactive entities with the main aim of the Council being the co-ordination of the activities of the Professional Boards. The Council also acts as an advisory and communicatory body for the Boards. It determines strategic policy with regard to the Boards on matters such as finance, education, registration, ethics and professional conduct, disciplinary procedures, scope of the professions, inter-professional matters and maintenance of professional competence.

The Council is made up of 52 members, some of whom are designated by Professional Boards, while other members are appointed by various stakeholders. The Ministers of Education

and Defence also appoint their representatives while the Minister of Health appoints representatives from her department and community representatives. MECs of health in all provinces also appoint community representatives for their respective provinces. In line with the HPCSA's mandate of determining standards of education and training, the Committees of University Principals and Technikon Principals also appoint their own representatives to the Council.

Twelve Professional Boards function under the jurisdiction of the HPCSA. These Boards are independent in terms of decision-making, planning and projects insofar as their actions are aligned with policies of the HPCSA. Boards also promote the standards of education and training in South Africa in relation to profession falling within the ambit of that particular Board.

The Council and Professional Boards advise the Minister of Health on matters falling within the scope of the Health Professions Act in order to support the norms and values of the profession. They also communicate to the Minister information on matters of public importance that come to their attention.

Council protects the public

All professionals registered with the HPCSA are expected to adhere and to uphold the highest standard of professional and ethical behaviour. Members of the public, patients, institutions or groups of persons are entitled (and encouraged) to lodge a complaint with HPCSA regarding any conduct by an HPCSA-registered professional that breaches these standards, such as

- unauthorised advertising
- incompetence in treating patients
- over-servicing patients
- charging excessive fees
- criminal convictions
- insufficient care towards patients
- improper relationships
- racial discrimination
- improper conduct
- rude behaviour towards patients
- performing surgical procedures without the patient's informed consent
- prescription of specific medicine to maintain the dependency of a patient
- disclosing information regarding the patient without his/her permission.

The complaint must be in writing and must be signed by the complainant, his or her legal representative or any other person lodging the complaint on behalf of the complainant. The Council cannot deal with anonymous or confidential complaints. The complainant must also state clearly that he or she is lodging a complaint against a practitioner and that the Council should investigate the complaint. It is also important to identify the practitioner by supplying his or her surname, initials, practice address and registration number if possible.

The Registrar of the HPCSA, upon receiving the complaint, will request a written explanation from the practitioner concerned within a period of seven days. The letter of complaint together with the practitioner's response will be



referred to a Committee of Preliminary Inquiry for consideration. This Committee will decide whether there are grounds for a professional conduct inquiry to be held or not.

If the Committee decides that a professional conduct inquiry should be held, the Registrar will direct the HPCSA's Department of Legal Services to arrange for the holding of a professional conduct inquiry. A Professional Conduct Committee will then be constituted and the chairperson thereof must be a member of the Professional Board concerned. If the Committee finds a practitioner guilty, the Committee's decision is final unless the concerned practitioner appeals against it.

If a practitioner is found guilty of unprofessional conduct, one of the following penalties may be imposed:

- a caution or a reprimand, or a reprimand and a caution; or
- a fine not exceeding R10 000 per charge; or
- suspension for a specified period from practising or performing acts specially pertaining to his or her profession; or
- removal of his or her name from the relevant register; or
- a compulsory period of professional service as may be determined; or
- payment of costs of proceedings.

If found guilty, the practitioner has a right to appeal or seek review in the High Court. It is important to note that a Professional Conduct Committee cannot order the practitioner to make any financial restitution to the complainant. However, a member of the public who lodges a complaint with the Council may also pursue the avenues of civil litigation independently.

If a member of the public would like to lodge a complaint against a particular practitioner, he or she may forward a letter of complaint to: The Registrar, HPCSA, PO Box 205, Pretoria, 0001 or by hand to 553 Vermeulen Street (cnr Vermeulen and Hamilton Streets), Arcadia, or by faxing it to (012) 338-4895 or 338-9419.

The HPCSA can be contacted at tel (012) 338-9300, fax (012) 328-5120, e-mail: webmaster@hpcsa.co.za, website: www.hpcsa.co.za.

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