



TRANSPARENCY PAYS FOR THE HPCSA

Complaints to the legal department of the Health Professions Council of South Africa (HPCSA) more than doubled over the last 2 years with offences involving dishonesty and criminality forming the bulk of professional conduct enquiries.

The HPCSA, which now boasts an 87% conviction rate, finalised 264 cases between January last year and July this year, of which dishonesty and criminality accounted for 48%, followed by substandard service or inadequate treatment making up 25% of cases.

The umbrella body for the health professions believes general public awareness of its grievance procedures has increased significantly due to high-profile cases like that of Illes and Partners and cites an increase of complaints of 12% from the 2001 - 2002 period to 27% during the 2003 - 2004 period.

Practice issues accounted for 22.5% of all cases over the past 18 months.

Since the much-publicised series of inspections of pathology laboratories 2 years ago, corporate ownership has become a major ethical issue and the HPCSA held a workshop on undesirable business practices in Gauteng late last year. It then announced a 6-month moratorium for laboratories and practices to bring their companies in line with council policy. This expired in March this year – putting the HPCSA’s reputation and mandate for protecting the public and serving the profession squarely on the line.

Further probes – with offenders facing more than just education and tolerance, are underway.

Because of the greater reporting, the backlog of unresolved complaints is increasing, leading to the appointment of additional legal staff and an ombudsman who will adjudicate and mediate lesser complaints. Extra judicial powers have also been conferred on the

Committees of Preliminary Enquiry, lessening the load on full professional conduct enquiries.

The HPCSA’s most visible achievement is turning the disciplinary process into a money-spinner to keep it in the black. Over the past two financial years, financial penalties imposed on guilty parties in professional conduct enquiries increased from R211 752 to R1 520 582, the bulk coming from three high-profile radiology and pathology hearings and involving plea bargain agreements.

Fines overall (including admission of guilt and suspended fines), quadrupled.

Over the same time withdrawn cases and acquittals nearly tripled (12 - 33), suspensions dropped marginally (29 - 26) and erasures doubled (from 1 to 2).

Cautions and reprimands increased by 27% (8 - 11).

Chris Bateman

Categorisation of finalised Professional Conduct Inquiries (January 2003 – July 2004)

Description	Total	Cautions/ Reprimand	Fine suspended	Fine	Suspended suspension	Effective suspension 3 - 12 months	Erasure (incl suspended)	Community service	Restitution	Additional training/ CPD points	Category	Total
Substandard service/Inadequate treatment	55	8	5	26	9	3	1	1		2	Treatment	67
Informed consent/Breach of Confidentiality	12			10	1						Treatment	(25%)
Overservicing/Prescribing	3			1		1				1	Dishonesty/Criminality	
Charging/Fraud	61	1	4	30	11	3	1	2	2	7	Dishonesty/Criminality	127
Certificates/Death notices	23	2	2	14	1	4					Dishonesty/Criminality	(48%)
Dichotomy/Kickbacks/UDBM	41			29	4				4	4	Dishonesty/Criminality	
Improper relationship	1						1				Personal behaviour/Health	12
Inter-professional conduct	5		1	2	1	1					Personal behaviour/Health	(4.5%)
Bad behaviour/Unprofessional	6		1	5							Personal behaviour/Health	
Improper registration/Outside scope of practice/Employment UR	18	3	1	13	1						Practice issues	57
Facilities/Records/Dispensing	5			12	1	2				1	Practice issues	(22%)
Advertising	34	1	2	29	2						Practice issues	
Total	264	15	16	161	30	15	3	7	6	11		264
Withdrawn												17
Not guilty												21
Conviction rate (203/236)	87%											302